REPRESENTATIVES OF ROMAN RULE: ROMAN GOVERNORS IN LUKE-ACTS

A Dissertation

Submitted to the Graduate School

of the University of Notre Dame

in Partial Fulfillment of the Requirements

for the Degree of

Doctor of Philosophy

by

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July 2012
Luke-Acts frequently portrays the extension of Roman power into the life of Jesus and the early church, and the author has long been regarded as mounting a defense of the church before Rome. As interest in the Roman political context of Christian origins has risen scholars have offered a variety of pro- and anti-Roman readings.

This dissertation contributes to the discussion by focusing on one facet of Luke’s politics: his portrayal of Roman provincial governors. Luke’s accounts of these Roman officials’ interactions with Jesus (Pilate) and Paul (Sergius Paulus, Gallio, Felix, and Festus) are analyzed using a narrative-rhetorical approach that stresses the probable impact of the narrative on its original late-first-century Christian audience. In order to better evaluate the significance of various aspects of Luke’s characterizations for such an audience, the dissertation examines several other narratives from the first century that feature Roman governors as prominent characters. Narratives clearly intended to portray a governor favorably (Tacitus, Agricola) or unfavorably (Philo, Against Flaccus) are
examined first, followed by the characterization of governors in Josephus’ historical works, *The Judean War* and *Judean Antiquities*.

In the context of these works Luke’s portrayals of Roman governors emerge as varied, nuanced and congruent with literary expectations of the early empire. Even so, the governors in Luke-Acts largely serve a common rhetorical goal signaled by Pilate: they demonstrate that Roman officials themselves acknowledged that Jesus and Paul (and by extension their disciples) were innocent of any Roman charges.
To my family.
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ACKNOWLEDGMENTS

All my life people, churches and institutions have supported my endeavors in ministry, mission work, and education. The training I have received and the work I have undertaken with their financial support and encouragement have made me who I am today. So if I acknowledge a few of these benefactors here, it is not merely because I owe them thanks for their assistance, but because I am grateful for the kind of life I have lived, despite its challenges and my unworthiness, and it is they who paved the way for me to walk.

My brothers and sisters at Hively Avenue Mennonite Church supported my education at Goshen College, my early inquiries into ministry and mission, and my work with Christian Peacemaker Teams. Friends at First Church of the Brethren, Chicago welcomed me and taught me. McCormick Theological Seminary underwrote my pastoral training, and members of its faculty encouraged my interest in academic biblical study; some have now become mentors. I owe these individuals and institutions a debt of gratitude not only for what they have given me, but more importantly for showing that they saw something in me worth nurturing.

Graduate school has been no different. This period of study has been funded by a Vawter Fellowship from the Catholic Biblical Association of America, with additional funds from the Department of Theology at Notre Dame and from a series of grants for summer study provided by various donors. My dissertation director, Mary Rose
D’Angelo, has blessed me with great patience, sound advice, a sympathetic ear, and gentle encouragement to get on with it at needed moments. She and the other members of my committee, David Aune, Blake Leyerle and Gregory Sterling, have given my work the benefit of careful reading, helpful feedback, and constructive questions.

I am grateful to my wife Rebecca for her willingness to be the primary breadwinner for our household during this period of study, and for her steadfast encouragement over the long and arduous process. Thanks to my parents Elizabeth and Perry for faithful love and words of consolation during low moments. And thanks to Owen for, well, for being Owen. A budding Egyptologist, he inspires me look forward to his contributions to the next generation of scholarship.
CHAPTER 1

INTRODUCTION

More than any other work in the New Testament, Luke-Acts envisages the extension of Roman power into the life of Jesus and the earliest Christians.\(^1\) Roman emperors, administrators and military personnel are referred to by name.\(^2\) Roman centurions play a prominent role in both Luke’s gospel and Acts.\(^3\) Other sorts of figures associated with Roman rule appear as well, such as the duoviri of Roman Philippi (Acts 16:19-40) and the Asiarchs of Ephesus (Acts 19:31). Paul and Silas are Roman citizens; Roman names abound among the early Christians (Saul is also Paulus; John is also Markus; Aquila and Priscilla are Paul’s colleagues; Crispus is an early convert). Political charges of sedition, tax-resistance and disturbing the peace are brought against Jesus and his followers.\(^4\) Politically charged words are used, and politically relevant questions are asked, such as the validity of paying tribute to Caesar, the relationship between obedience...

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\(^1\) In its preoccupation with the Roman Empire, Luke-Acts is matched only by Revelation.


\(^3\) Luke 7:1-10; Luke 23:47; Acts 10:1-11:18; Acts 27:1-44. In the gospel the role of centurions is limited to material Luke inherited from his sources (Matt 8:5-13 [Q]; Mark 15:39). However, Luke has placed his own stamp on this material, particularly by imbuing these centurions with some of the characteristics of Cornelius, the quintessential centurion convert (glorifying God, Luke 23:74; piety and benevolence, Luke 7:5).

to God and to human authorities, and the relationship between Jesus’ kingship and
Caesar’s. The Gospels all depict Jesus’ death on a Roman cross, but the addition of Acts
to Luke enshrines the event in early Christian preaching (Acts 4:27, 3:13, 13:28) and
reiterates it in the experiences of Jesus’ followers: Paul and Silas are beaten by the
municipal authorities of a Roman colony (Acts 16:22), and Paul is arrested and in danger
of being flogged by a Roman tribune (Acts 22:24) and tried by Roman governors in
Judea (Acts 24:1-23, 25:6-12). Indeed, Jesus himself predicts that his followers will face
this kind of entanglement with Roman officials (Luke 21:12; par. Mark 13:9). The two-
volume work ends in the heart of the empire with Paul in custody in Rome, facing a trial
before the emperor yet preaching “unhindered” (Acts 28:16, 30-31).

Given the wealth of politically relevant material in Luke-Acts and the frequency
with which the relationship between the church and the empire becomes an issue in the
narrative, it is natural to suppose that Luke would have had something to say about
Rome. However, his views are far from clear. At times he seems quite friendly toward the
Roman Empire. He places the bulk of the blame for Jesus’ death on his fellow Jews,
suggesting that the Romans involved were only tools for their hostility. Indeed, Paul’s
experience at the end of Acts is the reverse of Jesus’ (at least initially): his arrest by the
Romans actually saves him from death at the hands of his fellow Judeans (Acts 21:31-

The question about taxes, of course, belongs to all three Synoptic Gospels. However, only Luke explicitly
reports that Jesus’ opponents wish to accuse him before the Roman governor, and only Luke represents the
accusation being made at Jesus’ trial.

6 See especially Luke 23:24-25, where Luke emphasizes the role of Jesus’ Judean adversaries in
Pilate’s decision to sentence Jesus to death, to the point of obscuring the Romans’ role in the crucifixion.
32). The first Gentile convert is a Roman centurion (Acts 10), and early converts include the Roman proconsul of Cyprus (Acts 13:4-12). These conversions, as well as John’s preaching to centurions and tax collectors (Luke 3:12-14), suggest that Christianity and the Empire are compatible.

Elsewhere, however, Luke paints a more unflattering portrait of Roman authorities: he shows the governor Felix angling for a bribe (Acts 24:26), depicts Paul and Silas condemned and punished without trial in the Roman colony Philippi (Acts 16:22-23), and mentions Pilate’s slaughter of Galileans who had come to Jerusalem to offer sacrifice (Luke 13:1). More generally, Luke frequently displays a negative attitude toward human rulers – they are destined to be pulled down from their thrones (Luke 1:52), earthly kingdoms are under the authority of Satan (Luke 4:6), Christians are not to behave like them (Luke 22:24-27) – and he represents Christians as at times required to disobey political authorities for the sake of obedience to God (Acts 4:19-20, 5:29).

In some cases Luke fails to engage with political questions at all. Luke records no critique by Jesus on Pilate’s brutal act, only a theological reflection (Luke 13:2-5). He does not explain why Pilate does not take the political charges against Jesus seriously. He provides no definite response to the accusation that Christians preach Jesus as an alternative king to Caesar (Acts 17:6-9). His account of Paul’s activities in Rome is almost exclusively preoccupied with Paul’s dialogue with his fellow Judeans (Acts 28:16-31).

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7 The status of the Ethiopian (Acts 8:26-40) is not made clear, but his baptism does not cause the controversy that Cornelius’ does.
It is not surprising, then, that scholars have advanced conflicting theories about Luke’s political views. Some have claimed that Luke-Acts offered a defense of Christianity against political charges, either to rehabilitate Christianity in the eyes of the Roman authorities or to reassure pro-Roman Christians. Others claim that Luke sought to commend the empire to the church, perhaps in response to anti-Roman sentiments such as those on display in Revelation. Yet others argue the opposite: Luke wished to strengthen his fellow believers to resist the empire. The lack of clarity has caused some to wonder if Luke even had a distinct political viewpoint, or how important it was to him to express it.

It is not credible that Luke had no political views. He was aware that Roman officials had in the past colluded in, though perhaps not initiated, the persecution of Christians. Whether or not such persecution continued in Luke’s day, he could not help but see the attitude of Rome as relevant to the fortunes of Theophilus and others like him. His efforts to defend his heroes against political charges and to present Roman authorities recognizing their innocence demonstrate this concern. The difficulty lies in specifying Luke’s attitude more precisely, amidst the diverse and conflicting evidence.

Clearly any account of Luke’s political views will have to be carefully balanced in order to do justice to the complexity and the conflicting evidence in Luke-Acts. The diversity of the data suggests that Luke’s views on Rome and Roman rule were complex, even ambivalent, and that he alternately chose to express his views, to allow them to become visible, to obscure them, or to conceal them. Furthermore, Luke represents himself as a tradent (Luke 1:2), a claim we can partially verify by observing his use of the

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8 In keeping with the focus of this dissertation I often use “political” as convenient shorthand for “having to do with relations with political authorities in the Roman Empire.” Ordinarily a more inclusive definition of “political” is preferable.
Gospel of Mark. Thus his work must be understood as the result of a dialogue between an author with distinct views and intentions and a tradition that had been represented to him by others, a tradition that already encapsulated political ideas and opinions.

Given the complexity of the subject, an account of Luke’s politics will require a more careful and nuanced exploration of the evidence than has been accomplished heretofore. This dissertation aims to make a contribution to this task by isolating one facet of the question and subjecting it to intense scrutiny under the lens of one method. The facet on which I have chosen to focus is the characterization of Roman governors in the narrative. The method is what I call “narrative-rhetorical criticism.”

This chapter surveys and evaluates previous research on the subject, articulates its limitations, and explains how this study advances the ongoing discussion. A discussion of the contours of the narrative-rhetorical approach taken in the dissertation follows, along with a short exposition of my (minimalistic) assumptions about the author, audience, date, genre and purpose of the work. The chapter concludes with a summary of the analytical procedure as it unfolds in each chapter, and a preview of the conclusions that this approach elicited.

1.1 Luke’s Political Views and Intentions: A Short History of Research

In a recent article on Luke’s view of the Roman Empire, Steve Walton divided the different views of Luke’s intent vis-à-vis Rome into five categories. Slightly restated,  

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they are: 1) political apology for the church to Rome (*apologia pro ecclesia*); 10) 2) apology for Rome to the church (*apologia pro imperio*); 3) equipping the church for witness; 11) 3) legitimation for the church’s identity; 12) and 5) no definite political aim. 13) In this section I will briefly survey the history of development and main voices in each category, with attention to typical views of Luke’s characterization of Roman governors. 14) I will survey recent work on the issue at the end.

1.1.1 Political Apology for the Church to Rome: *Apologia Pro Ecclesia*

Contemporary accounts of the history of scholarship on the question of Luke’s political purpose usually begin with the 18th-century scholar C. A. Heumann, who argued

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10 The term is used by Paul Walaskay, *‘And So we came to Rome’: The Political Perspective of St. Luke* (Cambridge: Cambridge University Press, 1983), ix, 1, 4 et passim in contrast to his own view that Luke-Acts presents an *apologia pro imperio*. He does not identify its origin.

11 Walton’s category 4: “equipping the church to live with the Roman Empire.” Walton includes Cassidy in this category; I do not find the term “live with,” which suggests accommodation, to be an accurate description of Cassidy’s view. My title borrows from Cassidy’s own label for his view, the “allegiance-conduct-witness theory.”

12 Walton’s category 3.

13 Walton: “not interested in politics at all.” It is one thing to say that Luke-Acts does not pursue a definite political aim. It is another to say the Luke-Acts is “not interested in politics at all.” I find the former category more useful for purposes of a typology.

that Theophilus was a pagan magistrate to whom Luke addressed his book as an apologia for Christianity.\footnote{E.g., W. Ward Gasque, A History of the Interpretation of the Acts of the Apostles (Beiträge zur Geschichte der biblischen Exegese 17; Tübingen: Mohr Siebeck, 1975; repr. Peabody, Mass.: Hendrickson, 1989), 21; Walaskay, And So, ix; Esler, Community and Gospel, 205; Neagoe, Trial, 9; citing C. A. Heumann, “Dissertatio de Theophilo, cui Lucas Historiam Sacram Inscriptit” in Bibliotheca Historico-Philologico-Theologica Classis IV (Bremen, 1720), 483-505. Loveday Alexander traces the reference to Henry Cadbury. Indeed, Heumann seems to be the first to consider Acts as an apologia of any type. See Alexander, “Acts as Apologetic,” 15; citing Cadbury, “The Purpose Expressed in Luke’s Preface,” Exp 8 (21) (1921): 437.} Although subsequent commentary on the purpose of Acts was preoccupied with the questions raised by Baur about the relations between Jewish and Gentile parties in the church, German scholarship of the 19th century also acknowledged a subsidiary layer of apology directed at the Roman world. Karl Schrader (1836) suggested that Paul’s trial before Gallio provided to the authorities a testimony to the Christians’ innocence and a model of noninterference in religious matters; the ending of Acts omitted Paul’s death at the hands of Nero as inappropriate for a book “dedicated to the defense of Christianity before Jews and pagans and the authorities.”\footnote{K. Schrader, Der Apostel Paulus (Leipzig: C. E. Kollman, 1836), 5:551-2 (Gallio), 5:573-4 (ending). Cited by Esler, Community and Gospel, 205. Cf. 5:568 (Festus), another “Zeugniss der heidnischen Obrigkeit von Paulus Unschuld zur Apologie der Christen.” Schrader also names the public character of the book and the consequent fear of being seen as arousing resentment by mentioning persecution by a former emperor as factors in the ending (574).} Matthias Schneckenburger (1841) read Acts as a defense of Paul addressed to Jewish Christians in Rome intended not only to bolster Paul’s apostolic reputation in their eyes but also to alleviate concern that Paul’s Gentile-oriented ministry would undermine their position politically.\footnote{M. Schneckenburger, Über den Zweck der Apostelgeschichte (Bern: Christian Fischer, 1841), 244-51. Cf. A. J. Mattill, “The Purpose of Acts: Schneckenburger Reconsidered,” in Apostolic History and the Gospel (FS F. F. Bruce; ed. W. Ward Gasque and R. Martin; Grand Rapids: Eerdmans, 1970). However, Mattill is primarily interested in the Pauline side of Schneckenburger’s thesis, which he heartily endorses (114), though he presumes it is addressed to Jewish Christians in Jerusalem (117) as well as Rome (121-22). Alexandru Neagoe classifies this view as “an apologia for Paul” (Trial of the Gospel, 6-8) and offers the following critiques: 1) it is too dependent on the contested Tübingen reconstruction of Christian origins; 2) there is nothing unique about Luke’s emphasis on Paul’s Judaism – Luke is just as concerned to stress that Jesus and the early community in Jerusalem were faithful to Judaism; 3) the hypothesis does not}
Eduard Zeller (1854) affirmed that in addition to addressing intra-church concerns, Acts aims to demonstrate the political harmlessness of Christianity by showing the political accusations leveled against it to be frivolous.\(^{19}\) Luke intended to prepare his Christian audience to respond to pagan accusations, and he also anticipated a non-Christian readership.\(^{20}\)

The theory of a political apologetic within Acts had its representatives even among those not positively disposed to the Tübingen school. William Ramsay (1896) exerted great efforts on behalf of the historicity of Acts but also reasoned that Luke purposefully selected from the information available to him in order to emphasize the points he wanted to make.\(^{21}\) He argued that Paul’s trial acted as a “test case” for the explain all aspects of Luke-Acts. This strand of apology is often seen as woven into the larger issue of Jewish and Gentile Christianity in relation to each other.

\(^{18}\) Zeller’s book “may be taken as the classic presentation of the [Tübingen] theory as applied to the book of Acts in particular,” and is in fact “the only really thorough study of Acts ever produced by the Tübingen school,” according to Gasque (History of Interpretation, 43-44). Schneckenburger’s earlier thorough study is disqualified because, though he represents the method of Tendenzkritik, his conclusions differed markedly from those of Baur and his closest followers (44).

\(^{19}\) Zeller, Die Apostelgeschichte nach Ihrem Inhalt und Ursprung kritisch untersucht (Stuttgart, 1854); ET: The Contents and Origin of the Acts of the Apostles, Critically Investigated (2 vols.; trans. J. Dare; London: Williams and Norgate, 1875-76), 2:161-64. According to Gasque, Zeller was the first to advance a secondary political purpose of Luke-Acts, though he acknowledges that Schneckenburger “had made a few suggestive remarks along this line” (History of Interpretation, 49).

\(^{20}\) Zeller, Origin, 2:164. Cf. F. C. Overbeck, Kurze Erklärung der Apostelgeschichte (4th ed., rev. and enl. of the commentary by W. M. L. de Wette; Leipzig, 1870): Acts’ political purpose, to win the favor of the Roman authorities for Christianity, could only have been intended for non-Christian Gentiles (xxxiii). Overbeck regards the political purpose as subsidiary, however, the primary purpose being internally oriented. Zeller also finds reasonable Schneckenburger’s hypothesis that the political apology is aimed in part at Jewish Christians who may be inclined to blame the church’s political troubles on Paul’s outreach to Gentiles – and particularly aimed at those in Rome, for whose benefit Paul is made out to be the divinely predestined founder of the Roman church among the Gentiles (Zeller, op. cit., 2:164-65; Rome as destination, 165-73). See Gasque, History of Interpretation, 49-50. Cf. Schrader, Paulus, 5:573-4.

\(^{21}\) E.g., St. Paul the Traveller and the Roman Citizen (New York: Putnam, 1896): “To a certain extent… the historian simply relates the facts as they occurred, without coloring them for his purpose; but he is responsible for the selection of details, and while he has omitted an enormous mass of details… he has included so many bearing on this point, as to show beyond all question his keen interest in it” (307).
church, and his acquittal served as a “binding precedent.” Ramsay reasoned, for only that would explain the importance of the final trial to Luke. Ramsay concluded that the book was written in a period of persecution under Domitian as “an appeal to the truth of history against the immoral and ruinous policy of the reigning emperor.” In addition to the vindication of Paul, Luke aimed to demonstrate the church’s past loyalty to Rome, its acceptance of the Empire, and its “friendly reception by many Romans.” Thus Luke not only emphasizes the innocence of the Christians but also their good relations with Roman officials.

At the end of the 19th century, the disintegration of the theory of an inner-ecclesial apology promoted by the Tübingen school brought the previously secondary element of political apology to the fore in German scholarship. Johannes Weiss (1897), in a

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23 Ramsay, Traveller, 303.

24 Ramsay, Traveller, 307-8. The trial thus became “a charter of religious liberty.” Luke would have planned to describe the trial at the beginning of a third book, which would have ended with Paul’s second trial and his death (309).

25 Ramsay, Traveller, 309.

26 “We cannot but recognize how pointedly the Imperial officials are represented as Paul’s only safeguard from the Jews, and how their friendly disposition to him is emphasized.” Felix is “affected by Paul’s teaching, and on the whole protects Paul though his sordid motives are not concealed…” Festus “is described as just and fair toward Paul” and finds him innocent (Traveller, 306).

“classic exposition of this view” saw the political apology as the primary factor in Luke’s purpose. Weiss denied that Luke was at all interested in Jewish Christianity; Luke’s interest was solely in Gentile Christianity and particularly in the circumstances of its separation from Judaism. In addition to Gentile Christians, Luke also aimed at a wider public, with the intent of defending the Christians against the accusations of the Jews, particularly by showing how it happened that Christianity separated from Judaism. Allaying the political suspicions of a Roman readership was part of this task. Roman authorities are shown both exonerating the Christians and being puzzled by the real issues at the root of the dispute (theological in nature). Paul’s actions and speeches counter the view that Christians are Jewish apostates who disdain the law and traditions and thus no longer deserve the protection of the state. Thus the strong connections with Judaism are made not in order to reconcile Jewish Christians, but for the sake of the political apologetic.


Johannes Weiss, Über die Absicht und den literarischen Charakter der Apostelgeschichte (Göttingen: Vandenhoek & Ruprecht, 1897), 54-55. No book so critical of “die Juden” could have been intended for a Jewish readership, Christian or otherwise (56).

In Weiss’s concise formulation, “Eine Apologie der christlichen Religion vor Heiden gegen die Anklage der Juden” (Absicht, 56).

Weiss, Absicht, 57.

Weiss, Absicht, 57-59. In fact, not only is Christianity a type of Judaism, it is the true Judaism. “Das Judentum seine Weltrolle ausgespielt hat und zu Gunsten des Christentums abtreten oder in ihm aufgehören sollte.” Cf. F. J. Foakes Jackson and Kirsopp Lake in vol. 2 of Jackson and Lake, eds., The Beginnings of Christianity Part I: The Acts of the Apostles (5 vols.; London: Macmillan, 1922), 180 (hereafter Beginnings): “No religion could in practice expect to be tolerated unless it was that of a recognized ‘race’ of men, and no new religion could be licensed. This explains why all the Apologists, except Aristides, argue that Christianity is the true religion of Israel, and Aristides tries to cover the same point by arguing that the Christians are a ‘new race,’ and therefore – so it is implied – have a right to a new religion.”
1927) supported it. Like Weiss, he linked the apology to Judaism with the political apology – the former served the latter by bringing Christianity under the umbrella of *religio licita*. “It may even be conjectured that his Jewish apologetic had as its aim the satisfaction of Rome’s demand that foreign religions must be licensed to be permitted. If Judaism was a *religio licita* and Christianity was not, it was important to show that Christianity was only a legitimate form of Judaism and could shelter under the Jewish name.”

B. S. Easton wrote a thorough exposition of this view in 1936, and it was echoed by other scholars in the early to mid 20th century.

In his celebrated commentary on Acts (1st ed. 1956) Haenchen adopted a modified form: recognizing that *religio licita* was not really a legal category in the first century, he preferred to speak of “*religio quasi licita*,” that is, a religion enjoying unofficial

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34 *Making*, 308-16, quote from 308. Cadbury admits, however, “Our knowledge of Roman law on these points and of Rome’s treatment of the Christians in the first century is too uncertain for any assurance” (308). Cf. his article “Some Foibles of New Testament Scholarship,” *Journal of Bible and Religion* 26 (1958): 215-216, where he writes that the terms *religio licita* and *religio illicita* “had no currency in ancient times and do not accord with the actual practice in the early Roman Empire.”


36 E.g., Jackson and Lake (*Beginnings* 2:177-87, esp. 180-84; 184-7 focuses on the innocence motif); F. F. Bruce, *The Acts of the Apostles: The Greek Text with Introduction and Commentary* (London: Tyndale, 1951), 30-31. According to Robert Maddox, “it has been widely assumed” since the late 19th century that there existed in 1st century Rome “a technical category of ‘permitted’ religions, with the corollary that all other religions were ‘non-permitted’” (*The Purpose of Luke-Acts*, 91). In his critique of the concept, Esler characterizes Jackson and Lake, Easton, and Cadbury as “adherents of this theory in its extreme form;” that “foreign religions had to be licensed by Rome to be permitted to carry on” (*Community and Gospel*, 206). However, the major late 19th century studies do not rely heavily on this category; when they do use it, they do not assume that it was a 1st century technical term. Lake and Jackson write that although in theory all religions were forbidden unless they had been specifically sanctioned, in practice, especially in the provinces, any local cult was accepted as long as it was not detrimental to public order. Furthermore, “in the Empire the distinction between a lawful and unlawful religion was rapidly being forgotten” (*Beginnings* 2:179-80). On informal Roman tolerance for foreign religions see Arthur Darby Nock, “The Roman Army and the Roman Religious Year,” in *Essays on Religion and the Ancient World* (ed. Zeph Stewart; Oxford: Clarendon, 1972), 2:750-71; repr. from *HTR* 45 (1952); and Peter Garnsey, “Religious Toleration in Classical Antiquity,” in *Persecution and Toleration* (ed. W. J. Sheils; Studies in Church History 21; Oxford: Blackwell, 1984), 1-27.
toleration, as the status Luke wished his faith to win. According to Haenchen, Christianity’s complete break with Judaism not only put in question the continuity of salvation-history, it also threatened to separate the church from the tolerance Rome practiced toward Judaism. In response, Luke emphasized the unbroken faithfulness of the founders to Judaism and the divine mandate behind the mission to the Gentiles. Jesus’ death and resurrection not only fulfilled the Jewish scripture but also confirmed a doctrine held by at least one sect in Judaism (and which Paul calls “the hope of Israel”). The differences between Christians and Jews are too complicated for the Romans to trouble themselves with; the important thing is that Christianity does not violate the law and that “the intelligent representatives of Rome always took a benevolent view of the Christian mission.”

Like Haenchen, Hans Conzelmann found the phrase religio licita problematic, but not only because no such concept really existed at the time. Unlike Haenchen, he

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38 Like Weiss, he argued that Jewish accusations similar to those depicted in the book itself were a strong motivating factor for Acts’ political apologetic: “Denounced by the Jews as hostile to the state, it [Christianity] becomes the object of suspicion to Rome.” Haenchen, *Acts*, 100.


40 In Tertullian *Apol.*, 21.1, the phrase is an ad-hoc formulation, not a technical term; see Hans Conzelmann, *Acts of the Apostles* (trans. J. Limburg, A. T. Kraabel and D. Juel; ed. Eldon Jay Epp with Christopher Matthews; Hermeneia; Philadelphia: Fortress, 1987), xlvii. Exegetes since Conzelmann have tended to agree with this assessment. Gerhard Schneider identifies other reasons for rejecting the religio licita theory: 1) rather than associating the Christians closely with the Jews, Luke tends portray the Christians as loyal citizens over against the unruly Jews; 2) Luke-Acts tends to represent the question of the relationship between Christians and Jews as one the Romans are not competent to resolve, and realistically so – Roman authorities would not have understood or taken much interest in the theological arguments involved (“Der Zweck des lukanischen Doppelwerks,” *BZ* 21 [1977]: 58-59). However, the thrust of Luke’s argument is that Christians and their opponents are rival factions within Judaism. The Romans do not understand the differences that make them rivals, but they understand quite well (or think they do) that the debate is an intra-Jewish one. For other critiques, see Maddox, *Purpose*, 91-3; and Esler, *Community and Gospel*, 211-14.
argued that the relationship between Christianity and Judaism was not at all a factor in Luke’s political apologetic. Luke associates Christianity with Judaism from the perspective of salvation history, but when pursuing his practical-apologetic purposes he prefers to distinguish Christianity from “the Jews” and to appeal to the judgment of the empire against Jewish opposition.\textsuperscript{41} Luke appeals to Rome, not for special protection as a \textit{religio licita}, but for fair treatment under the law. Accordingly, it is not Paul’s Judaism which protects him before Roman authorities, but his Roman citizenship.\textsuperscript{42}

Conzelmann’s own understanding of the political apology at work in Luke-Acts is outlined in a short section in \textit{Die Mitte der Zeit} (1954).\textsuperscript{43} He views the apology as one facet of Luke’s project of adapting the church’s traditions to the circumstance of the delay of the Parousia.\textsuperscript{44} The “original eschatological perspective” had seen the state as something that “had to be withstood” in the short time before the end; Luke reflects a...

\textsuperscript{41} \textit{Acts}, xlvi-xlviii. Neagoe (\textit{Trial}, 10) and Esler (\textit{Community and Gospel}, 211-13) also question whether following the war of 66-74 Luke would have found it politically expedient to connect the Christians with the Jews.

\textsuperscript{42} \textit{Die Mitte der Zeit} (Tübingen: Mohr Siebeck, 1953). ET: \textit{The Theology of St. Luke} (trans. Geoffrey Buswell; New York: Harper and Row, 1961). “We see here, and shall see later, that the relationship of the Church to Israel belongs to an entirely different category than that of political apologetic” (142).


new perspective that sees the state as something that will have to be accommodated for the long term. Thus the church must seek a “permanent settlement” \((Dauerregelung)\) with the empire.\(^{45}\) Luke promotes such a settlement by representing the Christians as innocent, showing Roman officials as positively disposed toward Christians, and suggesting the possible compatibility of church and state.\(^{46}\) Luke counsels a political strategy of giving to Caesar what is Caesar’s while giving to God what is God’s.\(^{47}\)

Thus at mid-century the theory of an outward-oriented political apology proposed by Heumann; accepted by Schrader, Schneckenburg, and Zeller; supported by Ramsay; pushed to the fore by Weiss; and affirmed (with caveats) by Cadbury, Haenchen, and Conzelmann stood as the dominant view.\(^{48}\) It continues to have advocates today.\(^{49}\)

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\(^{45}\) *Theology*, 138. Conzelmann’s notion of a settlement between church and state entails that the church must make its peace with Rome just as much as Rome must accept the church. Thus he anticipates the view later championed by Maddox and Walaskay (see “apologia pro imperio” below) that Luke-Acts promotes political accommodation to the Roman Empire.

\(^{46}\) *Theology*, 137-44.

\(^{47}\) *Theology*, 172. It should not be overlooked, however, that Conzelmann recognizes a degree of ambivalence in Luke-Acts. Luke demands obedience to God rather than to the state in relation to Rome just as much as in relation to the Jewish authorities (4:19, 5:29), though he avoids confronting the issue directly (e.g., no reference to the imperial cult, no depiction of Christians refusing to obey Romans’ orders). Though in Luke’s view there need be no conflict between what is due Caesar and what is due God, the state may choose to draw the line differently. Luke’s references to persecution and the need to endure show that he is aware of this fact, but in the interest of his political apologetic he does not make it explicit (*Theology*, 148-49).

Nevertheless, the seeds of its demise were already being planted. In the latter half of the twentieth century, the theory that Luke-Acts’ political rhetoric serves as an *apologia pro ecclesia* came under fire. Critics advanced various alternatives, but their objections to the previous view shared several main points.

First, the theory of an external readership for Luke-Acts, fundamental to Heumann and embraced to varying degrees by all his successors, began to be questioned. The author does not explain Jewish/Christian customs or Christian theological terms and assumes his readers will recognize the style and content of the Septuagint. This suggests that Theophilus had been instructed, not merely informed, about Christianity. Without the presumption of an external audience for the work, the role of its supposed political apology becomes difficult to discern.

Furthermore, critics of the *apologia pro ecclesia* view began to point out the lapses in Luke-Acts’ supposed message of political innocence. Paul Walaskay listed Lukan material that could be “politically damaging” to the church, such as Jesus’

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49 Seyoon Kim embraces this position in his recent book *Christ and Caesar: The Gospel and the Roman Empire in the Writings of Paul and Luke* (Grand Rapids: Eerdmans, 2008). Kim claims that Luke is “seeking to demonstrate the politically innocuous nature of both the gospel of Jesus and the Gospel of Paul” and that Theophilus is either a member of the Roman nobility or “a symbol for a certain group of readers whom Luke had in mind” – presumably upper-class Romans, though Kim does not identify what “certain group” he means here (77 and n1). He later refers to Theophilus as “a (real or symbolic) member of the Roman nobility” (128).

50 See Gregory Sterling, *Historiography and Self-Definition: Josephys, Luke-Acts and Apologetic Historiography* (NovTSup 64; Leiden: Brill, 1992), 375. C. K. Barrett famously wrote in 1961, “No Roman official would ever have filtered out so much of what to him would be theological and ecclesiastical rubbish in order to reach so tiny a grain of relevant apology” (*Luke the Historian in Recent Study* [London: Epworth, 1961], 63). This judgment has frequently been quoted with approval in subsequent scholarship.

51 Although the term κατηχήσω (Luke 1:4) can be interpreted in either way, the knowledge assumed on the part of the reader throughout the rest of the work suggests that it denotes a more intimate knowledge than simply having received some information as an outsider.

52 Barrett rejected wholesale the notion that Luke intended to demonstrate the political harmlessness of Christianity, though he allowed that “a few passages might be construed to serve this purpose;” he limited the apologetic function of Acts to the issue of Paul (*Luke the Historian*, 63).
association with Simon the Zealot (Luke 16:15, Acts 1:13; contrast Mark 3:18), Jesus’ command to buy swords (Luke 22:35-38) and Luke’s penchant for using the titles “Lord” and “King” for Jesus (Luke 19:38, Acts 1:6, etc.). If Luke was concerned with making the right impression on a suspicious Roman audience, why did he include these elements in his narrative? Only a selective reading of Luke-Acts can argue that Luke wanted to counter claims that Christianity was politically obnoxious. Cassidy pointed to the cumulative effect of the instances of unrest connected with Paul’s ministry – for a neutral or suspicious reader, Luke’s constant need to vindicate Paul in these situations risked having the opposite effect. On some occasions Luke failed to take advantage of opportunities to allay political suspicions. In Acts 17:7 anti-Christian agitators bring an explicitly political charge against the Christians – they disobey Caesar and preach another king, Jesus. Yet Luke records no rebuttal from the Christians, but merely relates that the accused were released on bail. Aside from suggesting that the Christians were not deemed an immediate threat, this does nothing to neutralize the suggestion of disloyalty.

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53 Walaskay, And So, 1-22.


55 For a thorough exposition of the significance of the accusation of proclaiming “another king” in the first-century Roman Empire, see C. Kavin Rowe, World Upside Down: Reading Acts in the Graeco-Roman Age (Oxford: Oxford University Press, 2009), 97-100. As Rowe points out, Luke represents Jesus as a king from his birth (Luke 1:32-33) and has him proclaimed king as he enters Jerusalem (Luke 19:38); his accusers point out to Pilate that to be “Christ” is to be “a king” (Luke 23:2). Rowe rejects spiritualizing interpretations of Jesus’ kingship (John 18:36; Eusebius, Hist. 3.20; Justin, Apol. 2): “[T]he vision in Acts is of a kingdom that is every bit as much a human presence as it is a divine work. That is, the kingdom of which Jesus is King is not simply “spiritual” but also material and social, which is to say that it takes up space in public… There is no such thing, at least in Acts, as being a Christian in private” (100-101).

56 Commentators who argue that Luke portrays the church as politically innocuous tend to minimize the impact of this episode. For example, Kim asserts that the politarchs take security “apparently disregarding the serious charge” (Christ and Caesar, 169). The setting of bail suggests the opposite – that they do not dismiss the charge as entirely frivolous. Esler (Community and Gospel, 203) writes, “The city authorities are disturbed by these allegations, but not sufficiently so to do anything more than to take
Paul Walaskay advanced an additional consideration: with Robert Karris, he claimed that “there is a serious problem in describing the first-century church as a victim of Roman persecution; it is impossible to find evidence of clear-cut persecution of Christianity by the Roman government.” The persecution recorded in Luke’s history was a thing of the past, an element of salvation history. Thus there was no need for a political defense before Rome.

Thus in the 1980s a number of alternatives to the apologia pro ecclesia view were proposed that took into account the impact that Luke-Acts’ political rhetoric would have had on a Christian audience. Paul Walaskay and others suggested that Luke aimed his political rhetoric at the church on behalf of the Roman Empire, not the other way around. Richard Cassidy argued that Luke-Acts was designed to empower Christians for witness despite the opposition of the Roman Empire. Philip Esler viewed Luke-Acts as an effort at legitimation, defending the church to itself in the face of opposition and struggle.

1.1.2 Apology for Rome to the Church: Apologia Pro Imperio

In a slim monograph entitled, And So We Came to Rome: The Political Perspective of St. Luke (1983), Paul Walaskay attempted to replace the traditional

security…” But Luke’s intent cannot have been to suggest that the city officials were not overly concerned about the charge; otherwise, he would not have reported that they were “troubled” (ταράσσετο). In Alexander’s words (“Apologetic Text,” 34), “Mud has a disturbing tendency to stick, and it is a dangerous strategy for an apologetic writer to bring accusations to the reader’s attention without taking the trouble to refute them.”


approach, which he labeled “apologia pro ecclesia,” with a model that stressed the internal orientation of Luke’s apologetic discourse. Rather than defending the church before the empire, Luke was really defending the empire before the church, and thus offering an “apologia pro imperio.” Not only were church and empire compatible, but “God stands behind both institutions giving to each the power and the authority to carry out his will.” Walaskay proposed that Luke may have taken this stance in order to counter anti-Roman sentiment linked with apocalyptic expectations of the empire’s imminent demise.

Walaskay’s argument began with objections to the prevailing view, some of which are summarized above. Luke-Acts is therefore not intended as an apologia pro ecclesia, yet the presence of material that stresses the church’s compatibility with Rome is undeniable. Moreover, Luke also tempered anti-Roman passages he received from the tradition.

Walaskay then argues that this material is better understood as aimed at

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59 Walaskay, And So, 1, 13-14, 64, etc. Walaskay did not present the two views as mutually exclusive, however: “When we suggest that Luke addressed the Christian community, then his political apology may also, or even primarily, be an apologia pro imperio” (And So, 1; emphasis added).

60 Walaskay, And So, ix-x.

61 Walaskay, And So, 65.

62 With this material he includes John the Baptist’s appeal to tax collectors and soldiers to carry out Augustan ideals of fair play (Luke 3:10-14), Jesus’ positive interaction with a Roman centurion (Luke 7:1-10), and his recommendation to pay taxes (20:20-26) (And So, 25-37). Cf. O’Toole: “Roman authorities deal favorably with Jesus and the Christians. Frequently, to protect themselves from opponents, Jewish or other, the Christians appeal to the Romans” (“Luke’s Position,” 5; cf. Unity, 166). The first statement is arguable: the Romans clearly display favoritism toward the Jews on occasion; toward the Christians, at their best, they are impartial. The second statement is manifestly false. The Christians’ enemies frequently appeal to Roman courts against them; the only case of a Christian appeal to the authorities is Paul’s appeal to the emperor, which he lodges to protect himself against the bias of the Roman governor.

63 Walaskay not only points out where Luke expresses a positive view of Rome but also argues that he tempered anti-Roman passages he received from the tradition. For example, Mark’s harsh language about the rulers of the Gentiles (Mark 10:42-45) is softened in Luke (22:24-27), so that Luke’s view of secular rulers seems much more positive. Luke’s treatment of Jesus’ trial is a prime example of Luke’s softening of potentially anti-Roman material (And So, 22-25).
Christians, in order to cultivate goodwill toward Rome and to affirm the possibility of coexistence.

In *The Purpose of Luke-Acts* (1982) Robert Maddox also argued that the political apologetic in Luke-Acts is primarily addressed to potentially anti-Roman sentiments within the church. Luke wished to discourage deliberate martyrdom based on anti-imperial motivations. He wanted his readers to adopt a respectful and inoffensive attitude toward the authorities, and to this end he emphasized the political innocence of Jesus and his followers and presented a fairly positive portrait of the imperial authorities. However, Luke did not “yield to a romantic view of the nature of political power, even in the Empire.” Nor is his suggestion that Christians will be obedient to the empire entirely unqualified. Acts 4 and 5 show that Christians may need to defy the state out of obedience to God – the authorities are not Roman, but the principle (4:19, 5:29) “points beyond the immediate situation and indicates how Christians are to regard any

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64 Following Haenchen (*Acts*, 700), he points to the fact that besides Stephen, the only Christian martyr mentioned by name is James, whose demise is related only briefly (Maddox, *Purpose*, 81-82). However, Maddox disputes Haenchen’s view (*Acts*, 732) that Luke “sought to persuade the Roman authorities in his own day to live peaceably with the church”: “It is more likely, I think, that Luke’s purpose in deliberately suppressing the theme of martyrdom, except in the special case of Stephen… was to disparage a tendency, perhaps already making its appearance, to glamorize a martyr’s death…” (81). Luke’s church was under pressure, but Luke was optimistic – Christians can count on the Holy Spirit to turn persecutions into “mere annoyances which a resolute Christian can easily endure” (82).

65 “The Christians are completely free of any subversive or conspiratorial design” (Maddox, *Purpose*, 96).

authorities at all.”\textsuperscript{67} Respect for and compliance with the empire must not come at the price of ceasing to bear witness.\textsuperscript{68}

Klaus Wengst presented a similar view of Luke’s political perspective in \textit{Pax Romana and the Peace of Jesus Christ} (1987), though harshly critical of it.\textsuperscript{69} In contrast to Jesus and Paul, “In Luke… we find virtually no negative statements about Rome and its representatives; rather, they are depicted in an explicitly favorable light.”\textsuperscript{70} Soldiers appear as protectors of order and helpers of the local people; soldiers and tax collectors, “two supporting pillars of the Roman empire,” can carry out their occupations honorably. In Luke’s Passion Narrative, Jesus suffers much less abuse at the hands of Roman soldiers than Mark had pictured. In Acts, Wengst finds that Roman officials like Lysias, Felix and Festus carry out their obligations conscientiously, and that Christians are shown to be politically innocent.\textsuperscript{71} Luke has “painted over” the violence of Roman rule, reflecting his own social position among the elites from which he sees the \textit{Pax Romana} from a different perspective.\textsuperscript{72}

\textsuperscript{67} Maddox, \textit{Purpose}, 95.

\textsuperscript{68} See especially his conclusions, 96-97. For the view that Luke wanted to steer his readers between accommodation and total confrontation, see also Schneider, “Zweck,” 61: “Der Beispiele des neutralen oder gar wohlwollenden Verhaltens römischer Repräsentanten, die der Verfasser bietet, konnten ‘den Leser zu der Hoffnung führen, daß das, was er so eindrücklich für die Vergangenheit geschildert sah, auch in seiner Gegenwart einmal Wirklichkeit werden könne’.” Even if not, Luke reassures the reader that God’s purpose will be accomplished anyway. Cf. Walter Radl, \textit{Paulus und Jesus im lukanischen Doppelwerk: Untersuchungen zu Parallelmotive im Lukasevangelium und in der Apostelgeschichte} (EH 23/49; Frankfurt: Peter Lang, 1975), 339-45.


\textsuperscript{70} Wengst, \textit{Pax Romana}, 89-90.

\textsuperscript{71} \textit{Pax Romana}, 90-97. Quote from p. 90. Wengst accepts Walaskay’s views but also accepts the presence of an \textit{apologia pro ecclesia}.

\textsuperscript{72} \textit{Pax Romana}, 105.
With his portrait of the Jesus movement Luke implies that Christians should show loyalty to Rome. He depicts the Christians as “virtually harmless” politically; their message is non-political, no matter how hard their opponents try to suggest otherwise.\(^{73}\) He emphasizes opposition to Paul and the Gentile church from Jews and de-emphasizes opposition from Gentiles.\(^{74}\) He is careful to have statements about the limits of political obedience expressed only in Jewish contexts.\(^{75}\)

The interest Luke shows in people of status among the early Christians; the connections he makes between the life of Jesus, the Christian movement, and the wider political scene; and “the almost matter-of-fact way in which… Luke shows Paul among the great of the world” (Acts 19:31, 25:23) all attest to the fact that Luke intended his work for an educated, and thus socially privileged, audience.\(^{76}\) In seeking to communicate to the “great world,” he adopts a perspective “from above.”\(^{77}\)

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\(^{75}\) Jesus is not silent before Pilate, but before Herod (Luke 23:1-12); the sentiments in Acts 5:29 are expressed only in a Jewish context (Wengst, *Pax Romana*, 100).


\(^{77}\) Wengst, *Pax Romana*, 102. Because Wengst thinks Luke-Acts was primarily addressed to upper-class Christians who would have shared Luke’s perspective, he can just as well be categorized under legitimation; he also assumes a wider audience for Luke-Acts and thus the existence of an *apologia pro ecclesia*. Walton puts him in both the legitimation and *apologia pro ecclesia* categories (“State They Were In,” 2n2). His primary emphasis is on Luke’s *perspective*; he gives proportionately less attention to Luke’s *purpose*. Here he expresses agreement with Walaskey, but also with Conzelmann – for Romans, Luke demonstrates that the church is politically harmless, while for his own constituency he encourages accommodation with the existing political order (105). The line between the *apologia pro imperio* and legitimation theories is quite fuzzy; both assume primarily internal audiences and both emphasize Luke’s favorable view of Rome. The difference lies in scholar’s assumptions about the perspective of the audience – does the audience need to be convinced, or does the pro-Roman view simply confirm and reinforce what the audience already wants to think?
One of Wengst’s great strengths is his treatment of the ideology surrounding the *Pax Romana.* He examines literature that praises the Roman order and also literature that exposes the negative side of Roman rule. By evaluating Luke-Acts in the context of representations of the Roman Empire by other ancient authors, Wengst can show more clearly where Luke-Acts fits in the range of contemporary literature and can identify what aspects of the narrative would have been readily identifiable as conventional subjects of praise for Rome and what avenues of critique were conceivable.

Formulations of the *apologia pro imperio* approach run into a basic problem: some elements of Luke’s narrative seem to be critical of the empire, its representatives, or human rulers in general. These cannot always be explained away convincingly. Luke portrays Felix as corrupt, and both Felix and Festus as showing favoritism toward Paul’s opponents. Walaskay dismisses Felix’s corruption: “[S]uch details, unfavorable to Felix, are honest depictions of provincial life. In no way has Luke presented the imperial system of justice as broken.” Perhaps it is true that a first-century reader could detach an abstract “imperial system of justice” from the poor example provided by a Felix or a

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79 Comparable is Anna Janzen, *Der Friede im lukanischen Doppelwerk vor dem Hintergrund der Pax Romana* (Frankfurt: Peter Lang, 2002). Janzen studies the concept of peace in Luke-Acts in the context of the political thought current in the first century and against the background of the Roman Empire (in support of her methodology, see 13-17). Like Wengst, she sees Luke’s depiction of Roman rule as mostly positive: Roman authorities appear as guarantors of the peace, and Roman law is a source of protection (196-234). Like Conzelmann, she argues that Luke saw no need for competition between God and Caesar: Jesus’ peace applied to what Romans would have recognized as *res privata*, the private realm of social and economic relationships, not to the *res publica* of government, politics, law, and the military (49-93). Thus the fundamental model of Jesus’ peace is the early Christian community (88-93). On this level, Luke’s prescriptions do conflict with Roman thought (97-163), but this does not entail opposition to the *pax Romana* on the public level.

Festus. Even so, it is hard to see how such scenes can serve an *apologia pro imperio*. Had Luke truly been interested in commending the Roman Empire, why did he not portray these major representatives of imperial rule more positively? Walaskay’s claim that Luke makes no critique of those called benefactors in Luke 22:25 is extremely tendentious. Luke softens Mark’s harsh language but maintains the contrast – the fact that the behavior expected of disciples is the reverse of that typical of rulers suggests that the rulers are used as a negative example. Wengst mentions that the Magnificat casts doubt on Luke’s sanguine view of political rulers, but then proceeds to change the subject. The Roman soldiers who mock Jesus on the cross are “merely drawn into the mockery of the others.” Luke could not avoid mentioning that Paul was arrested, flogged, and expelled from Philippi, but he softened the account as much as he could. In

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81 Whatever else one might say, it is clear that Luke portrays both Felix and Festus as partial to Paul’s Jewish adversaries; this hardly suggests a potential for cooperation between Christians and Roman authorities. Schneider, “Der Zweck,” 59.

82 Cf. Esler, *Community and Gospel*, 209-10. Though he agrees that Luke distinguishes between procedures and personnel, Esler argues that the unattractive portraits of Roman officials belie the idea that Luke wished to defuse hostility toward Rome (209-10). Sterling mentions a further problem: the view “reverses the perspective of the text.” It is Jesus and Paul who are on trial, and it is their innocence that Luke seems to be at such pains to emphasize (*Historiography and Self-Definition*, 382).

83 That is, if Luke is truly using Mark as a source here. Walton argues that he must know the logion from some other source, since the verbal differences between the two are great and Luke uncharacteristically deviates from Mark’s order (“State They Were In,” 21).

84 Esler (*Community and Gospel*, 208) agrees with Walaskay’s interpretation, against Cassidy, arguing that Luke “is carefully distinguishing the exercise of authority by Gentiles (22:25) from that in the community (22:26), without in any way criticizing the former.” In fact, however, such a distinction represents an implicit critique. The prevalence of the term εὐσεβίας in reciprocal relationships in antiquity, adduced by Esler as evidence that Luke did not use the term sarcastically, is irrelevant; it demonstrates that Luke accurately described the prevailing ideology of his day but does not tell us what was his attitude toward it. For an ironic use of the term εὐσεβίας, refer to 3 Macc 3:19. On the ideology of benefaction see especially V. Nutton, “The Beneficial Ideology,” in *Imperialism in the Ancient World* (ed. P. Garnsey and C. R. Whittaker; Cambridge: Cambridge University Press, 1978), 209-221.

85 Wengst, *Pax Romana*, 103.


short, proponents of some version of the *apologia pro imperio* theory often come across as quite biased, dwelling on evidence that supports their theory while dismissing or unconvincingly explaining away evidence that calls it into question.88 Doubtless Luke can portray Roman functionaries in a positive light and give the impression that Christian faith and service to the empire are not incompatible. But other evidence attests that his view of Rome is more complex than that.

1.1.3 Equipping the Church for Witness

Advocates of both the *apologia pro ecclesia* and the *apologia pro imperio* theories tend to argue that Luke saw Rome in a more or less positive light. This is of course a fundamental presupposition of the latter, but even the advocates of an outward-oriented apologetic see the positive response that representatives of Roman rule give to Christians as a part of the apology, and see the Romans presented as role models for Luke’s contemporaries.89 This point of view was so widespread in the earlier part of the twentieth century that R. P. C. Hanson could write in 1967, “It is admitted by everybody that Luke wants to represent the Roman government as neutral, and as just, towards

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88 In fact, Walaskay tends to undermine himself. On the one hand, he argues against the idea that Luke-Acts was addressed to Rome by pointing out elements that would be problematic or even downright offensive to loyal Romans. On the other hand, he argues that Luke wants to portray the Roman Empire in a positive light. These two claims have the potential to work against each other. For example, Walaskay asserts that Luke’s account of Jesus’ trial would have struck a Roman official as problematic: Pilate not only fails to investigate the matter in depth but also fails to protect a man he has maintained is innocent, allowing the trial to “degenerate to the point of an unjust execution.” When he turns to the reception of Luke-Acts by Luke’s community, however, Walaskay claims that “by comparison with the proceedings before the Sanhedrin and Herod, Jesus was dealt with gently and fairly by the Roman magistrate…” (Walaskay, *And So*, 48-49). For the critique, cf. Neagoe, *Trial*, 32.

89 See Maddox (*Purpose*, 93): “The theory of a political apology in Luke-Acts rests on two contentions: first, that Luke emphasizes the political innocence of the Christians… second, that Luke always portrays Roman officials in a favorable light, or as friendly to the Christians (and thus indirectly urges the officials of his own day to follow the example of their predecessors).”
The work of Richard Cassidy has done much to call this view into question. Cassidy’s book on Luke was published in 1978; a book on Acts appeared in 1987. He challenged the idea that Luke-Acts is political apologetic, and in the second book he also challenged Walaskay’s treatment of the issue, which had been published in the meantime. Cassidy argued that Luke’s purpose was neither to defend the church before the political authorities nor to defend the Roman authorities before the church. Rather, he wrote to strengthen his readers in their allegiance to Christ and to encourage them to witness to that allegiance, even before Roman officials if necessary.

Cassidy advanced the discussion in several ways. First, he exposed some of the flaws in previous exegesis that had interpreted Luke’s portrayal of Roman officials as favorable. For example, he pointed out that Roman officials often describe their own conduct differently than Luke had represented it previously in his narrative. Exegetes sometimes claim, for example, that in Acts Lysias rescues Paul from a mob in Jerusalem. That is Lysias’ later version of the story, but Luke originally narrates the event as an arrest that leads to an interrogation. Had Luke wished to present Lysias’

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90 The Acts (The New Clarendon Bible; Oxford: Clarendon, 1967), 31; cited in Franklin, Christ the Lord, 134. Cf. p. 3: “All scholars are agreed that the author of Acts is anxious to present the Roman Government as treating Christians fairly.” See further pp. 4-6.

91 He labels Walaskay’s view “ecclesial apologetic.” Walaskay (And So, 12-13) had approvingly cited Cassidy’s arguments against the presence of an apologia pro ecclesia in the Gospel, but he came to very different conclusions as a result.

92 Thus Cassidy’s view bears some similarity to Sterling’s – Luke tries to equip his readers for their own witness. However, to Cassidy, Luke’s preparation does not represent a bid for respectability so much as legitimation of opposition Christians encounter from the Romans. Cf. Rowe on Acts’ role in training the community to face suffering and death: Acts made a “materially fundamental contribution to the rehearsal that prepared the Christians for the crises of persecution in the second century” (World Upside Down, 115).

93 E.g., Kim, Christ and Caesar, 169; O’Toole, Unity, 163.

94 Rowe points out that modern Western exegetes often underestimate the sense of foreboding the account of Paul’s arrest could potentially generate for first-century readers since they come to the text with
intervention as a rescue operation on behalf of a Roman citizen, he could have told the story as Lysias tells it in his letter. But he did not choose to present Lysias in such a favorable light.

Second, Cassidy argued that Luke’s social views are relevant to the question of his political views, because his values often stand in conflict with the prevailing social ideology of the Roman power. In his first book, Cassidy identified five elements of Jesus’ social stance as Luke portrays it: concern for the poor, infirm, women, and pagans; opposition to accumulation of possessions, and criticism of the rich; opposition to injustice; a call for social relationships based on service; and commitment to nonresistance and nonviolence. He concluded, in words reminiscent of John Howard Yoder, that “[Jesus] espoused a new order of social relationships.” This new order contrasted with the dominant values of the Roman Empire – pride in the accumulation of material wealth and in the military might that brought this wealth to Rome from conquered peoples, and a failure to alter previous oppressive social arrangements. One may agree or disagree with some of the contrasts that Cassidy draws (his views on

the assumption that the forces of law and order can be expected to be reasonable and trustworthy (World Upside Down, 64-65).

95 Richard Cassidy, *Jesus, Politics and Society* (Maryknoll, N.Y.: Orbis, 1978), 54-55. Rowe has recently reopened this question, identifying a “dialectic” between the cultural and the political. On the one hand, “Christianity and pagan culture are competing realities” and “the Christians are a real threat” to pagan practices; on the other hand, “Luke narrates the threat of the Christian mission in such a way as to eliminate the possibility of conceiving it as in direct competition with the Roman government” (World Upside Down, 91). This dialectic does not “yield a final or irresolvable contradiction but a complex unity whose origin lies in a still more basic and productive intellectual pattern, namely, the dialectical outworking of God’s self-identification with Jesus of Nazareth as the salvific Lord of all humanity.” This “outworking” is “inherently material and communal” – it “takes up space” and thus collides with pagan social constructions and is open to being misconstrued as hostile to Roman state itself (135).


differing treatment of women are particularly problematic); the point is that any consideration of how Luke may have viewed Rome must take into account how Luke’s view of correct social relationships either matched or contradicted the prevailing ideology and practice of the Roman Empire.

Third, Cassidy pointed out the cumulative impact of the controversies surrounding the Christian mission in Acts, arguing that they create a “chain of disruption.” Luke did little to hide the fact that Christianity created extreme controversy, to the point of civil unrest. Worse yet, Christians could be expected to disobey if ordered to stop preaching. Thus Acts does not in fact present Christians as uniformly law-abiding and harmless.

Despite his contributions, Cassidy’s exegesis and conclusions have been subjected to critique at many points. For example, he admits that Luke renders a favorable picture of Roman military officials but insists that this does not counterbalance his unflattering portrait of provincial officials. Balancing these two distinct tendencies against each other does not do them justice – Luke’s tendency to represent centurions positively must be appreciated in its own right. Cassidy makes much of the statements of

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99 More attention is being paid to this recently. Rowe argues that the peace brought by Jesus, and the lordship of Christ (cf. Acts 10:36), are very different in quality than the Pax Romana and the lordship of Caesar. However, one should not assert this “as if the pax Romana were the only object of Luke’s gaze,” but understand it as one facet of a much larger and more encompassing picture (Rowe, World Upside Down, 103-116, quote on 114). Cf. Christopher Bryan, Render to Caesar: Jesus, the Early Church, and the Roman Super-power (Oxford: Oxford University Press, 2005), 101.


101 For additional criticism of Cassidy’s exegesis see, e.g., Esler, Community and Gospel, 207-8.

102 Cassidy, Society and Politics, 152-53.
Peter and the apostles before “political authority” (the Sanhedrin) early in Acts\textsuperscript{103} – but this authority is Jewish, not Roman.\textsuperscript{104} He sees Luke’s insertion of the trial before Herod as an indication that Luke was interested in giving his readers “further data regarding the meaning of faithful witness before Roman officials.” He does not mention that the additional trial venue gave Luke the opportunity to have the beating and mocking of Jesus done by Herod’s soldiers, not Pilate’s.

The association of Christians with civil unrest in Acts cannot overturn the overall impression that Luke presents Christians as politically innocent, an impression derived from the remarks of Roman officials and from the calmness and nonresistance Paul and other Christians display before Roman authorities. Cassidy’s attempts to interpret the various episodes otherwise are not convincing.\textsuperscript{105} In any case, it can hardly be argued that Luke \textit{wished} to create the impression of such a “chain of disruption” in the minds of his readers. If this impression is created, it is a function, not of Luke’s rhetoric, which is bent on exonerating the Christians of any blame for such disruptions, but of his view of the history of the church as punctuated by opposition from without. Thus the fact that Luke did not shy away from depicting such conflict does not demonstrate that he was not interested in portraying the Christians as really harmless.\textsuperscript{106}

\textsuperscript{103} Cassidy, \textit{Society and Politics}, 153-54.

\textsuperscript{104} Walton, “The State They Were In,” 22, points out that the absence of any reports of direct Roman persecution of the primitive church, in Luke-Acts and elsewhere, suggests that the Romans did not in fact see the Christians as a political threat at the time; in contrast, on numerous occasions Josephus describes the Romans’ forceful action against would-be revolutionaries.

\textsuperscript{105} Thus Sterling accuses Cassidy of trying to “sweep the universal verdict of innocent given at the trials under the rug,” \textit{Historiography and Self-Definition}, 382.

\textsuperscript{106} Steve Walton represents a sort of “moderate Cassidyism.” Noting that Cassidy fails to engage significantly with texts that portray Romans in a more appealing light, Walton points to periods of peaceful ministry in Corinth, Ephesus, Malta, and Rome (18:1-8a, 19:1-22, 28:1-10, 28:30-31) as evidence that Luke could envision a symbiotic relationship with the empire (“The State They Were In,” 32-35). On the other
Whatever his faults, Cassidy effectively called into question the claim that Luke represented Roman officials as just and as friendly to Christianity. That view is distorted by pro-Roman sentiment and does not stand up to critical scrutiny. Scholars since Cassidy have had to take more serious account of the critical elements in Luke’s representations of Roman officials.

1.1.4 Legitimation for the Church’s Identity

Several years after Walaskay launched his _apologia pro imperio_ theory, and in the same year that Cassidy published his book on Acts, Philip Esler addressed the question of Luke’s view of Rome in the final chapter of his book _Community and Gospel in Luke-Acts_ (1987). He agreed with Walaskay that Luke-Acts was directed primarily to the church; however, unlike Walaskay, he did not think that the Roman Empire needed defending. Quite the opposite: pro-imperial Christians needed to be reassured that their faith was not in conflict with their loyalty to Rome. This meant a return to _apologia pro ecclesia_ motifs, but now seen as internally oriented: Luke’s task was defending the church to itself.

hand, the use of Caesar’s titles for Jesus, the enunciation of the principle that obeying God comes before obeying human beings (Acts 4:19, 5:29), Jesus’ response to the question about taxes – which to Walton echoes a Maccabean statement (1 Macc 2:68) about paying back the Gentiles in full – and the suggestion that the kingdoms of the world are under the authority of Satan (Luke 4:5-6) add up to “a picture of a movement that, to a Roman loyalist, could not but be seen as subversive and anti-emperor” (27-28; on Jesus’ “implicitly revolutionary” statement on taxes, see 18-19). Walton sums up Luke’s view as “a strategy of critical distance from the empire,” advocating cooperation and mutual respect but also recognizing the potential of the empire to turn against the church (33-35). But how can Luke support coexistence yet portray the church in a way that a Roman loyalist would take as “subversive and anti-emperor”? 
Esler’s approach to the issue was in keeping with his global thesis that Luke-Acts represents an exercise in “legitimation.”\(^\text{107}\) He saw Luke as “a figure embedded in the life of his community at all its levels, religious, social, political and economic.” Luke did not so much bring his theology to bear on the life of the church in his day (Conzelmann’s model) as shape his theology in response to the “social and political pressures” his community was under.\(^\text{108}\) He was primarily concerned to explain and justify Christianity to his Christian contemporaries.\(^\text{109}\)

Esler identified three types of interaction between empire and church. First, through the synchronisms of Luke 2:1-7 and 3:1-3, Luke brought his history into relation with the history of the empire. Such coordination of church history and imperial history presumes an audience “interested in the position of Christianity in the context of Roman

\(^{107}\) Esler, *Community and Gospel*, 16. His approach is informed by the social sciences, particularly Peter Berger and T. Luckmann, *The Social Construction of Reality*, which he uses as a base for understanding and applying the concept of legitimation (16-23).

Loveday Alexander suggests jettisoning the category of legitimation on the grounds that “any kind of literary apologetic may also function as legitimation or self-definition for the group which it sets out to defend: to recognize that some apologetic functions as self-definition is not to identify a distinct ‘type’ of apologetic, but simply to recognize the always latent disparity between the dramatic audience of apologetic and its real readers” (“Apologetic Text,” 22). Nevertheless, there seems to be some utility in differentiating works that “may” function as legitimation and works actually designed to do so. Early Christian apologies may have circulated widely within the church, but they were ostensibly aimed at an exterior audience. The same may not be true of Luke-Acts. Does the work make any pretence to be addressed to the Felixes, Festuses, and Agrippas of the world (a “dramatic audience”)? Or does this “dramatic audience” only function within the narrative itself, as the occasion for Paul to make an apology solely intended for the ears of the Christian reader?

\(^{108}\) Esler, *Community and Gospel*, 1-2. Brent points out that Luke was also embedded in the historical and social context of early imperial Rome, and shaped his theology in conversation with the imperial order as well as with the needs of his community (76-77). Brent sees the relationship between Christian and imperial ideologies as typically *interactive* rather than merely *reactive* (*Imperial Cult*, 8-16). On Luke 1-2 as product of such interaction, see ibid., 83-101. The Lukan text involves neither a reproduction of the imagery of the imperial cult, nor, on the other hand, a replacement of it, but works to carve out a space for the Christian “contra-culture” alongside the empire (100-101).

\(^{109}\) Esler, *Community and Gospel*, 16.
history.” Second, he depicted Roman administrative and military personnel reacting favorably to Jesus and the Christians in ways ranging from hospitable treatment to outright conversion. Third, through the trials of Jesus and Paul, Luke made it clear that Jesus and his disciples did not violate Roman law or threaten Roman authority. Luke’s emphasis on Christianity’s close connection to Judaism situated Christianity in terms a Roman could appreciate: not as a radical and perhaps politically destabilizing departure, but as an outgrowth of an ancient and therefore respectable religion. In this way Luke demonstrated to his Christian readers the compatibility of the Roman regime and their faith.

What of the negative characteristics of Roman officials raised by Cassidy? Like Walaskay, Esler argued that Luke carefully distinguished between “Roman judicial procedures and the personnel responsible for them.” The fact that in Luke’s text Roman officials are variously portrayed as violent, corrupt, and self-seeking contradicted Maddox and Walaskay’s claim that Luke wanted to counter anti-Roman sentiment. However, Luke’s positive portrayal of the Roman system suggested to Esler that Luke wanted to address people who had a vested interest in that system. The Romans valued ancestral religion, and Luke portrayed Roman centurions positively, evidence that Luke

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110 Esler, *Community and Gospel*, 201. One might add that the frequent appearance of named Roman officials has a similar effect.


112 Esler, *Community and Gospel*, 201-5.


114 Esler, *Community and Gospel*, 209-10. As we saw above, Walaskay himself had used a similar argument to support his view!
addressed Roman Christians, perhaps including Roman soldiers and centurions.¹¹⁵ “What mattered to them was that the Roman system which they served was not opposed to Christianity per se, even if individual Roman officials had occasionally treated Christians unjustly.”¹¹⁶ They needed reassurance that the Christian faith was not incompatible with the best values of the Roman Empire.

Esler has been accused of engaging in mirror reading – assuming that each aspect of Luke’s representation of the church must correspond to some group of individuals in his community.¹¹⁷ However, the credibility of his explication of the dynamic of legitimation does not depend upon whether or not it permits a detailed reconstruction of the Lukan community. We need not suppose that there were Roman soldiers and officials in Luke’s community, only that Luke was conscious that he was addressing some individuals who held Rome in esteem and who would be disturbed by any suggestion that the church stood in conflict with it.

This is just the issue, however. Does Luke never suggest that the church stands in conflict with Rome? As we have seen before, he is not at all clear. For every statement

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¹¹⁵ Esler, Community and Gospel, 210: “There is only one answer which offers a satisfying explanation for the political theme in Luke-Acts, that among the members of Luke’s community were a number of Romans serving the empire in a military or administrative capacity, and that part of Luke’s task was to present Christian history in such a way as to demonstrate that faith in Jesus Christ and allegiance to Rome were not mutually inconsistent.” As evidence for their presence he cites the prominent position of centurions and other Roman officials in the narrative, the ethical advice to soldiers and tax-collectors, and the “apparent delight with which Luke plays the trump card of Paul’s Roman citizenship.” Paul’s letters provide external evidence for Romans being members of Christian communities. Esler does not sufficiently differentiate between evidence of participation by Roman military and administrative personnel and evidence that only attests that some members of the church were Romans either by ethnicity or by citizenship.

¹¹⁶ Esler, Community and Gospel, 217.

¹¹⁷ Walton, “State They Were In,” 8-9. As Walton states, such a reading presumes that Luke wrote to a particular community known to him rather than a less-defined audience of “Christians at large.” For another view, see Richard Bauckham, ed., The Gospels for All Christians: Rethinking the Gospel Audiences (Grand Rapids: Eerdmans, 1998). Sterling (Historiography and Self-Definition, 383) questions whether Luke would have designed such an elaborate motif for the benefit of a few individuals.
assuring the Christian that he can be an honorable soldier, for example, there is another
that could arouse his discomfort. For every statement promising peaceful coexistence
with Rome, there is another suggesting that this might not, even probably will not, be the
case. Like Walaskay, Esler’s view founders on the texts that present Rome, or human rule
in general, in a critical light. His theory of legitimation seems apt, but too simplistic. It
implies that Luke simply told his audience what they wanted to hear. It leaves no room
for ambivalence, or for the possibility that Luke wished to challenge his audience on
some fronts. If Luke attempted to address the concerns of Christians with pro-Roman
sentiments – and perhaps shared these sentiments to some degree – was he therefore
required to represent Christianity and Rome as entirely compatible?

Though he offered some critiques of Esler’s work, Sterling’s (1992) approach to
Luke-Acts moved in a similar direction, though also sharing characteristics with
Cassidy’s views. Like Esler, Sterling argued that Luke-Acts was aimed at the church
itself and designed to instill confidence. However, what Esler had viewed as a defensive
response to outside pressures Sterling viewed as an assertive act of “self-definition.”
Luke-Acts was aimed at a church beginning to see itself as “an entity of world history”
and thus seeking an understanding of its place in the world. Like Cassidy, Sterling
argued that the primary purpose of Luke’s representation of Rome is to empower
Christians for witness. He differed from Cassidy in his view of the kind of witness for
which Luke equips his audience: contra Cassidy, Sterling argued that a political apology
is part of this message. The depiction of Christianity as politically innocent and the claim


119 See especially Sterling, *Historiography*, 386n376.
that Christianity is a continuation of Judaism, an ancient and venerable tradition, were designed to make a claim to respectability of the same sort made by Josephus in the *Judean Antiquities*. Thus Sterling advocated that we see Luke-Acts, not just as political apologetic, but as a bid for social acceptance. Luke’s apologetic posture was not simply defensive but was aimed at establishing a definite and accepted place for Christianity within his society.

Scholars such as Esler and Sterling have taken a more sophisticated approach to the political elements in Luke-Acts. They have seen that the work is not primarily about how Rome views the church or how the church views Rome, but about how the church

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120 Thus it fit in the broad tradition of “apologetic historiography” that he identified. The difference is that Josephus addressed the Gentile world directly, whereas Luke addressed his own group, “offering examples and precedents to Christians so that they can make their own *apologia*” (*Historiography and Self-Definition*, 386).


122 Vernon Robbins has advanced an even stronger version of this thesis: Luke-Acts promotes “an ideology that supported Christians who were building alliances with local leaders throughout the eastern Roman Empire” (“Luke-Acts: A Mixed Population Seeks a Home in the Roman Empire,” in *Images of Empire* [ed. Loveday Alexander; JSNTSS 122; Sheffield: Sheffield Academic Press, 1991], 202). The problem with past work on the subject – including Esler’s – is that Luke-Acts is seen as “a defensive narrative in an environment filled with legal and political obstacles rather than as an aggressive narrative in an environment perceived to be teeming with opportunities” (203). Applying Girardian analysis, Robbins suggests that Luke desires what Rome, as rival, possesses: power. Luke sees the eastern Roman Empire an appropriate setting for Christians to carry out their divinely ordained work (211-17). He emulates Rome’s successful expansion but in reverse, from Jerusalem to Rome (203-5). He also emulates Roman repertoires of empire by depicting how the church negotiates with people-groups both within and outside the borders, creates an image of “presence everywhere” through the sending out of missionaries, and extends full membership widely in order to encourage allegiance. “In other words, the Christian tactics of territoriality appear to be driven by Roman ideology for running the empire…” (218-20, quote on 220). “From the perspective of Luke and Acts, the power structure of Christianity works symbiotically with the power structure of Rome” (207). Some of Robbins’ observations are quite insightful, and his use of Girard opens a connection to postcolonial theory, with its recognition of colonized subjects’ desire to emulate the colonizer. However, his reading of Luke-Acts is quite selective, disregarding passages that seem to champion an alternative ethic and social structure and focusing on Luke’s depiction of centurions to the neglect of the very different relationship between empire and Christian mission instantiated in Paul’s trial, where Paul must fight the empire with its own weapons in order to free himself from corrupt imperial agents. The trial narrative evokes a relationship that is more conflictive that symbiotic, in which Rome is an unwitting agent of God’s purposes in spite of itself.
views itself. Esler also recognized that Luke’s portrait of Rome is variegated and must be interpreted in its full complexity. He noted, for example, that there is a difference between Luke’s portrayal of centurions, who are always viewed positively, and his portrayal of higher-level Roman officials, who are sometimes viewed negatively. Interpreters who simply weigh the evidence on one side or another of a single balance will miss the more subtle cross-currents running through Luke’s political perspective. Nevertheless, neither Esler nor Sterling adequately examines the significance of Luke’s treatment of governors. Esler is interested in detaching Luke’s critique from his view of Rome in general; he is not interested in the critique in its own right, and his view of Luke’s purpose does not take it into account. Sterling affirms the importance of the innocence motif but does not adequately consider the critique of Rome that is integral to that motif: Roman governors are represented as failing to protect and vindicate the innocent, just as Rome itself failed to stop the condemnation of Christians throughout the second century and beyond. Sterling is interested in the positive aspects of Christian self-definition, the “claim to respectability,” and does give as much attention to the more defensive aspects of Luke’s identity construction.123

1.1.5 No Definite Political Aim

We have already seen that Cassidy denied the existence of a political apology as such within Luke-Acts. Other commentators have also questioned it. Already in 1972 Jacob Jervell argued that despite the fact that Paul is in Roman custody throughout Acts’ final chapters Luke actually shows little interest in Rome:

123 For example, might “innocent victims of unjust persecution countenanced by the state” (my formulation) be considered as an aspect of the self-definition Luke commends to the church?
What role is played by Rome and the state? The trial, which reaches a
deadlock and is never decided, leads not to Caesar but to the Jews in Rome
(28:17ff). Apart from a few verses, Luke uses the whole account of Paul’s
stay in Rome to describe two meetings with the Jews. Luke states that the
reason for the meeting with the Jewish leaders is that Paul wants to give an
account of his relationship to Israel and the law in connection with the trial
not appear on the scene; the government officials are only the “hosts” of
the apostle (28:16, 30); and the Gentiles appear on the periphery (28:28),
almost for the sole purpose of indicating how Acts will continue. 124

Although charges of political sedition have been made in 17:5, Luke does not portray
Paul as accused of such things in Acts 22-26. Instead, Festus relates his surprise that Paul
was not so accused (25:18). 125 The theological argumentation in the supposedly political-
apologetic speeches is unintelligible to Roman authorities. 126 To Jervell, then, Luke
crafted the trial scenes, not to pursue a political apologetic, but as a framework for Paul’s
speeches through which he defended Paul against Jewish accusations of apostasy. 127

Jervell did not claim that Luke had no political views. He later wrote, in The
Unity of Luke’s Theology: “The Roman Empire represents the Gentiles in hostility against

159. According to Jervell, such verses as Acts 25:8c and 24:5 merely indicate that Luke is keeping the
framework of the trial in mind, not that he is interested in the political aspect of the trial. Cf. idem, The

125 Of course, that is part of the point.

126 Theology, 103; in n. 206 he cites Festus’ need for help from Agrippa “in order to gain even the
slightest notion about what is going on,” Acts 25:24-26:3. To Jervell this suggests that Luke intended
Tertullus’ stasis charge against Paul in 24:5 is to be understood not as an accusation of fomenting rebellion
against Caesar, but of creating conflicts within Jewish communities. For a critique of Jervell’s tendency to
underplay the quantity of political accusations against Christians in Acts, see Maddox, Purpose, 94.
Furthermore, “the very fact that Luke so emphasizes the religious motives that led to his prosecution by the
Jewish authorities may be part of his attempt to show that the political suspicions against him were
groundless.” Jervell’s thesis cannot account for the repeated emphasis on Paul’s (and Jesus’) political
innocence (ibid., 94-95).

127 Jervell argued that Luke wrote to fellow Jewish-Christians experiencing pressure and
persecution from non-Christian Jews. In Luke’s day, although the mission to the Jews had long since
ended, Jewish Christians comprised a “respected and influential element” of the church (People of God,
174-75). Accusations of apostasy struck at the heart of Luke’s own conception of the church as the restored
Israel consisting of repentant Jews who remain faithful to the law, through whom Gentiles too receive a
share in God’s salvation (160-74).
the Messiah of God.” “Enmity with Jesus unites Gentiles and Jews: the Jews co-operate with the enemies of Israel and God against the God of Israel and his Messiah.” Luke does believe that Christianity is “politically harmless” – the church’s response to Rome is not subversion, defiance, or “self-assertiveness,” but the proclamation of the word accompanied with healings and miracles (Acts 4:28-9). However, “Luke is not asking for the favor of the Romans on behalf of the church”; rather, he wants to “show Christians that the Empire cannot mean any serious threat to the church, cannot obstruct the proclamation of the Gospel and is forced to serve the will of God, even if it joins with the Jews in persecuting the church.”

In *Christ the Lord: A Study in the Purpose and Theology of Luke-Acts* (1975), Eric Franklin questioned the tendency of ascribing to Luke a non-eschatological viewpoint aimed at coming to terms with the continuing existence of the church in history. Rather, “Salvation history… though present, is used in the service of his eschatology.” Franklin’s view that the Parousia and the end times are still immanent for Luke has consequences for the analysis of the political apologetic, which Conzelmann thought of as another way in which Luke came to terms with the prospect of an extended

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128 *Theology*, 101. He prefaces these remarks by quoting Acts 4:27-30, which he later (103) describes as “a rather strange and most unlikely introduction to an appeal to Roman authorities for a friendly attitude towards Christians.”

129 *Theology*, 105-6; Jervell thinks that the principle enunciated in Acts 4:19 and 5:29 is intended for Rome as well.

130 *Theology*, 104-5.


132 Franklin, *Christ the Lord*, 6. Further, “The aim of his work is therefore to gain a response to the message that the ascension proclaimed – that Jesus really is Lord and that the eschatological action of God was effective through him” (7).
“period of the church” in world history. Far from preaching accommodation, Franklin
claimed:

…much modern writing which virtually accuses him of abandoning the
early Christian outlook in favour of one which came to terms with the
world and its history is beside the point… Luke, in spite of the fact that he
wrote history, did not expect the world to continue but, including himself
and his contemporaries within the genea of Jesus, anticipated the parousia
as an event of immediate relevance for them. For him, the world is an
alien place, being given into the hands of the devil, its battles reflecting
the other-worldly battle between God and Satan and, though the victories
in this world witness to the reality of the kingdom of God, the sphere of
that realm is the transcendent. …Luke nowhere suggests that salvation
history is to continue. He talks of witness before the world, but this is not
the same as advocating a mission to it.  

Franklin argued that Luke’s primary concern was to encourage his audience to
believe in Jesus’ Lordship despite the delay of the Parousia and the failure of the Jewish
people to acknowledge Jesus as Messiah. Luke is interested in the inclusion of
Gentiles, not as the beginning of the future of the church, but as a testimony to God’s
fulfillment of promises to the Jewish people. Paul’s preaching in Rome was not the
beginning of a Christian witness there (Luke tells us there were Christians in Rome
already) but a testimony to the Lordship of Christ, who promised that he would get
there.

shares the apocalyptic judgment of the worldly power: it is in Satan’s hands (Luke 4:6). On the other hand,
he does not convert this view into a political program of ‘intellectual resistance against Rome.’ He
maintains neutrality in reporting about state affairs and state officials” (“Luke’s Place,” 301).

134 Franklin, Christ the Lord, 55-58. Put succinctly, in Franklin’s view the purpose of Acts is “the
confirmation… of the Gospel’s assertion that Jesus is the Lord.” Acts proves this by describing historical
events as “witnesses to the fulfillment of God’s eschatological promises” (43).

135 Franklin, Christ the Lord, 139.

136 Paul’s entry to Rome as a prisoner, and his lack of success preaching there, “witness to the
transcendent kingship of Christ rather than to a progressive establishment of his sway in this world” (Christ
the Lord, 140).
Franklin suggested that the same purpose, not an apologetic concern, motivated Luke’s “undoubted interest in the relation of the Roman powers to the spread of the Christian proclamation.” Paul’s relations with the Jews do not foster acceptance of Christianity as *religio licita*, but they explain how Jesus can be “God’s eschatological act for Israel” and yet be rejected by the Jews. In Rome Luke is still primarily interested in this problem: “The final episode at Rome is to be understood as a justification of Christianity in spite of its refusal by the Jews…” It is true that Roman officials do not condemn Paul; nevertheless, “they are totally comprehending as to the real nature of the Christian proclamation.” Luke defames the Jews in order to explain their rejection of the Christian message; in consequence, the Romans appear in a better light, but “that is, as it were, a by-product of his main purpose…” In sum, “The state is not as yet hostile, but it is fickle, its officers open to corruption and faced by Christianity with something that is beyond their comprehension.” What is important to Luke is that Romans end up being the instrument of God, even though they do not comprehend Christianity or God’s plan.

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137 Franklin, *Christ the Lord*, 134. In fact, Franklin asserts that Luke’s choice of the journey to Rome as the subject of the last 8 chapters of Acts is motivated by the same purpose that motivated Acts as a whole: to prove Jesus’ Lordship and the fulfillment of God’s promises (ibid., 118-19).

138 Christianity is the fulfillment of all that is best in Judaism; the Jews’ rejection is a result of their perversity (*Christ the Lord*, 111-12).

139 Franklin, *Christ the Lord*, 114. Despite the ending, Luke still has one eye on the possibility of a conversion of Israel (113).

140 Franklin, *Christ the Lord*, 136-37. For example, Pilate “does not appear as an impressive figure” and his acquiescence does not instill confidence in “Roman discrimination and justice” (ibid., 93). This is not an indication of a negative view of Rome, however; Luke’s chief purpose here is to put all the blame on the Jews; Pilate is necessary “to account for the actual crucifixion of Jesus”; beyond that Luke is not interested in him.

141 Franklin, *Christ the Lord*, 138.
Franklin argued that Luke’s failure to resolve the question of Paul’s fate particularly calls into question Luke’s interest in apologetics. If Paul was acquitted, Luke passed up an opportunity to demonstrate his innocence. If he was condemned, Luke did nothing to allay the suspicions that such a condemnation – which would probably have been known to the readers – would have raised. Moreover, though Roman officials find Christianity to be not guilty of subversion, “Luke does not hesitate to present it as a constant threat to the peace of the civil power.”

Recently, Loveday Alexander (1999) has joined the voices critical of seeing Acts as an apologetic text. She has questioned whether Acts can be characterized as “apologetic discourse,” since it does not clearly state the key elements involved in such discourse. “For literary apologetic to work, the key elements of the fictional scenario (audience, charge, defendants) should be easy to pick off the surface of the text, even if its real audience and purpose may be less transparent.” The failure of scholarship to reach agreement on these details suggests that this is not the case for Acts. This “raises the question whether Acts can in any meaningful sense be placed in the same generic category as the second-century apologies.” Nevertheless, she continues, there are certainly multiple *apologia* embedded within the narrative of Luke-Acts. In these

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142 Franklin, *Christ the Lord*, 135, citing in agreement Hanson, *The Acts*, 31-35. Hanson argues on this basis that the author of Acts must have believed that Paul was acquitted at his trial; otherwise, “All Luke’s protestations that Roman authorities do not regard Christianity as dangerous and subversive would be thus exposed as hollow” (31).

143 Franklin, *Christ the Lord*, 137.


145 The ambiguity stems in part from the lack of an authorial voice to explain the significance of the narrative (*diegesis/narratio* in the language of forensic rhetoric) – compare Josephus’ *Contra Apionem*, where “the apologetic significance of the narrative is always explained and rammed home by an insistent authorial voice” (e.g., 1.227-53, 2.8-19). Alexander, “Apologetic Text,” 191.

scenarios Luke engages in apologetics, but by restraining his authorial voice and allowing his characters to present the apologies he woos the reader into thinking that he is simply describing past events.\textsuperscript{147} Alexander proceeds to analyze these embedded apologia in their own right.

When it comes to the apology toward Rome, which “For most readers… is the most prominent apologetic scenario in the book, and the one which has most claim to determine its overall purpose,” Alexander notes “a distinct ambivalence in Acts’ presentation of the Christian case before a Roman tribunal.”\textsuperscript{148} Paul’s encounters with Roman authorities over the course of the book do not always make the strong affirmation of his innocence we find in the later scenes in Caesarea. In Philippi (16) and then in Thessalonica (17) the charges against Paul and his fellow Christians are never explicitly refuted. Quite strikingly, Paul never gets a chance to make an apologetic speech in these situations – he is summarily punished in Philippi (16:22-24), absent in Thessalonica (17:5-6), preempted in Corinth (18:14), and talked out of it in Ephesus (19:30-31).\textsuperscript{149} Thus Alexander agrees with Cassidy (though she does not cite him) that “the overall effect of the whole narrative section from ch. 13 to ch. 19 is to leave the damaging impression that Paul’s mission causes trouble wherever it goes…”\textsuperscript{150}

Like Jervell, Alexander notes that Paul’s apologetic speeches in Jerusalem and Caesarea are mostly aimed at a Jewish audience and deal with religious issues not with

\begin{footnotesize}
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\item Alexander, “Apologetic Text,” 194. At least, that is what I think she means by “But this is one reason why the proposed apologetic scenarios all carry some degree of conviction.”
\item Alexander, “Apologetic Text,” 198.
\item Alexander, “Apologetic Text,” 199.
\end{enumerate}
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political charges against Paul and Christianity. “Apologia… has become testimony based
on a personal religious vision backed up by the assertion that its roots lie in the common
tradition.”¹⁵¹ She concludes, “In the light of all this, it becomes rather hard to maintain
the traditional view that it is the Roman tribunal which is the definitive one in
determining the rhetorical thrust of the apologetic in Acts.”¹⁵² Like Franklin, she sees the
lack of resolution of Paul’s appeal to the emperor as consistent with this.¹⁵³ She
concludes that “Acts is a dramatized narrative of an intra-communal debate, a plea for a
fair hearing at the bar of the wider Jewish community in the Diaspora, perhaps especially
at Rome.” The Romans are merely “brought in as external arbitrators.”¹⁵⁴

As we have seen, Alexander’s study redeploy arguments made by other
interpreters who have denied that Luke-Acts makes a political apology, including
Cassidy, whose work I have reviewed elsewhere because he did have a positive theory
about Luke’s political aim. Some of these arguments are not wholly convincing. I have
already critiqued Cassidy’s argument about the “chain of disruption” created by Paul and
his associates. The amount of religious polemic in the last chapters of Acts should be
accepted as evidence that with this material Luke was pursuing other purposes besides
political apology, not instead of it. As we have seen, the religious issues reinforce the

trial before the Roman authorities (21-8), we are not, as is usually maintained, dealing with a political-
apologetic aspect, with the Roman authorities as addressees, but with the charges directed against Paul
from the Jews….”

¹⁵² Alexander, “Apologetic Text,” 37. Also see Schneider, who asserts that the literary function of
Acts 21-28 is to bring Paul to Rome, where he stands not before Caesar, but before the Roman Jews
(“Zweck,” 59-60). This view is shared by David Balch, “ΜΕΤΑΒΟΛΗ ΠΟΛΙΤΕΙΩΝ: Jesus as Founder of
Todd Penner and Caroline Van Stichele; SBL Symposium Series; Atlanta: Scholars, 2003), 139-88, who
argues that the central issue in Acts 21-28 is whether Paul has abandoned the law of Moses.


political apology,\textsuperscript{155} but they are not the only means Luke has at his disposal. In fact, the
non-political nature of Paul’s speeches in Caesarea actually serves Luke’s political-
apologetic ends by reinforcing the narrative’s implicit claim that the political accusations
of the Jews are really motivated by theological disputes.\textsuperscript{156} The ending of Acts certainly
does not suit the purpose of a political apology as well as another ending might have, but
of course the ending is unsatisfying on a number of levels. There are probably many
reasons why Luke chose to end the work as he did; we should be wary of drawing firm
conclusions from such a complex and perhaps irresolvable question.

As Walton points out, these critiques are salutary in that they remind us that
political apologetic was probably not Luke’s chief purpose in writing. First and foremost,
Luke wished to commend Christianity to his readers as the new bearer of God’s word and
work to the world.\textsuperscript{157} However, Luke seems too interested in certain matters – the
innocence of Jesus and of Paul, the political charges made against Jesus and the church,
and the relationships between the early Christians and various individual Romans – to say
that he had no interest in political apologetic. The fact that it is the unfolding of Paul’s
Roman captivity that creates the entire narrative framework for the last section suggests
that perhaps the importance of the Roman tribunal should not be too quickly dismissed.\textsuperscript{158}

\textsuperscript{155} Paul’s speeches do more than make theological arguments – they also serve to make Paul a
respectable diaspora Jew and Christianity a respectable expression of Judaism. Such respect for one’s
ancestral religion and such ancient origins commend Paul and Christianity to Greco-Roman readers as well
as Jewish ones – and as Sterling has rightly said, respectability and rights went hand in hand.

\textsuperscript{156} Alexander accepts that such disputes represent Luke’s actual context, but it could be argued
that Luke emphasizes these disputes simply in order to neutralize the political charges.

\textsuperscript{157} O’Neill presents an interesting variation: Luke-Acts was an outward-oriented apology, but its
primary purpose was not to win official recognition for Christianity but to “lead an educated reading public
to embrace the Christian faith” (\textit{Theology of Acts}, 169).

\textsuperscript{158} Similarly, see Maddox, \textit{Purpose}, 66-67, whom she quotes: “[I]t is Paul the prisoner even more
than Paul the missionary whom we are meant to remember” (“Apologetic Text,” 204-5). As an example of
Critics of the notion of a political apologetic concern in Luke-Acts tend to undervalue this material.  

1.1.6 Postcolonial Readings and Other Recent Work

The growing popularity of postcolonial biblical criticism over the past decade has yielded a number of studies of Luke-Acts explicitly identifying themselves as “postcolonial.” Postcolonial theory recognizes that colonial subjects assume a range of ambivalent positions toward their imperial masters along the continuum between open opposition and full collaboration. Thus postcolonial criticism has the potential to advance the discussion of Luke’s politics by finding ways to take into account both the anti-imperial and empire-friendly tendencies in Luke-Acts as well as the texts that suggest ambivalence or appear ambiguous. Luke need not be understood either as a resister or a collaborator; he may represent a complex position in between that involves elements of both accommodation and resistance.

downplaying the importance of the Roman setting, she claims that Paul defends himself against the political charges “only in passing” (200). But this in fact is part of Luke’s strategy – having Paul defend himself more thoroughly would only suggest that he had to make a considerable effort to establish his innocence. As it is, Luke treats Paul’s innocence as obvious. Luke prefers to represent these claims as patently false and to have his protagonist respond only with simple denials. A more thorough defense should not be necessary against such absurd charges and would only give the impression that the charges had some element of credibility to them.

159 E.g., Franklin is at his least convincing when he denies the importance of the repeated judgments of innocence from Romans and their allies (Christ the Lord, 138).

Gilberto Medina’s 2005 Vanderbilt dissertation proposed “a postcolonial reading of Luke’s ideological stance of duplicity, resistance and survival.” Working with Fernando Segovia, a leading proponent of postcolonial biblical criticism and of cultural criticism more broadly, Medina promised a balanced and nuanced interpretation challenging “imperial romanticism” but without falling prey to “simplistic negativism,” and understanding Luke-Acts as a “multi-vocal” work. Although Medina read Luke-Acts as a literary expression “from below,” he suggested that the narrative does not simply react against Roman imperialism, but maintains an ambivalent posture that can be ascribed in part to the way colonial subjects are simultaneously influenced by the power and compulsion of the colonizer and remain rooted in their own cultural and national identity. Medina proposed to explore this ambivalence by first taking up texts that seem supportive of the empire, and then examining texts that seem to express opposition. While he interrogated and deconstructed the texts deemed supportive, he did not subject those understood to be oppositional to similar scrutiny. Inevitably, this procedure led him to the conclusion that Luke only seems supportive of the empire; he adopted a “rhetoric of congeniality” toward Rome that served “not as an endorsement of


164 Medina devotes less than sixty pages to pro- and anti-imperial readings of the whole of Luke and Acts (ch. 3) (he devotes more focused attention to the temptation narrative, Luke 4:1-13) (ch. 4). At times he advances his exegesis as if unaware of the ways in which the texts have been contested by interpreters on either side of the issue. The result is exegesis that can be questioned in a multitude of ways. Notably, his discussion of pro- and anti-imperial readings of Luke-Acts is mostly unsupported by documentation. Medina does invoke such commentators on Luke’s politics as Conzelmann, Walaskay, and Wengst at the beginning of this section. Surprisingly, Cassidy goes unmentioned.
imperialism but as both an ideological maneuver to ultimately undermine Rome and subvert the imperial value-system from within and a mechanism of survival.”

Yong-Sung Ahn’s dissertation at Graduate Theological Union (2005) was published as *The Reign of God and Rome in Luke’s Passion Narrative: An East Asian Global Perspective* (2006). Though he preferred to characterize his reading as “an East-Asian global perspective,” thus emphasizing his commitment to vernacular hermeneutics (also known as contextual criticism), he made use of postcolonial theorists Edward Said, Homi Bhabha, and Gayatri Spivak and directed attention to the presence of imperialism in the Lukan gospel as well as in the East Asian context from which he chose to view the text.

Ahn perceived ambiguity in Luke’s political stance: “While [Luke’s] engagement with the Empire is counter hegemonic, it is also ambivalent: resistance and compromise are intermingled.” In particular, he outlined a triangular structure of power relations

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165 Medina, “Lukan Writings,” 129. His assessment relies heavily on a theory of “hidden transcripts” derived from James C. Scott; see especially, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990). Scott differentiates between the “hidden transcript,” the views that the powerless share among themselves, and the façade of cooperation they maintain in public. Biblical interpreters who use Scott’s work often assume that such “hidden transcripts” can be detected behind the public transcript of a biblical text. The primary thrust of Scott’s theory, however, was that the hidden transcripts are played out behind the scenes, separately from the public transcripts maintained by both the powerful and the powerless.

166 Biblical Interpretation Series 80; Leiden: Brill, 2006. It seems ironic that a book purporting to represent an East-Asian perspective is sold at a price that few even among those East-Asians who could read it can afford. The disconnect is emblematic of the position of postcolonial discourse in general, which often serves the need of elites among the colonized to distinguish themselves intellectually and professionally from their fellows in order to justify their privileged social position relative to them.

167 Ahn seems reticent to use the term “postcolonialism” for some reason. In one section of his chapter on methodology, he engages extensively first with Edward Said and then with Homi Bhabha. He characterizes their work as “cultural studies,” although they are two members of what has been called the “holy trinity” of postcolonial theory (the third being Gayatri Spivak, who gets a mention in the first paragraph of the very next section, and again a few pages later). The term “postcolonialism” is not in the index.

168 Ahn, Passion Narrative, 203.
among the Romans, the Jewish leadership, and Jesus’ group. He noted for example that Luke positioned himself against the rebel Barabbas and thus implicitly with the Romans and against the Jews calling for Barabbas’ release. Luke thus appealed to the sentiments of the empire by portraying the Jewish leaders as stirring up the people and demanding the release of an insurrectionist.\textsuperscript{169} “In a sense, Luke competes with the Jewish authorities in supporting a favorable view of Rome.”\textsuperscript{170} Thus Luke’s narrative not only reflected the situation of Jesus and the early community as doubly oppressed – by both the colonizing power and its collaborators – but also depicted his community as more sympathetic to the colonizing power than the collaborators themselves. Furthermore, Luke’s narrative marginalizes the common people, who passively serve as a marker of the power shift from Jesus to the Jewish leadership: at first they appear at Jesus’ side and give him protection against the malice of the chief priests, but later they support the leaders in their actions against Jesus. “Narratively, the people serve as the booty of a power struggle between the two systems.”\textsuperscript{171}

Yet at the same time Luke engaged in covert resistance:

…Luke’s Jesus does not engage in direct conflict with the Roman officials. Rather, Luke constructs opposition indirectly, offering its possibility through the Jewish leadership. … In fact, in the passion narrative, the Jewish leaders take the initiative in condemning Jesus to death. However, contrary to many interpreters, rather than exonerating the Roman governor who could have been more responsible and resolute in keeping the judicial justice, the evil of the local leaders highlights how erroneous Pilate’s decision of Jesus’ crucifixion is.

\textsuperscript{169} Another indication of such repositioning is Luke’s assumption that the “criminals” on the cross, who are probably rebels as well, are being punished rightfully.

\textsuperscript{170} Ahn, Passion Narrative, 211.

\textsuperscript{171} Ahn, Passion Narrative, 212.
Luke’s “indirect treatment of the Roman Empire” reflects his colonial situation in which he needed to avoid offending those with the real power.\textsuperscript{172} As well as his need for survival, Luke’s missional need to appeal to people whose views were shaped by imperial discourse necessitated this stance toward Rome (thus “Luke must prove that Jesus is not guilty \textit{from the perspective of the empire}”). “There is a need to face two colonial powers: one is the material power of the ruler, and the other is the ruling discourses widely accepted by the people. … Luke’s narrative strategy as [sic] ironic compromise springs from this complicated narrative situation.”\textsuperscript{173} Ahn thus voiced strains of the \textit{apologia pro ecclesia} position, but he also adopted a more nuanced version of Esler’s view: Luke appeals, not to the sentiments of individual Romans within his community, but to the sentiments of Christians in general insofar as they have been conditioned to adopt the empire’s ideology and prejudices.

Virginia Burrus contributed the chapter on Luke-Acts in the recent \textit{Postcolonial Commentary on the New Testament}.\textsuperscript{174} Burrus argued that it is impossible to entirely reject the claim that Luke shows Roman rule working in favor of the nascent Christian movement – as a mitigating factor against the violence of the Judean priestly elite – and providing a space within which Christians can operate in pursuit of their global mission. Indeed, “Rome, ultimately superseding Jerusalem in his narrative, has become less a

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\textsuperscript{172} Ahn, \textit{Passion Narrative}, 208. Other examples of such covert resistance include: 1) the Romans are among the persecutors in Luke 21:12-19, and thus when the reader connects the dots between this segment of the end-time discourse and the segments promising judgment, the Romans will be included; 2) the reader can make a link between Luke 22:22, “woe to that man by whom he is delivered up,” and the Jews and Pilate, who delivered Jesus to crucifixion.
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‘place’ than an unbounded space of expansive inclusiveness in which the distinctions between Jew and Gentile, emperor and subject, colonizer and colonized are finally rendered irrelevant.”

In his portrayal of the expansion of the church, Luke reveals a certain mimicry of expansionist imperial Rome. Yet despite this,

At the same time, it should not be denied that Luke-Acts carries a message of political subversion. The subversiveness of the text may lie less, however, in the extent to which it opposes the totalizing claims of one empire – the Roman – with the totalizing claims of another – God’s Kingdom – than in the very ambivalence that has earned Luke his reputation as an apologist for Rome. …Luke has, in the act of laying claim to the political values of Rome, used those same values to interrogate the oppressive policies of empire, thereby wedging open room within which a persecuted people might manoeuvre.”

Burrus argues that Luke accepts the values of a legal system that is supposed to discern truth and render justice, while showing the failure of its representatives to live up to those values. Thus Burrus concludes that the political subversiveness of Luke-Acts has been “seriously underestimated” by most scholars, in part because they failed to appreciate the subtlety and ambivalence of Luke’s critique: “For Luke, more than almost any other biblical writer (the most obvious exception being the author of Revelation), is attuned to the political complexity and universalizing ambitions of a Roman Empire that

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175 Burrus, “Luke and Acts,” 139. One could argue, against this point of view, that the fact that Paul’s fate lies entirely in the power of the Roman legal system, and the vastly different treatment Paul receives as an ordinary person on the one hand, and as a self-proclaimed Roman citizen on the other, mark out a clear and conscious difference between ruler and ruled, colonized and colonizer.


177 Burrus, “Luke and Acts,” 139. Here Burrus cites the work of James C. Scott on public and hidden transcripts, particularly on the way in which a dominated people can accept the public transcript of empire yet turn it on the elites.
perhaps bears even more resemblance than do the colonialist regimes of modern Europe to the globalizing, postmodern ‘neo-empire’ of the twenty-first century.\textsuperscript{178}

In \textit{The Roman Empire in Luke’s Narrative}, Kazuhiko Yamazaki-Ransom focused on Luke’s portrayal of Jewish and Gentile rulers in Luke-Acts, exploring these representations against the background of the biblical narratives and Second Temple literature.\textsuperscript{179} Yamazaki-Ransom discerned common patterns in this literature regarding how foreign rulers are represented that would have contributed to Luke’s worldview.\textsuperscript{180} He summarized these patterns in terms of a binary and a triangular model.\textsuperscript{181} The binary model represents the biblical ideal: Israel under the direct rule of God, possibly through the mediation of a king. If foreign nations are part of the landscape, Israel relates to them as a ruler or benefactor, and their proper relationship to God is respect and acknowledgement. The triangular model represents the situation following the fall of Judah: Israel ruled by Gentiles. Ideally, Israel continues to worship and serve God alone, though politically submissive to the foreign rulers, while in turn these rulers respect and honor God. In either of the two models disruption can occur along one or more of the


\textsuperscript{180} Yamazaki-Ransom, \textit{Roman Empire}, 3, 13-14.

axes when humans depart from the ideal relationships.\footnote{These are heuristic models (the author’s term, 26): they facilitate analysis and comparison of various treatments of Gentile rulers in terms of the major participants (Israel, God, and in some cases foreign nations) and their relationships. They are particularly helpful for analyzing narratives because they can map how tension is created by disrupting the ideal relationships and then resolved by restoring the relationships to harmony.} Such disruption often creates a conflict or crisis, which is then resolved in the course of the narrative:

All of the Jewish texts examined in this chapter that deal with Gentile rulers seem to assume a harmonious relationship between the three parties, with Israel temporarily submitting to Gentile rulers and the rulers paying due respect to Israel’s God and allowing Israel to maintain its monotheistic commitment to God. When somehow this relationship is frustrated, there is always a force in the text that tries to bring the relationship back to its normal state.\footnote{Yamazaki-Ransom, Roman Empire, 66.}

Yamazaki-Ransom saw the triangular model as applicable to the narratives in Luke-Acts. However, one might wonder whether the Roman functionaries depicted in this narrative are really assimilable to the foreign kings of biblical and Second Temple literature. Furthermore, are Jewish stories about kings the best analogues to Luke-Acts? For example, according to Yamazaki-Ransom the ideal model is disrupted in the accounts of Jesus’ trial before Pilate and Paul’s trial before Felix and Festus. Yet the narrative does not move to restore harmony. There seems to be no felt need in the narrative for Pilate, Felix, and Festus to be punished for their treatment of Jesus and Paul or for the relationship to return to its “normal state.” Perhaps a Roman governor is simply a different kind of character, or perhaps Luke-Acts is simply a different kind of literature – or both.

In World Upside Down: Reading Acts in the Graeco-Roman Age, C. Kavin Rowe read Luke-Acts against a different background – the Greco-Roman world. Though not explicitly making use of postcolonial theory, Rowe agreed that Luke’s political position...
is ambiguous: “On the one hand, Luke narrates the movement of the Christian mission into the gentile world as a collision with culture-constructing aspects of that world” – Christianity is a real threat to pagan culture. “On the other hand, Luke narrates the threat of the Christian mission in such a way as to eliminate the possibility of conceiving it as in direct competition with the Roman government.” Thus Luke emphasizes the political innocence of Jesus and Paul, and through them of Christianity in general. Christians do not dispute Caesar’s political lordship, but they deny his ultimate lordship – that belongs to Christ alone (Acts 10:36).

“Basic, then, to Luke’s portrayal of the state vis-à-vis the Christian mission is a narratively complex negotiation between the reality of the state’s idolatry and blindness – its satanic power – and the necessity that the mission of light not be misunderstood as sedition.”

Rowe echoed Cassidy (and Yoder) in arguing that Luke envisions the church as an “alternative social reality” in cultural, but not political, competition with Rome. In keeping with this basic view, Rowe tended to evaluate Roman governors in terms of their understanding or lack of understanding of the Christian message. But is that Luke’s chief concern in his characterization of governors? Or does he hold them up to other standards? Luke’s critique of the corruption of a Felix or the favoritism of a Festus is not based on their faith or lack thereof, nor does Luke decline to represent the centurion

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184 Rowe, World Upside Down, 91.
185 As an example of this ambiguity, Rowe turns to Acts 17:1-9, a text I have noted earlier for its unclear political message. On the one hand, the charges are false: Jesus is not a competitor for Caesar’s throne. On the other hand, however, the charges are true: the Christians do say that Jesus is a king (World Upside Down, 101-2).
186 Rowe, World Upside Down, 102-16.
187 Rowe, World Upside Down, 88.
188 E.g., Festus is no Sergius Paulus.
Julius’ kindness and protection because he is not a Christian. Rowe’s analysis risks reducing the complexity of Luke’s political view to a dichotomy in which Rome and the church are in charge of separate realms. At base, he sees Luke as entirely representing and operating within a Christian discourse, not recognizing that Luke may consciously or unconsciously step outside of that discourse and employ other discourses – the discourse of the empire, for example, or of its critics. Rowe does not fully appreciate the significance of Luke’s position as a postcolonial subject whose worldview is formed not only by the discourse of the church but also by the discourse of the empire.

Recent postcolonial criticism has made a number of contributions to the study of Luke’s political views. First, where previous scholarship has tended to argue for one side or the other, postcolonial criticism recognizes that collaboration and resistance are not clear and mutually exclusive alternatives, least of all to those actually confronted with imperial domination. As Ahn has put it, Western scholars operating as power-wielders in an imperial context have adopted a “bifurcated view of the gospel as either pro-Roman or anti-Roman,” in part because of an assumption that the kind of “clear identity and ability to act boldly” that come with the privileges of the oppressors would have been available to the author of Luke-Acts as well. On the contrary, “the oppressed of necessity must live in ambiguity.”189 Western scholars, accustomed to a measure of free speech, power, and protection from the law, too readily assume that Luke would have said exactly what he meant, or even would have known exactly what he meant, whereas the experience of colonization brings with it a fragmented subjectivity in which the attitudes of the

189 Ahn, Passion Narrative, 223.
colonized to the colonizer (and vice versa) are not univocal, or even completely coherent.  

Consequently, postcolonial criticism has been willing to explore the possibility of subtext. Ahn argued that “Luke’s Jesus does not engage in direct conflict with the Roman officials. Rather, Luke constructs opposition indirectly, offering its possibility through the Jewish leadership.”  

Luke’s portrait of the Romans, on the other hand, is more cautious. Burrus pointed out, for example, that Luke’s portrayal of the Romans’ role in Jesus’ death is much more ambiguous than his portrayal of the role of the Jerusalem leadership. Luke seems intent on blaming the Jewish leaders, but this does not necessarily mean, conversely, that he only wishes to exonerate the Romans. The fact that Luke lists Pilate as a conspirator in Jesus’ death in Acts suggests otherwise. Burrus detected a similar evasiveness about political matters in Jesus’ conversation with the “thieves” crucified with him. The words about Jesus coming into his kingdom support the view that Luke wants to portray Jesus as a political claimant, while with his response, “Today you will be with me in Paradise,” Jesus is “slyly sidestepping language of kingship.”  

Jesus’ response to the issue of taxation is similarly evasive; giving his opponents nothing to use

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against him, it nonetheless leaves room for discussion. Even positive aspects of Luke’s portrayal of Roman authority should not necessarily be construed as supportive of the Roman Empire tout court. Rather, they may represent subtle challenges to the empire to live up to its own espoused ideals – or critiques of its failure to do so.

However, postcolonial criticism has not yet fully lived up to its promise. Those interested in engaging with postcolonial thought tend to be critics of empire, and thus they have an interest in uncovering an anti-imperial Jesus and an anti-imperial Luke that at times leads to strained exegesis and faulty assumptions. We have already noted that Medina does not expose texts he deems anti-imperial to the same kind of scrutiny that he gives to texts deemed friendly to empire. Though he sees the text as “multi-vocal,” he started with the assumption that Luke-Acts is literature “from below.” Likewise, Ahn frames Luke as “the oppressed” or “the colonized.” Neither interpreter does justice to the ways in which Luke may have been integrated into the world (and worldview) of the colonizer/oppressor. One must consider carefully to what extent Luke’s evasiveness or ambivalence bespeaks a colonized person unable to fully express his mind, and to what extent it reflects dimensions of alliance and sympathy with the colonizers.

To state another example, Yamazaki-Ransom’s assumptions about Luke’s politics differ sharply from the assumptions underlying his triangular model. In the triangular model, it is understood that the rule of the Gentiles over the Jews is God’s will for the time being and that they are to submit themselves politically while retaining their monotheistic loyalty to God. However, Yamazaki-Ransom argues, based on Luke 4:5-8,

that Luke sees the political powers of his day as under the authority of Satan.\textsuperscript{194} Thus, for example, Sergius Paulus’ conversion must entail a shift from the triangular to the binary model, because his acknowledgment of Jesus as Lord must mean a denial of the emperor’s claim to authority.\textsuperscript{195} But to assume that the two claims must be in conflict is to deny the very presupposition on which the triangular model is based.

This dissertation has been informed by the issues and considerations raised by postcolonial criticism, but does not engage directly with postcolonial theory or depend on any individual theorist. In part this is due to my own shortcomings: postcolonial theory is complex and evolving, and my understanding of it limited. I take it for granted that as an educated person Luke was to some extent formed by the discourse and worldview of the Roman Empire and that he was conscious of addressing other educated persons with similar views. I also take it for granted that Luke was not incapable of finding fault with the dominant ideology and not necessarily unwilling to express criticism in his writing. The text itself must tell us to what extent he accepted and employed the prevailing imperial discourse and to what extent he chose to voice criticisms.

This dissertation accepts a view of Luke’s purpose akin to that of Esler and Sterling. Luke’s chief aim was to give Theophilus and other readers confidence in the rightness of their Christian beliefs, practices, and identity. Certainly Luke must have hoped that such confidence would encourage Luke’s audience to continue thinking of

\textsuperscript{194} Roman Empire in Luke’s Narrative, 87-97. The temptation narrative “provides a hermeneutical framework for the subsequent narrative of Luke-Acts.” Roman officials “must be seen not only in the purely political context of the imperial administration but also in the cosmic context of the diabolic system of authority” (97). The privileging of one text through which all others are read is a dubious hermeneutical move. Mary Rose D’Angelo has pointed out to me that in Luke 10:17-21 Satan seems to be defeated. Luke’s representation of Satan is complex and ambiguous – possibly not even consistent.

\textsuperscript{195} Yamazaki-Ransom, Roman Empire, 121-22.
themselves as Christians, living like Christians, and calling themselves Christians (allegiance, conduct, witness) as Cassidy stresses. But Luke’s understanding of what constituted “rightness” would have been formed not only in conversation with his fellow Christians but also in reference to his past interactions with the dominant values and assumptions of the Roman Empire, interactions that would have resulted in some combination of conscious or unconscious acceptance, resistance, and mimicry.

1.1.7 Limitations of Previous Research and Approach of this Dissertation

Past scholarly work on Luke’s stance toward Rome has suffered from a number of common shortcomings. These have been mentioned in critiques of the various schools of thought; I gather them together here.

First of all, interpreters have sometimes been guilty of selective use of the evidence. The evidence available on Luke’s view of Rome is extensive and quite varied. Jesus or his followers occasionally make statements that have an immediate bearing on politics, although their precise import is not always clear. At other points, Jesus teaches and/or the early church embodies social values that contrast or conflict with the predominant social values and ideology of the Roman Empire. Titles, images, or motifs that are frequently applied to Caesar or the Roman Empire are applied to Jesus or the church in Luke-Acts. The precise significance of this for Luke’s political views has been debated. On the level of narrative, two interrelated aspects shape the view of

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196 E.g., Jesus’ response to the question about taxes (Luke 20:25) and the disciples’ insistence on obedience to divine rather than human authority (Acts 4:19, 5:29).

197 The nonviolence taught by Jesus and demonstrated by the early church, for example, stands in profound contrast to the glorification of military power characteristic of Roman political ideology.

198 Luke comes closest to recognizing the significance of the common language when he has Christians in Thessalonica accused of “saying there is another king, Jesus” (Acts 17:7). The accusation
Rome that can be discerned: the manner in which Luke portrays various representatives of the Roman Empire, and the manner in which he portrays Jesus and his followers in relation to Rome. These aspects of the narrative are intertwined: the conduct of the Romans toward the Christians is part of Luke’s overall depiction of the Christians, and the conduct of the Christians toward representatives of Rome in the narrative is bound to color the reader’s view of the Romans. Both sides take on their character in relationship to the other. A convincing account of the politics of Luke-Acts must take account of all this diverse and multi-layered evidence.

Second, even when interpreters from opposing viewpoints consider the same texts, exegesis has not always been able to agree about the correct interpretation of these texts. Interpreters must be cognizant of the different ways that a given narrative or motif can be construed. For example, Conzelmann claimed that Luke depoliticized the acclamation that Jesus received when he entered Jerusalem. However, Luke’s reference to Jesus as “king” need not be understood non-politically. To offer another example, Luke’s birth narrative has been subject to widely different interpretations. Walaskay and Janzen read the account of the birth of Jesus in Luke as political apologetic: it demonstrates that Joseph and Mary are obedient to the census and the associated taxation,

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199 Esler categorizes the interactions of Christianity and the Roman Empire in terms of three levels: the synchronisms, the attitude shown by Roman personnel toward Jesus and the early Christians, and the experience of Jesus and his followers before Roman courts (Community and Gospel, 201-2). This typology moves in the right direction but requires supplementation and differentiation. For example, Esler does not devote a category to the attitude Jesus and the early Christians show toward Romans, an important component of Cassidy’s thesis. Nor does he consider ideological construction as a form of interaction.
and thus it encourages Christians to do the same.\textsuperscript{200} Far from posing an alternative to the \textit{Pax Augusta}, the \textit{Pax Christi} is here being represented as complementary to it.\textsuperscript{201} On the other hand, one can also read the Lukan account as an illustration of how Jesus’ parents are victimized by Roman power, displaced and forced to lay their newborn child in a manger, and how this child born in obscurity is the true bearer of the hope that others vest in the Roman Empire. A convincing account of the politics of Luke-Acts must acknowledge differing interpretive possibilities and offer a methodological and evidential basis for adjudicating between such competing claims.

Third, past research has often not adequately differentiated between various types of officials. Different “representatives of the Roman Empire” may have different rhetorical significance in the narrative and thus must be clearly differentiated. Walton’s point is well taken:

\begin{quote}
It is common in New Testament scholarship to assume that contacts between the Christians and the city authorities within the Roman Empire can be taken as evidence of Christian relations with the empire. However, the Romans employed a system of delegated government, which meant that significant facets of city life were under the control of local people.\textsuperscript{202}
\end{quote}

Thus there are varying degrees to which various political authorities may have represented “Rome” for Luke and his audience. Did client kings like the Herods represent Rome, and was their behavior seen as a reflection on the Roman Empire? Luke’s portrayal of Herod Agrippa I differs in many ways from his portrayal of Roman governors, suggesting that the two types cannot be easily generalized. Do local governing


\footnote{\textsuperscript{201} Walaskay, \textit{And So}, 25-27.}

\footnote{\textsuperscript{202} Walton, “State They Were In,” 13.}
bodies or officials such as the Jerusalem council or the Philippian magistrates represent Rome? Can the defiance of Peter and the apostles before the Jerusalem council (Acts 4:19, 5:29) be elevated to the level of a general political principle?\(^{203}\) One must first ask whether there is significance to the fact that this statement is made before Jewish authorities, not Roman ones. Does the behavior of the Philippian magistrates reflect poorly on Rome as a whole? How much were city officials in a Roman colony in the provinces seen as being “part of” Rome?

Finally, interpreters often fail to appreciate the possibility of ambivalence in Luke’s political view. They tend to conceptualize Luke’s discourse within a single framework and interpret all the evidence accordingly. But Luke may not have been consistent, and he may have had conflicting feelings about some issues. At times the essential ambiguity of a given text may have to be respected. Luke may not have intended to relay, or may not have succeeded in relaying, a clear point of view in every case.

One aspect of the problem of consistency is the failure to differentiate between Luke’s source material and his own composition. For example, interpreters who take Luke’s temptation scene as crucial evidence for his view of Rome fail to consider that Luke might simply inherit Satan’s cynical statement from his tradition. Rather than taking it as a hermeneutical key to the rest of the narrative, one has to ask if this conception of the earthly kingdoms conforms to the indications of Luke’s view found elsewhere. Clearly the fact that Luke was not averse to including such traditions in his work says something about his perspective, but due consideration must be given to whether a given element of the narrative reflects Luke’s own view or reflects Luke

\(^{203}\) E.g., Maddox, *Purpose*, 95.
mediating tradition. The fact that in many cases Luke’s sources are not available to us, particularly in Acts, makes a reconstruction of his political perspective that much more difficult.\textsuperscript{204}

To advance the conversation on Luke’s politics, future studies of Luke-Acts must be sensitive to the different dimensions of the text and the areas of uncertainty detailed above. This will require in-depth discussion of particular facets of the question, offering conclusions that, if they are convincing, can be worked into a larger whole. The tendency of scholarship has so far been the opposite – advancing a general theory of Luke’s political perspective and then marshalling data to support it.

The focus I have chosen for this dissertation has the advantage of avoiding some of the problems elaborated above. First, the study focuses on Luke’s representation of the characters most likely to represent Rome in the mind of a first-century reader, the governors: the prefect Pontius Pilate, the proconsuls Sergius Paulus and Gallio, and the procurators Felix and Festus.\textsuperscript{205} Second, the limited focus allows for a careful and detailed treatment of the texts,\textsuperscript{206} giving adequate attention to divergent scholarly views. Third, the focus on Roman governors involves material in both the Gospel and Acts. For

\textsuperscript{204} Thus it may often be preferable to speak of the political perspective conveyed by the text, the perspective of its “implied” or “inscribed” author, and to acknowledge uncertainly about the real author’s views. Luke’s own perspective is more accessible in cases where we can trace his modifications to his source material (his redaction of Mark and Q in his gospel). Even in these cases, however, Luke’s expansions on his sources may reflect his knowledge of another version of the story more than his own political ideology and aims.

\textsuperscript{205} I take it for granted that the governors, who were appointed by the Roman emperor or senate to maintain Roman rule in a given region, would be the characters that an early reader would most easily and directly associate with the Roman empire itself. This is a relative judgment – the extent to which readers associated even these figures with Rome remains in question.

\textsuperscript{206} It also places the focus on Luke’s representation of Rome as opposed to Luke’s representation of Jesus and the early church. To be sure, the one cannot be entirely abstracted from the other, but one need only examine those aspects of Luke’s characterization and positioning of the Christian movement that have a bearing on his characterization of Rome and its representatives.
Luke’s representation of Pilate we possess a written source from which Luke drew, in the form of Mark’s Passion Narrative. We can use this source material as a control, to better assess what Luke’s own contribution to the narrative may have been. We can then examine whether the tendencies we detect in the portraits of governors in Acts are consistent with the attitudes and concerns Luke has shown as a redactor. Thus the topic of Roman governors seems a good place to start.

The narrative-rhetorical methodology adopted in this dissertation is intended to address another complicating factor, the possibility of differing readings of the same text. By surveying the characterization of governors in several narratives contemporaneous with Luke-Acts, particularly in relation to the rhetorical intent advanced by each portrait, I hope to make a cogent argument for a particular interpretation of certain aspects of Luke’s characterizations. It is to this methodology that I now turn.

1.2 Literary-Rhetorical Methodology

In what follows I clarify my use of literary-critical terminology and my method of analyzing characterization. The methods of narrative criticism I employ in this study are not new or particularly complex but are borrowed from narratology on the one hand and literary and narrative criticism of the Bible on the other.

Narrative criticism studies the text as a literary object rather than attempting to reconstruct the history the text purports to describe or the sources on which it is based.  

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A narrative-critical analysis of a text is based on its structure, movement, and constituent parts – the constituent parts are the characters, setting and action; the movement is the plot; and the structure is a series of distinct scenes that combine to form a meaningful whole.

Although narrative critics have tended to view texts as autonomous realities and as unified literary works208 my methodology diverges from both of these practices. First, I prefer to read Luke-Acts as a reflection of its socio-historical context and of the ideology and rhetorical intentions of its author.209 Narratology contributes such a reading by providing analytical tools with which to examine the narrative devices employed in the text, but does not deal with the significance that the ideas communicated through these devices would have had for the text’s original readers. To understand what the author was trying to convey by structuring the narrative in a certain way it is necessary to include in the analysis the author’s context and likely expectations of the readers.210 Second, I do not begin with the assumption that the author intended to structure the leave to examine the text as narrative without prejudice as to whether it is factual or fictional (Kurz, op. cit., 2).

208 See Petri Merenlahti and Raimo Hakola, “Reconceiving Narrative Criticism,” in Characterization in the Gospels: Reconceiving Narrative Criticism (ed. David Rhodes and Kari Syreeni; JSNTSup 184; Sheffield: Sheffield Academic Press, 1999): “By any standards, a strong emphasis on the inherent unity of the Gospel narratives must be considered the most salient single feature of narrative criticism” (23). Rhoads notes that use of narrative criticism brought two significant shifts to his approach – toward the text as a narrative whole and toward the text as an autonomous reality (“Narrative Criticism,” 413).

209 To say that the text reflects the author’s ideology and rhetorical intentions is not to claim that these can be confidently reconstructed in all cases, nor that authorial intent is determinative of meaning. I do hold that authorial intent is significant for interpretation, and that the (inscribed) author’s ideology and intentions can sometimes be ascertained. Readers ordinarily assume that an author created the text in order to communicate certain ideas in certain ways to real readers, and they read the text accordingly.

210 In “Narrative Criticism: Practices and Prospects” (in Rhodes and Syreeni, Characterization, 1999), Rhoads proposes that narrative criticism involves both “the analysis of the storyworld of a narrative” and “the analysis of its implied rhetorical impact on readers” (265). To pursue the latter analysis, it seems necessary to move beyond considering the text as autonomous reality to considering real readers of a given time and place upon whom the text was supposed to make such an impact.
narrative for maximum unity. Clearly authors generally do provide for unity in their work by choosing a specific focus and ordering the text in a logical way. Luke-Acts is no exception: it clearly possesses a structural unity, maintaining a focus on a defined topic and group of characters and proceeding from one significant point (the birth of Jesus) to another (Paul’s arrival in Rome) chronologically in several clear stages. However, I do not presume that Luke took extra measures beyond these basic ones to achieve unity in his work. Within its unified superstructure Luke-Acts is heterogeneous, composed of diverse episodes having multiple interests and shifting emphases.\textsuperscript{211}

Thus a “narrative-rhetorical” study examines the construction of the narrative with an eye to the rhetorical purposes it was designed to serve, not merely for its literary effects. I am interested in the text, not purely for its aesthetic qualities or for the way it engages the reader on an emotional level, but for the way in which it functions on an ideological level, the way in which it encourages particular value judgments on the part of the reader (aesthetic qualities and appeals to the emotions can, of course, contribute to this function).\textsuperscript{212}

\textsuperscript{211} See David Rhoads, “Practices and Prospects”: although “in general, the Gospel writers succeeded in creating rather coherent reading/listening experiences for their audiences” (267), there are obvious limits to this coherence, and audiences would have experienced those as part of their experience of the narrative as a whole (268). Cf. Merenlahti and Hakola: the evangelists doubtless pursued Aristotle’s standard of unity to an extent (\textit{Poetics} 1451a, and cf. Horace, \textit{Ars Poetica} 23 – the literary work should be \textit{simplex et unum} – they composed linear, sequentially ordered narratives – but aesthetics and poetics were not their main concern. Ideological and didactic interests, and reverence for tradition, were primary (“Reconceiving Narrative Criticism,” 30-31).

\textsuperscript{212} I am using “rhetoric” in a narrower sense than does, say, Wayne Booth in \textit{The Rhetoric of Fiction} (2nd ed.; Chicago: University of Chicago Press, 1983). Booth means “rhetoric” to refer to any effect the author seeks to make on the reader through the text (e.g., p. xiii: “the author’s means of controlling his reader”). I use the term to refer only to the ideas, opinions, and judgments the author seeks to convey through the text, as distinct from literary effects such as emotion or aesthetic pleasure (though these can be tools for conveying ideas, opinions, and judgments).
In order to better understand the author’s likely expectations of the readers, I examine the larger literary discourse on Roman governors as it is visible in other literary texts from the first century that include Roman governors as prominent characters. Viewing a wider range of contemporary literature affords awareness of prevalent concerns, of specific characteristics typically connected with certain kinds of governors, and of the rhetorical uses to which the characterizations of governors can be put.²¹³ Situating the portraits in Luke-Acts within this larger discourse allows for more well-founded conclusions on the judgments Luke wished to elicit from the reader.

1.2.1 Author, Implied Author, Narrator

The author, the individual who created the narrative, is not directly accessible to the reader from the text itself. The reader can deduce things about the author based on the text, but such deductions cannot transcend the realm of the possible or probable. To speak of the “implied author,” then, is to prescind from such guesses about the “real” author and to speak simply of the author as understood based on the information available in the text. For example, the implied author of Luke-Acts is male and Christian. This was probably true of the real author as well, but we cannot know for certain.

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²¹³ I assume that the rhetorical effect of Luke’s characterization can be analyzed and appreciated independently of an integrated narrative-rhetorical analysis of all aspects of the text. In isolating the element of characterization (and particular characters) I engage in the kind of “atomistic approach” which according to Aune is now a prevalent practice among biblical scholars (“Narrative Criticism,” in The Westminster Dictionary of New Testament and Early Christian Literature and Rhetoric [Louisville, Ky.: Westminster John Knox, 2003], 315-16). In defense of such an approach, I would argue that the isolation of individual characters from the narrative as a whole merely reproduces the process of reading. A reader conceives of a character as separable from his or her actions in the narrative – for example, a reader can ask how this character might be expected to act in a given situation. Readers understand characters as having an autonomous existence within the realm of the story world, just as persons do in the real world. That is, just as real people exist whether or not we are currently watching them, readers assume that characters, once introduced, continue to exist in the story world whether or not the narrator describes their actions.
Thinking about the implied author of a book like Luke-Acts requires a certain amount of historical imagination, because we are after not just how the author seems to modern readers, but how the author may have seemed to ancient readers with different interpretive lenses and conventions than we have. John Darr, calls this phenomenon “environmental displacement.”

Interpreters must find appropriate ways of dealing with the chronological and cultural distance that separates us from the origins of this Greco-Roman narrative. What literary conventions constrained and enabled its first reading or hearing? What social norms and values does it presuppose, and how might a knowledge of these illuminate its rhetoric? Most literary critics of the New Testament have been very hesitant to ask these kinds of historical (or “extratextual”) questions, preferring instead to adopt the ahistorical, “text in a vacuum” approaches encouraged by formalist methods such as structuralism and the New Criticism… The flight of gospel literary critics from history is hardly surprising given (1) the longstanding and suppressive hegemony of historical criticism within the field, and (2) strong ahistorical currents within secular literary theory. As often happens in such cases, however, the movement away from a previous methodology has been exaggerated.

I call the implied author of Luke-Acts “Luke” for convenience. Occasionally I will refer to him as “the author” or “the implied author.” All authors represent themselves in a certain way when writing a text, and even if they do not intend to misrepresent themselves (to write in such a way that the “implied author” differs from the real author) the author is no more perfectly faithful to him/herself than we are when we present ourselves through our words and actions in our daily lives. However, I take it for granted that the “implied author” of Luke-Acts is not radically different than the author himself – that is, that what we can guess about the author through the text is actually true of the real

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author. Thus I use the term “implied author” more as a reminder of our lack of absolute certainty about the real author, and less to differentiate between the two.

Every narrative also has a narrator – the persona who speaks the words of the text. It is generally assumed, unless the text signals otherwise, that the narrator speaks for the author, that is, conveys the author’s own voice to the reader, so that in practice there is no difference between the narrator and the implied author (the narrator’s voice is the author’s voice, and thus the implied author’s voice). Since this appears to be the case with Luke-Acts, I do not distinguish between narrator and implied author.

1.2.2 Reader, Ideal Reader, First-Century Reader

Authors understand, either consciously or unconsciously, that in order to communicate, they must take account of their audience. Luke wrote with a particular group (or particular groups) of people in mind, and tailored his narrative in order to be appealing, meaningful, and convincing to them. In so doing he took into account their knowledge and prejudices, not burdening them with information they already knew, explanations they could easily deduce, details that they would automatically assume, and justifications for opinions or feelings that they would already share. This group is the authorial audience or, in the singular, the “implied reader.”

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217 On the implied readers of Luke-Acts, see Kurz, *Reading Luke-Acts*, 12-16. I take it that Luke anticipated that his work would be read by (or to) both individuals (such as Theophilus) and groups (as was common in antiquity). Thus I speak of “reader” and “audience” interchangeably. One can also speak of the “inscribed reader” or audience.
“ideal reader,” the reader who responds to the narrative exactly as its author wished a reader to respond.218

The goal of my analysis is to read the narrative as the author intended it to be read.219 This requires an understanding of how the author would have expected the audience to respond.220 Thus the focus of interpretation is the ideal reader or authorial audience. We can glean from the nature of the work and its prologue that Luke’s ideal reader was Christian and was familiar with other versions of the story of Jesus and the “things that have been fulfilled among us.” These things will be taken into account when evaluating the expectations of the author.

At times I speak of a “first-century reader” when I wish to speak of how not only Luke’s authorial audience but most people of that time and place could have been expected to respond. Elsewhere I simply use the term “reader,” when I take it that most readers of whatever time and place would respond in the same way. Reading conventions were not so different in the first century that one can never make broad generalizations. I also employ the term “reader” when I am simply describing the text as perceived when

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218 “Ideal reader” is a broader term that “inscribed reader” because our conception of the ideal reader need not be formed exclusively on the basis of the text itself. However, in practice I see little utility in distinguishing between the “ideal reader” and the “inscribed reader” of Luke-Acts.

219 Thus seeking to be sensitive to the author’s (or implied author’s) rhetorical aims. This differs from more purely literary strategies which read texts as abstract structures or textual artifacts divorced from the original author’s intentions. Such an approach can be stimulating and fruitful but does not meet my purpose here. My approach assumes that the apparent intent of the author (that is, the implied author’s intent) is significant for, though not determinative of, meaning.

220 Cf. Darr, On Character Building: “The critic must try as much as possible to see through the eyes of the readers for whom the account was written, though never able to detach completely from his/her own perspective. The task is hermeneutical, not historical – not to understand the original, actual readers of Luke-Acts, but to understand what the author expected from the readers” (25-26).
A “character” in the widest sense of the term is any entity introduced in a narrative. In the narrower and more usual sense, a “character” is a narrative agent: a person (or thing) whose actions contribute to the progress of the narrative (the plot).

Characters are constructed by readers who attribute properties (“character traits”) to them on the basis of the text through processes of deduction and association. These deductions are informed not only by the text but also by the reader’s memories, life experience, and prejudices. As an actor, every character must have at least one trait,

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221 Although some of my assertions concerning the “first-century reader” may be open to challenge, I try never to employ the simple term “reader” when I think some objection might be made.

222 Or, as defined by Uri Margolin, “a storyworld participant”; see “Character,” in *The Cambridge Companion to Narrative* (ed. David Herman; Cambridge: Cambridge University Press, 2007), 66. Darr’s definition, “any figure or group in a literary work” (*Character Building*, 173n1) is too vague. It does point out something of value, though – that a group acting as a collective (think of Homer’s Achaeans) can function as a character.

223 See Margolin, “Character,” 66-79. Thus plot and character are interdependent and inseparable, just as every sentence must have both a subject and a verb (cf. Darr, *Character Building*, 38-39). Mieke Bal, *Narratology: Introduction to the Theory of Narrative* (trans. C. van Boheemen; Toronto: University of Toronto Press, 1985) distinguishes between “actor,” which is “a structural position,” and character, “a complex semantic unit.” Characters exist on the level of story; on the more abstract, structural level (what Bal calls “fabula”), there are only actors (79). Narrative, as a description of a series of events primarily arranged in chronological order, tends to center on plot more than character, but by no means always.

224 My emphasis on the role of the reader conforms to what Margolin calls the “cognitive-psychological approach” (“Character,” 78). I prefer to call it the “pragmatic” approach – describing how real readers read texts, not some ideal reading. In many cases the reader’s deductions will conform to the intentions of the author – that is, authors construct texts in such a way as to elicit certain deductions. However, readers also make unanticipated deductions or even assign qualities to characters arbitrarily in order to “fill in” what is not provided by the narrative.

225 Margolin offers this description of the “cognitive dimensions” of character: “character as mental model is constructed incrementally in the course of reading on the basis of a constant back-and-forth movement between specific textual data and general knowledge structures stored in the reader’s long-term memory” (Margolin, “Character,” 78). Chatman notes that as readerly constructs, characters are capable of an independent existence from the texts that originally suggested them to us – our mental
“namely that deriving from the action he performs.” In most cases, however, characters are constructed on the basis of a number of indicators “distributed along the textual continuum.”

“Characterization” is the process by which character is produced. This process involves an interchange between writer and reader; in the process of constructing a narrative, the writer encodes character indicators that influence the reader to ascribe particular traits to a character, thus constructing their own idea of the character. The term “characterization” can refer to any of three parts of this process – either to the author’s process and intentions in encoding, to the indicators themselves as a component of the text, or to the reader’s process of imagining characters based on the indicators.

In this dissertation I use the term in the first and second senses, not in the third, referring, for example, either to “Luke’s characterization of Pilate” as an intentional product of the author, or to “the characterization of Pilate” as the sum total of character indicators in the text.

pictures of characters typically outlast our memories of the textual indicators that inspired them – see, e.g., Seymour Chatman, Story and Discourse: Narrative Structure in Fiction and Film (Ithaca, N.Y.: Cornell University Press, 1978), 116-20.

226 I.e. “one who commits murder or usury is (at least) murderous or usurious” (Chatman, Story and Discourse, 109).


228 In Chatman’s terms, character is a “paradigm of traits”; the paradigm can change in the course of the narrative, both as the reader changes conceptions about the character’s traits and as the text indicates that the character’s traits change over time (Story and Discourse, 126-31).

229 Burnett favors the second use: characterization refers to the textual indicators themselves (“Characterization,” 5). Darr’s definition emphasizes the author’s input: “Characterization refers to the process by which characters are formulated, depicted and developed” (Character Building, 173n1). For the third focus, see, e.g., T. Docherty, Reading (Absent) Character: Towards a Theory of Characterization in Fiction (Oxford: Clarendon, 1983) who describes the process of characterization in this way: “It is in the interaction of the writer’s language with the positions it affords the reader that the element of the text which we call ‘character’ is produced” (xiii-xiv).
Characters have mimetic, thematic, and synthetic dimensions. Characters imitate life, replicating real people (or things) in an imagined world. Characters also suggest a larger reality beyond themselves as they are associated with other entities in the reader’s mind; for example, they may represent a more general type of person, or symbolize an idea or quality. Characters also have a synthetic dimension: the reader is always aware on some level that they are constructs, not real people. Any of these three dimensions can be suppressed or emphasized by the narrator.\footnote{I owe this terminology to James Phelan. See, e.g., \textit{Reading People, Reading Plots: Character, Progression, and the Interpretation of Narrative} (Chicago: University of Chicago Press, 1989), 1-15. When these dimensions are employed within the progression of the narrative, Phelan refers to them as “functions.” Mimetic dimensions allow a character to serve the mimetic function of making the story seem plausible and thus “real.” Thematic dimensions allow a character to serve the symbolic function of imbuing the story with a sense of meaning.}

Characters are referred to as “types” when they are closely associated with a closed set of persons or characters that share a defined range of characteristics (“type” can also refer to this set in the aggregate).\footnote{Margolin’s more technical definition of “literary types”: “limited, fixed sets of co-occurring properties, which can be exemplified with additions and variations by numerous individual figures” (“Character,” 70).} Individual literary traditions and genres can develop large and varied repertoires of character types to which individual characters can readily be assimilated merely by displaying a few of the characteristic traits.\footnote{Types tend to be associated with characters that are static (a character whose traits remain constant throughout the narrative) and flat (a character with only a few well-defined traits). However, neither need be true. On “flat” and “round” characters, a distinction made by E. M. Forster (\textit{Aspects of the Novel} [San Diego: Harcourt, 1927], 75), see Chatman, \textit{Story and Discourse}, 131-34. I do not make much use of the distinction in this study.}

The use of literary types allows an author easily and efficiently to communicate a whole range of information, ideas, and moral judgments about a character.\footnote{Luke would have drawn character types from two repertoires – the biblical (the prophet, the widow, the barren woman) and the Hellenistic (the tyrant, the rhetor, the philosopher, the magician). See Darr, \textit{Character Building}, 48. Theophrastus’ \textit{Characters} portrays a wide variety of types, narrating speech and behavior that would be typical of them.} Representation of a type is
a feature of a character’s thematic dimension, the ways in which the character is associated with larger ideational constructs.

In general, writers in antiquity tended to be less concerned with characters’ individuality and potential to change, and more apt to view characters as “typical, static, and immutable.” However, it is hazardous to over-generalize. Christopher Gill distinguishes between the character approach more typical of ancient literature and the personality approach more typical of modern. Character-based narratives view the characters’ actions as expressions of their fundamental character, judge them on the basis of the prevailing norms of their society, and tend to be “ethically affirmative,” reinforcing those norms. Personality-based narratives view characters’ actions as responses to moral dilemmas, take into account the character’s own ethical judgment of the situation, and tend to be “ethically interrogative,” calling into question the prevailing norms of society. For Gill, the *Odyssey* exemplifies the character approach, the *Iliad* the personality approach.

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235 According to Burnett, the awareness of the prevalence of type in antiquity has influenced how these narratives are read by modern scholars: “Any literary individuality is usually suppressed by the interpreter on the assumption that real, historical readers would not have individuality in any sense as part of their reconstructive repertoire. Meir Sternberg has rightly questioned this assumption…” (“Characterization,” 7; citing Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* [Bloomington: Indiana University Press, 1985], 253-55).

236 Gill, “The Character-Personality Distinction,” in *Characterization and Individuality in Greek Literature*, (ed. Christopher Pelling; Oxford: Clarendon: 1990), 2-7. Aristotle seems to presuppose the character approach when he writes that a character’s actions must of necessity be either virtuous (σπουδαίος) or base (φαλός) (Poetics 1448a); later he writes that in depicting a character’s actions the
Related to the type is the character that the author borrows from other narratives – sometimes called a “stock character” if used frequently – and the historical personage, which the author borrows from real life. Readers will bring to the characterization a range of knowledge, associations, and feelings either from familiarity with other narratives or from historical knowledge that will prejudice them to view the character in a certain way. Often authors take account of this in their process of characterization. Luke, for example, would not have expected his readers to be unfamiliar with the personage Pontius Pilate. They knew him both as a character in whatever versions of the Passion Narrative they were familiar with and as a historical figure around whom various stories and legends had collected. When he named Pilate at the beginning of his gospel, he assumed that his readers would already be aware of Pilate’s role in Jesus’ story.

Means of Characterization

Characterization is a chronological and cumulative process. Character traits are communicated in sequence, sometimes at dispersed points in the narrative. Readers build their image of a character correspondingly, connecting each new datum to a growing and developing image of the character, correcting and refining earlier

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assumptions when the narrative seems to demand it.\textsuperscript{239} New data that appears to conflict with previous data is reconciled into a more complex, nuanced view of the character. However, readers expect the data they receive about a given character to be logically consistent, just as they expect any data about the story-world to not contradict other data the author has given them. Authors usually oblige, but need not. Just as a cubist painter may give contradictory suggestions about perspective, making it impossible for the viewer to form a single static image of what is being portrayed, so an author may give contradictory information about a character, making it impossible for the reader to form a single coherent idea of the character.\textsuperscript{240}

Characterization can be direct or indirect. In direct characterization, the narrator explicitly relates information about a character. If the narrator is reliable, the reader can be certain that this information is correct. In indirect characterization, the narrator allows the reader to make deductions about the character based on indications in the narrative.\textsuperscript{241} Indirect characterization does not allow for certainty – the reader can misread the author’s intentions or be deliberately misled for dramatic purposes, only to be given additional information later in the narrative that requires a revision of the initial deductions.

\textsuperscript{239} The chronological presentation is an essential aspect of the character: thus it is a mistake to lump together all data from across a narrative with no regard for its “linear accretion” (Darr, \textit{Character Building}, 42-43).

\textsuperscript{240} The ancients were aware of the issue of consistency – Aristotle insisted on it (τὸ ὁμολόγον): whatever a person says or does should be consistent with their character as previously established in the narrative (\textit{Poetics} 1454a; cited in Johannes Helms, \textit{Character Portrayal in the Romance of Chariton} [Studies in Classical Literature 2; The Hague: Mouton, 1966], 22).

\textsuperscript{241} Furthermore, readers supplement their “character-building exercises” “by inferring from the repertoire of indices characteristics not immediately signaled in the text, but familiar from other texts and from life” (Kermode, \textit{The Genesis of Secrecy}, 77-8).
Authors can also communicate value judgments about a character either directly or indirectly. An author can simply call a character good or bad, moral or immoral, praiseworthy or blameworthy, or can directly ascribe to the character traits to which the reader attaches definite moral judgments. Indirectly, an author can portray a character in such a way as to encourage the reader to deduce such traits, or portray the character behaving in ways that the reader judges good or bad, moral or immoral, praiseworthy or blameworthy.

Robert Alter has created a convenient model for organizing the various means of characterization at an author’s disposal in ascending order of explicitness and certainty.\(^{242}\) At the top of the scale are the narrator’s direct statements about the character – the realm of certainty. Below this are the narrator’s statements about the character’s thoughts, either in the form of inward speech or in summary form – the realm of certainty. Statements about characters can also come through the mouths of other characters in the narrative or be claims characters make about themselves – the realm of claims. Here the reader must evaluate whether that character can be trusted to be accurate. At the lowest level of indirect characterization, the reader must simply make deductions based on the narrator’s reports about the character’s words, actions, and outward appearance – the realm of inference.

Relevant to the realm of claims is the issue of reliable and unreliable characters. A reliable character is one who can be expected to speak the truth. The reader can take for granted that the author stands behind whatever that character says. For example, Jesus is a reliable character in Luke-Acts: the reader can take it for granted that anything Jesus

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says is true. An unreliable character is one who cannot be relied upon to speak the truth. In any given statement that character may be mistaken or lying. The reader cannot have confidence in the truth of that character’s statements. It is not always clear whether a character is reliable or unreliable. For example, in Luke 4 Satan claims that the rule of the nations has been given to him. Is the reader supposed to believe that Satan speaks the truth? The reader’s prior understanding of Satan suggests that he is not a reliable character. Thus the truth of his claim must be evaluated based on other narrative clues – does he have a reason to lie? Have his other statements in the narrative been true? Does this statement conform to what the author might have thought?

Thus far we have considered characterization synchronically, isolating and evaluating each particular datum. Mieke Bal outlines four diachronic means of characterization, means that utilize the progression of the narrative.\(^\text{243}\) First, repetition –Is the trait repeatedly ascribed or suggested? Indirect characterization moves up the scale of certainty when it is reinforced by repetition. Second, accumulation of characteristics –Do multiple traits ascribed to the character “coalesce in suggestive ways”? For example, \(^\text{244}\) traits that in the reader’s mind belong together reinforce each other. Third, relations with others – similarity or contrast in traits with other characters affects how the reader will perceive them. For example, an author can introduce a foil, a character with opposing traits, in order to make a character’s traits stand out by contrast. Or an author can reinforce the importance of a particular trait of a character by introducing another character who differs only in that particular trait.\(^\text{244}\) Finally, change –Do the


\(^{244}\) Furthermore, the reader’s evaluation of a character’s words or actions in interaction with another character may be influenced by the characteristics of that second character. Cf. Darr, *Character*
characteristics ascribed to a character change during the narrative? Those characteristics that change are more likely to be singled out by a reader as important or interesting.

1.3 Luke-Acts: Author, Audience, Date, Genre, and Purpose

1.3.1 Author and Audience

The twin prologues frame Luke and Acts as two parts of a literary whole composed by a single author, identified by the superscript as Λούκας. Though some have raised doubts, their voices have not prevailed.245 The work itself does not contain the name of its author, but second-century traditions, like those related by Irenaeus, identify him with Luke the “beloved physician,” represented as a companion of Paul in Col 4:14 (cf. Phlm 24, 2 Tim 4:11).246 However, historical and theological dissonance between the

Building: “The fundamental matrix within which we construct a character is the web of interrelationships that develops among all of the figures in the story world” (41). Darr also notes the impact of setting – a character’s words and actions may be construed differently depending on the setting in which they occur (39-41).

245 In addition to the prologue of Acts (1:1), the main evidence for common authorship of the two books is their similarity of style, the use of the same vocabulary and expressions in both, and the similarities in their theology, central themes, and perspective. Furthermore, particular incidents and motifs conspicuously absent from Luke find their home in Acts, as if displaced there according to a definite plan. See the summary of the evidence by Sterling, Historiography and Self-Definition, 323-24. For a summary of scholarly argument on the topic see Patricia Walters, The Assumed Authorial Unity of Luke and Acts: A Reassessment of the Evidence (SNTSMS 145; Cambridge: Cambridge University Press, 2009 3-36. In the course of this dissertation we will note similarities of phrasing and conception among the trials in the Gospel and Acts, which would tend to reinforce the supposition of common authorship.

M. Parsons and R. Pervo rightly caution that authorial unity does not guarantee theological, structural or generic unity – these issues must be addressed on their own merits (Rethinking the Unity of Luke and Acts [Minneapolis: Fortress, 1993], 18, 116). In The Assumed Unity Walters employs statistical analysis of stylistic features in those texts most likely to have been entirely composed by the author(s) (see outline of her methodology, 36-41). The central question is whether such analysis is reliable given the small amount of sample material available from each book.

246 Irenaeus, Adv. Haer. 3.14.1. Papyrus Bodmer XIV (P75) from 175-225 C.E. bears the title εὐαγγέλιον κατὰ Λούκαν at the end of the Gospel. The tradition is echoed in many early Christian writers including Irenaeus’ contemporaries Clement of Alexandria and Tertullian (also Origen, Eusebius, Jerome, and Ephraem Syrus). The so-called “anti-Marcionite” prologue from the late 2nd century (SQE 539) supplies additional details: he was a Syrian from Antioch, a life-long bachelor, and died in Boeotia at 84 years of age. The Muratorian Canon, usually dated 170-180 C.E., constitutes further testimony, but the early date is disputed. See Bruce Metzger, The Canon of the New Testament: Its Origin, Development, and Significance (Oxford: Clarendon, 1992), 191-201 for a defense of the early date, which was challenged in
portrait of Paul in Luke-Acts and indications given by Paul’s letters suggests a greater distance between Paul and the author. Therefore, with many modern scholars, I assume that the author was a second- or third-generation Christian who used sources, not personal experience, as the basis for his account.

The text itself yields few clues about its author. His competence in Greek prose composition suggests a certain level of education and thus membership in or connection with the urban elite. He demonstrates a fairly extensive knowledge of the Greek translation of the scriptures; this, coupled with his apparent ignorance of the geography of Palestine (or a rather free hand in revising it), suggests a diaspora context. The question of his ethnic origin, whether Jewish or Gentile, is not resolvable.


247 Historical: Acts’ account of the Jerusalem council, which would have been Paul’s third trip to Jerusalem, does not readily match up with Paul’s summary of his trips there in Galatians 2, nor does Luke’s view of Paul’s public mixing and meeting with the brethren square with Paul’s account of private meetings with leaders (Gal 2:1-10; Acts 15:4-29). Paul’s letters show no awareness of the “apostolic decree” (Acts 15:23-29), and Acts does not mention events Paul refers to in his letters, such as his post-conversion trip to Arabia (Gal 1:17), a number of the trials and tribulations he refers to in 2 Cor 11:24-25, and his intention to go to Spain (Rom 15:23-24). Theological: Luke does not emphasize central Pauline themes such as the atoning death of Jesus, the prevalence of faith and its relationship with the Law. Paul insists on his full apostleship; Luke does not call Paul an apostle (except in Acts 14). None of these considerations is fatal to the hypothesis of composition by “the beloved physician,” but they combinze to make it seem much less likely than it did in the second century. Joseph Fitzmyer accepts the historical and theological distance without rejecting the traditional view of authorship – he points out that the “we sections” provide evidence only for a brief connection between the two men during Paul’s stay in Philippa and a longer association toward the end of Paul’s career, spanning the final journey to Jerusalem and Paul’s journey as a prisoner to Rome. The gaps and confusion could result from the author’s imperfect knowledge. See Fitzmyer, Acts, 35-53; and “The Authorship of Luke-Acts Reconsidered” in Luke the Theologian: Aspects of His Teaching (New York: Paulist, 1989), 1-26.

Given the paucity of reliable information about the author of the text, I refer to the inscribed author as the agent of its production, whom I call “Luke” for the sake of convenience.\(^{249}\) The inscribed author is male\(^{250}\) and includes himself among the recipients of the traditions about Jesus passed down by the original eyewitnesses.\(^{251}\) In Acts he represents himself as a companion in some of Paul’s travels.\(^{252}\) He presents himself as a competent historian: his data comes from eyewitnesses and he writes an orderly account based on careful investigation (Luke 1:2, 4).\(^{253}\)

Luke offers an ideal reader in the dedicatee, Theophilus, but provides few clues as to his identity. The respectful term of address κράτιστε cannot be pressed. It indicates nothing more specific than that the inscribed author views Theophilus as an appropriate recipient of courtesy and esteem. The indication that Theophilus has already been “instructed” (κατηχηθείς) about the subject of Luke’s narrative does not reveal whether he has been “catechized” in the full sense of the term, or simply “informed” (Luke 1:3-4). He may be a benefactor, a seeker of instruction, or an invention of the author, a literary device that enables him to explain his work.\(^{254}\)


\(^{251}\) By using the first person plural form ἡμῖν (Luke 1:2; cf. 1:1).

\(^{252}\) Again by use of the first person plural in his narration of several sections in the second half of Acts (the “we sections”: Acts 16:10-17, 20:5-15, 21:1-18, 27:1-28:16), suggesting that the author personally observed or participated in the events described.

\(^{253}\) For the historiographical claims made by the preface, see especially Sterling, *Historiography and Self-Definition*, 339-46.

\(^{254}\) On the latter possibility see Pervo, *Acts*, 35. Pervo notes *The Letter of Aristeas* as an example of a literary work directed to an individual who was probably a literary fiction.
Luke apparently anticipated an educated audience that would appreciate literary sophistication and stylistic purity. He assumed that his audience already knew and valued the Jewish scriptures in Greek translation; the text abounds in quotations and allusions, and imitates the Septuagint stylistically and thematically. The predominance of Jewish or Gentile segments of Luke’s anticipated audience has been a matter of debate. Given Luke’s frequently negative portrayal of Jews and his closing assertion (through the mouth of Paul) that salvation is now going to the Gentiles due to the Jews’ hard-heartedness, it is difficult to imagine that any substantial part of his audience identified themselves as Jews. It is more likely that Luke addressed a largely Gentile church, but one that valued its roots in Judaism very highly. The use of the Septuagint and the portrait of Paul as a faithful Jew both in action and theology would have appealed to such an audience.

1.3.2 Date

On the traditional assumption of authorship by a companion of Paul, Luke-Acts would have been composed in the second half of the first century – in the early 60s at the earliest. Since the breakdown of the traditional consensus the date of composition has become the object of a scholarly tug-of-war. The author’s failure to mention Paul’s death invites the supposition that the work was finished before that point. Harnack and Rackham championed that theory in the early twentieth century, partly on the basis of the

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255 He replaces Hebrew or Aramaic names and titles with Greek versions and frequently translates typically Palestinian details into broader Hellenistic terms.


257 Luke does seem to allude to the death of Paul during his journey to Jerusalem (Acts 20:25, 21:13), but the allusions are extremely vague.
work’s rhetoric and tone. Yet there is strong evidence that the work was composed no earlier than 70 C.E. In his prologue, Luke claims that others had already written accounts περὶ τῶν πεπληρωμένων ἐν ἡµῖν πραγµάτων (Luke 1:1). The Gospel of Mark seems to have been one of these, for Luke apparently used parts of it as source material for his own διήγησις. Furthermore, Luke alters Jesus’ prophecies about the temple from their Markan versions, making them conform more closely to the events of the Judean-Roman war of 66-70 C.E. Thus 70 provides a firm terminus a quo.

The terminus ante quem is less clear. The reception of the book in the latter half of the second century provides an upper limit. Fitzmyer, following earlier scholars, opts for the late first century on the basis of Luke’s apparent unfamiliarity with the Pauline letters. Pervo, who assumes that Acts used Paul’s letters and some parts of Josephus,

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argues for a 2\textsuperscript{nd} century date.\textsuperscript{262} I posit a date in last quarter of the first century and do not assume that the author used Paul or Josephus.\textsuperscript{263}

1.3.3 Genre

The prevailing view during the twentieth century has been that Luke-Acts comfortably resides within Greek historiography, though there are influences from Jewish historiographical traditions as well.\textsuperscript{264} Hans Conzelmann described Luke-Acts more specifically as a “historical monograph.”\textsuperscript{265} David Aune categorized Luke-Acts as a “general history,” a work that narrates “the important historical experiences of a single

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\textsuperscript{262} Pervo, \textit{Acts}, 12. F. C. Baur championed a 2\textsuperscript{nd} century date: see, e.g., “Paul, the Apostle of Jesus Christ: His Life and Work, His Epistles and His Doctrine (2\textsuperscript{nd} ed.; ed. E. Zeller; trans. A. Menzies; 2 vols.; London: Williams and Norgate, 1876), 12-13. On the author’s knowledge of Paul’s writings Conzelmann writes, “It is almost inconceivable that the author of Acts knew nothing at all about the letters” (\textit{Acts}, xxxiii; Conzelmann opts for a date between 80 and 100 C.E. as most probable).

\textsuperscript{263} The evidence suggests that two types of the text of Acts were already beginning to diverge in the 2\textsuperscript{nd} century. I use the text of NA\textsuperscript{27}, giving attention to significant textual variants, including those linked to the “Western text,” in the footnotes.


\textsuperscript{265} Conzelmann, \textit{Acts}, 3-4. David Aune defines the form as focusing on “an important sequence of events (typically a war) during a restricted period of time” (\textit{The New Testament in its Literary Environment} [Library of Early Christianity; Philadelphia: Westminster, 1987], 87). According to Darryl Palmer, “In modern discussion the phrase is commonly applied to ancient historical writings which deal with a limited issue or period without regard to the length of the books themselves” (“Acts and the Ancient Historical Monograph,” in \textit{The Book of Acts in Its Ancient Literary Setting} [ed. B. Winter and A. Clarke; The Book of Acts in its First Century Setting 1; Grand Rapids: Eerdmans, 1993], 4). This usage conforms to Polybius’ distinction between his own work, which he characterizes as της καθολικής και κοινής ιστορίας (8.2.11; cf. 1.4.2) and those histories he describes as κατά μέρος (e.g. 1.4.3): in 16.14 he associates the latter term with the work of the historian Zeno, which probably encompassed 15 books. Elsewhere he characterizes such works as “single and unifocal” (ἀπλάς και μονοειδες, 29.12.2) (Palmer, op. cit., 7). On Acts as a historical monograph, see also E. Plümacher, “Die Apostelgeschichte als historische Monographie,” in \textit{Les Actes des Apôtres: Traditions, redaction, théologie} (ed. Jacob Kremer; BETL 48; Leuven: Leuven University Press, 1979), 459-466.
national group from their origin to the recent past.” Sterling, though not accepting Aune’s categories, does agree with him that Luke-Acts is a form of historiography; Sterling associates it with a historiographical tradition which he calls “apologetic historiography,” in which authors “relate the story of a particular people by deliberately Hellenizing their native traditions.”


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266 Aune, Literary Setting, 138-141; quotation from p. 139, cf. 88. Thus the “apologetic and propagandistic” histories of Hecataeus, Manetho, Berosus, and Josephus fit in this category (88-89). One problem with such a designation is the assumption that Luke included everything that he considered “important” about the beginning of the church in his work rather than making a selection in view of a particular tale he wished to tell.

267 Sterling, Historiography and Self-Definition, 374.


270 Bonz, The Past as Legacy: Luke-Acts and Ancient Epic. Minneapolis: Fortress, 2000. One might well question whether the two genres are very far apart. Quintilian remarked that historiography is “proxima poetis” “very close to the poets” (10.1.31) and that historiography is in some respects a sort of “prose poem,” written for the purposes of narrative rather than of proof (quodam modo Carmen solutum est, et scribitur ad narrandum, non ad probandum); cited by John F. Miller and A. J. Woodman, eds., Latin Historiography and Poetry in the Early Empire: Generic Interactions (Mnemosyne Supplements 321; Leiden, Brill: 2010), 1. That is (my interpretation), historiography is occupied with telling a story, not proving it – the reader must accept the truth of the narration based on the author’s authority (often buttressed in the prologue) rather than on explicit arguments for the plausibility of the account.
Though comparisons with these genres can be quite instructive, most interpreters continue to hold that Luke-Acts is closest to the conventions of historiography.

One critical question is whether Luke-Acts as a whole should be associated with only one genre, or the books classified individually. The first book, like the other gospels, conforms to ancient biography: it recounts the life of one individual from birth to death, including details on family and city of origin, education, deeds, teaching, speeches, manner of death, and divinization. As for Acts, Fitzmyer claims that the term πράξεις designated “a specific Greek literary form,” which he characterizes as “a narrative account of the heroic deeds of famous historical or mythological figures.” Aune insists on a global classification and as a result categorizes the work as a whole as a history, even though he accepts the other gospels individually as biographies. Talbert moves in the other direction, seeing Acts through the biographical lens of Luke. In his view, Acts represents a continuation of Jesus’ biography, recounting the teachings and deeds of his disciples in the vein of biographies of philosophers. Others agree with Colin Hemer

271 Fitzmyer, Acts, 47. The lack of extant examples of such writings poses difficulty, however. Josephus refers to “those who have recorded the acts of Pompey” (οἱ τὰς κατὰ Πομπήιον πράξεις ἀναγράφαντες, Ant. 14.68), ranking Strabo, Nicolas, and Livy among them. Diodorus of Sicily wrote about “acts of the ancient kings” (3.1.1) and “acts of cities or of kings” (16.1.1). Cf. Polybius 9.1.4, where the acts of nations, cities, and rulers are distinguished from other potential subjects for historiography such as myths, colonization and the foundation of cities, and family relationships. The LXX of 2 Chronicles uses the term πράξεις to refer to works about Rehoboam, Abijah, and Ahaz (12.15, 13.22, 28.26) (Fitzmyer, op. cit., 47-48). The Roman counterpart is res gestae, of which the most famous is that of Augustus. In Bellum Catalinarum Sallust identifies his subject as res gestae populi romani carptim, “a selection of the deeds of the Roman people” (4.2, cited in Palmer, “Historical Monograph,” 7-8). All this is too vague to convince me that πράξεις existed as an actual “literary form” distinct from biography and history. Cf. Sterling, Historiography and Self-Definition, 314-15; Aune, Literary Environment, 78 (“a non-technical, descriptive term”).

272 Cf. Sterling, Historiography and Self-Definition, 339.

that “Luke and Acts are themselves different in type, even when we grant their essential unity and continuity.” 274 If the other gospels are to be read as biographies, it seems illogical not to understand Luke in that vein as well, even if the biography is only the first part of a larger historical work. 275 For purposes of this study, what is most important is that Luke-Acts is a narrative about the past set out in roughly chronological order. All of the works examined in this dissertation share those two characteristics, whether they are biographies, histories, or associated with some other genre.

1.3.4 Purpose

In his preface, Luke expresses his hope that as a result of his work Theophilus will “recognize” (ινα ἑπιγνως) the ἀσφάλεια of what he has been taught (Luke 1:4). The word ἀσφάλεια denotes security, firmness of ground, solidity, stability. Thus Luke frames his purpose as providing confidence in the reliability of whatever is subsumed under the vague phrases “the things that have taken place among us” (τῶν πεπληροφορημένων ἐν ἡμῖν πραγμάτων, 1:1) and “the matters about which you have been informed” (περὶ ὧν κατηχήθης λόγων, 1:4). 276

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275 After all, how was “Theophilus,” in his (or her) first encounter with Luke, to know that he was not reading a biography, since he was as yet ignorant of the contents and nature of the second volume?

Luke accomplishes this purpose in many different ways. He casts his life of Jesus and history of apostolic times in a form designed to appeal to educated readers. He responds to the delay of the Parousia and the failure of the gospel among the Jews. He showcases the widespread success of the movement and the admirable qualities of the movement’s founders. He associates Christianity with the venerable tradition of Judaism and shows that Jesus and the Christian movement are a proper and expected continuation of the Jewish scriptures which they prepare for and predict.

Others have guessed at additional purposes beyond what Luke suggests in the prologue. It was once popular to see Acts as designed to reconcile Jewish and Gentile factions within the church, or to defend Paul from his detractors. Others detect a theological polemic, often anti-Gnostic. These theories require guesses about the conditions of Luke’s day, the identity of Theophilus, or the nature of Luke’s audience. This dissertation presumes that Luke’s primary purpose was to commend Christianity as something in which one could have security.

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277 By framing them in an organized account that observes conventions of Greco-Roman historiography, using a more polished style than his predecessor Mark, and dedicating the work to someone who can be addressed as κράτιστε.

278 Luke portrays his heroes, mainly Jesus, Peter, and Paul, in ways calculated to win them the admiration of a cultured audience. Jesus dies a noble death; Peter models parrhesia; Paul, a Roman citizen and accomplished orator, demonstrates auctoritas through his ability to make himself heard and respected. Luke also portrays the early church – it practices admirable philosophical values (including respect for leadership), and its meetings are orderly and dignified.

279 See especially Sterling, Historiography and Self-Definition, 385-6; and Esler, Community and Gospel, 214-19 (on “the ancestral theme”).


1.4 Overview of the Dissertation

The dissertation proceeds from narrative to narrative, chapter by chapter, summing up and comparing results at key points along the way. Chapters 2-3 are devoted to the non-Lukan narratives, chapter 4 to the Gospel of Luke, and chapter 5 to the Acts of the Apostles.

Preceding the analysis of each of the non-Lukan texts is an evaluation of its date, genre, audience and purpose, insofar as those things can be known or guessed at. There follows an overview of the author’s social position relative to Roman power and the author’s view of Rome as it emerges from his extant writing. Following the analysis of each narrative, a concluding section addresses four facets of its presentation of the central figure. First, how does the narrative go about accomplishing its work of characterization? What techniques of characterization and what literary devices does the author employ? Second, what specific traits does the narrative ascribe to each governor? Third, what aspects of the role of governor are illustrated, and what concerns about governors are addressed? Finally, what does the literary representation of the governor suggest about the author’s view of the Roman Empire? How does that correlate with what other available evidence suggests about the author’s view of Rome? Evaluation of the ideological thrust of each text as it relates to the ideological perspective of the author will provide a background against which to assess the ideological thrust of Luke-Acts and the perspective of its author.

Chapter 2 examines two narratives in which the authors’ narrative-rhetorical aims are relatively clear. Both narratives adopt a particular governor as their subject, and both seek to present that subject as either praiseworthy (Tacitus’ *Agricola*) or blameworthy
(Philo’s Against Flaccus). This makes it reasonable to assess their presentation of their subjects in light of these rhetorical aims. If Tacitus means to praise Agricola, he is likely to emphasize those aspects of the governor’s character and behavior that he considers praiseworthy and to minimize or omit those qualities he considers unflattering. Likewise, if Philo means to censure Flaccus, he is likely to highlight those aspects of the prefect’s character and behavior that demonstrate his inadequacy as a governor. An attentive reading of these two texts will clarify some standard strategies and topics for praise and critique of governors. Cognizance of the literary techniques these authors employ, the characteristics they ascribe to their subjects, and the concerns about governors and governance that they evoke to persuasively communicate their point of view will facilitate recognition of these themes, concerns, and devices when their presentation is more subtle, and appreciation for their significance when they appear in contexts that are less clearly rhetorically freighted.

Chapter 3 deals with the historical works of Josephus, the Judean War and Judean Antiquities, and the many representations of governors found there. Given the broad sweep of his work, Josephus spends much less time characterizing each governor than Philo and Tacitus do with their subjects, and his attitude to his characters is not always evident on the surface of the text. Though some of his portraits are obviously favorable or clearly critical, in others positive and negative characteristics are mixed and the author’s rhetoric either submerged or contradictory. Nevertheless, Josephus’ literary techniques and array of characteristics and concerns coordinate with those visible in Tacitus and Philo.
Chapter 4 examines Luke’s portrait of Pontius Pilate against the backdrop of his main written source, Mark. Particular attention is given to those techniques, traits, and concerns that arise specifically in Luke’s version, or that Luke enhances, as well as to those that Luke mutes in the process of reinscribing the Passion Narrative for his own audience.

Chapter 5 deals with the governors in Acts: Sergius Paulus, Gallio, Felix, and Festus. Each is analyzed in turn, and a summary of literary techniques, characteristics, major concerns and implied view of Rome is presented at the end of each section. The chapter concludes with a survey and comparison of the conclusions reached for all of the governors in Luke-Acts, as well as a summary of benefits offered by the comparative narrative-rhetorical approach.

Chapter 6 addresses the main strands of political narrative rhetoric that emerge from Luke’s characterizations of governors, in comparison with the rhetoric evoked by the other narratives studied in the dissertation. These conclusions are then placed in relationship to previous research in order to evaluate which claims of each major school of thought on Luke’s politics they tend to support and which they tend to contradict.

This dissertation does not propose to advance a new paradigm of Luke’s stance toward the Roman Empire or even to choose between the current alternatives. Instead, it aims to be a building block, one component of a larger task; to begin a conversation in which affirmation and critique lead to a more adequate analysis; and to be a spur to the undertaking of similar focused studies on other aspects of Lukan politics.

The results of my examination confirm the fruitfulness of the approach to governors. Several themes and concerns emerge from the comparative literature that
clarify the significance of certain aspects of certain of Luke’s characterizations in the historical context. The study affirms the importance of the innocence motif integral to some interpretations of Luke-Acts, but also highlights the prevalence of a critical stance toward the governors. The widespread critique calls into question theories that Luke viewed the empire essentially positively, and suggests that Luke’s view of the empire was realistic rather than romantic. This calls into question the tendency of modern interpreters to represent Luke as either favorable toward Rome or critical toward Rome. My analysis suggests that in relation to the Roman Empire Luke was both appreciative and critical, both cautious and optimistic, both attracted and alienated.
CHAPTER 2

NARRATIVES FOR PRAISE AND BLAME:

TACITUS ON AGRICOLA, PHILO ON FLACCUS

This chapter considers two narratives focused on Roman governors: Tacitus’
Agricola and Philo’s Against Flaccus. Both treat their subjects in some depth, and both
are written to present them in a particular light. Agricola is an encomiastic biography
written by an eminent member of the Roman elite, a senator who had attained the
consulship and would later be proconsul of Asia. Its object is to present the life and
career of the author’s father-in-law – particularly the summit of his career, his years as
governor of Britain – in the most favorable light possible. Against Flaccus is an account
of the anti-Judean rioting in Alexandria in 38 C.E. that places much of the blame for the
violence on the incompetence and misconduct of the Roman prefect of Egypt. As a
member of one of the wealthiest and most well-connected Judean families in Alexandria,
its author was an influential member of a vigorous and organized ethnic minority
population in a city and country which another ethnic minority – the Greeks – had been
accustomed to rule but which was now ruled by outsiders.

Despite the differences in the two authors’ rhetorical aims, social location, and
political allegiances, they share a number of conceptions about the standards by which
provincial governors should be measured and a number of concerns involving
governance. Both recognize the importance of discernment, diligence, and self-control to
the governor’s work. Both touch on the issue of judicial fairness and the expectation that the governor should be free from bias and immune to bribery. Both view effectively controlling subjects who can easily become unruly as a prominent concern. In different ways both stress loyalty to the emperor and to Rome. Both also make use of comparison.

2.1 Tacitus, *Agricola*

Tacitus’ *De Vita Iulii Agricolae* (henceforth, *Agricola*) is a biography of Tacitus’ father-in-law, Gnaeus Julius Agricola,\(^{283}\) that particularly focuses on his years as *legatus pro praetori* of Britain. Although the narrative centers on Agricola’s military endeavors, it does give attention to his administrative and judicial responsibilities both as governor of Britain and, at an earlier point in his career, as governor of Aquitania. This chapter will primarily examine Tacitus’ characterization of Agricola as an administrator and judge, but will also refer to corresponding and complementary elements of his portrait of Agricola as a military leader.

The analysis that follows will demonstrate that Tacitus’ portrait of Agricola is consistent throughout the work: characteristics that fully emerge during the years in Britain are already adumbrated in the account of Agricola’s upbringing and early career. Aside from good judgment (prudentia) and hard work (industria) Tacitus stresses modestas, the willingness to eschew self-promotion and allow one’s deeds to speak for themselves; moderatio, self-restraint from unhealthy extremes; and obsequium, loyalty and obedience to authority. Particularly important is his ability to strike a balance between graciousness (facilitas, misericordia, clementia) and severity (severitas), which enables him to maintain his auctoritas yet also retain the goodwill of his subalterns. Tacitus mentions Agricola’s incorruptibility, but suggests that this is a characteristic of any good man. His primary concerns are the relationship between reputation, power, and self-promotion, the governor’s need to establish and maintain auctoritas, and the deleterious effect of corruption and rapacity on Rome’s ability to conquer and rule. The best governors place loyalty to Rome above their own personal interests; some governors, however, undermine Rome’s power and authority by selfishly and immorally pursuing their own interests.

2.1.1 Tacitus and Rome

One would expect that Tacitus, as a member of the Roman elite, viewed Rome with favor and nurtured an idealistic conception of Rome’s place in the world. In reality, his literary works project ambivalence toward imperial expansion and domination. One of his foremost modern interpreters, Sir Ronald Syme, summarizes these mixed feelings in this way:

Tacitus was responsive to the majesty of power. He looks back with longing to the martial Republic, and he extols the more recent conquerors. Did he desire and argue that
Rome should revert to a policy of aggrandizement? No unequivocal answer can be given. If warfare (some might hope) dispelled the torpor and inertia of the times, conquest could disturb the equilibrium of the Empire, especially if it went beyond Euphrates and Tigris. Dominion produced evil and paradoxical consequences. The victors in war were vanquished by peace. Empire abroad engendered despotism at home... Better forfeit empire than forfeit liberty – such was the answer of the Republican.

Tacitus’ attitude toward the Principate is also complex. Though at times he echoes Republican sentiments, he also seems resigned to the necessity of one-man rule and embraces political pragmatism over political idealism. Thus, according to Clarence Mendell, “we should be as far astray in trying to pin Tacitus down to a political theory as in asking of him a consistent political outlook.”

Tacitus was well aware of the abuses and exploitation subject populations suffered under imperial domination. This caustic view of Roman rule emerges not only in the

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285 John Henderson notes that the choice to write “Annals” is a case in point: “The annalistic form of ‘our Annals’ (4.32) binds the work to the politics of the res publica, consular figureheads leading a yearly change of the guard...” in contrast to Suetonius’ choice of biography, “cutting through the panoply of court structure to feature the emperor as effectively the sole locus of power” (“Tacitus: The World in Pieces,” in *Fighting for Rome: Poets and Caesars, History and Civil War* (Cambridge: Cambridge University Press, 1998), 259. Yet “Annals were doomed to work their way away from their formative basis...from what was lost; and to trace that loss, demolish their own raison d’être” (257-58). Nevertheless, Henderson views Tacitus as essentially a critic of what he documents: “His writing resists the structures of dominance whose success inexorably imposes their perspective on his narrative...” (260).


287 Mendell, *Tacitus*, 68. Cf. Henderson, “Pieces,” on the impossibility of finding “the editorial comment, emotional outburst, or forced interpretation” that will definitively betray the historian’s real view; Tacitus “will never be caught with his rhetorical trousers down, his work is ironized beyond anything so crude” (260).
speeches that Tacitus places in the mouths of such figures as Civilis (Hist. 4.14) and Calgacus (Agr. 30-32) but also in Tacitus’ own comments. For example, his account of the Boudiccan revolt suggests that its origins lay in the greed, violence, and faithlessness of the Roman conquerors (Ann. 14.31). It is in this light that Cerialis’ speech in the Histories in support of Roman rule (4.73-4) must be understood. It is a set piece, not something Tacitus fully endorses. This is not to say that Tacitus saw Roman rule as unjust by nature. If injustice and abuse are the root causes of native rebellions, these can be rooted out by a good governor, thus excising the causes of war (Agr. 19-20). Even then, however, Tacitus sees the condition of the subject population as at bottom one of slavery (Agr. 21).

As suggested by Syme in the quotation above, Tacitus views imperial domination and expansion and the political conditions of the Principate as intertwined. He sees in some indigenous populations qualities that the Romans had once possessed but had lost under the imperium of the Caesars. This is particularly evident in the Germania; in the Germans, Tacitus presents an idealized reflection of the kind of free and noble people

288 Braund, Ruling Roman Britain, 132-141. Braund points out that Tacitus subsequently prepares for the Roman victory by having the Britons violate “the norms of civilized warfare” while Suetonius Paulinus returns to restore discipline to the Roman ranks. Thus despite the justice of the Britons’ cause the moral tables are turned (136). See also Annals 14.32: Qua clade et odiis provinciae, quam avaritiae in bellum egerat... (following the reading of the manuscripts; Ritter emends to avaritia eius).


290 The decline of civilization is a historiographical commonplace – for a convenient summary of Tacitus’ predecessors and Tacitus’ own remarks, see P. Delpuech, “Urgenibus imperii fatis: Tacite et la fin de l’Empire,” in Assoc. G. Budé, Actes du IXe Congrès (2 vols.; Paris: Belles Lettres, 1975), 2.996-97. Though willing to reproduce the topos, Tacitus can critical of the past and open to the possibility of progress in history as well (997-1002).
that the Romans could and should be.\footnote{See e.g. \textit{Germania} 19.1-3. The self-referential character of \textit{Germania} is widely recognized. For examples, see Ellen O’Gorman, “No Place Like Rome: Identity and Difference in the \textit{Germania} of Tacitus,” \textit{Ramus} 22 (1993): 135 and n. 2 (151-52). O’Gorman’s own perceptive treatment follows (135-54, esp. 146-49). Cf. Haynes, “Word,” 45-54.} Tacitus also projects the situation of the Roman aristocracy under the \textit{princeps} onto the relations between Roman overlords and subject populations. Under a good \textit{princeps}, as under a good governor, one could hope to escape the abuses and injustice that a bad one could mete out.\footnote{See the sentiment expressed in \textit{Histories} 4.8: \textit{bonos imperatores voto expetere, qualescumque tolerare} – pray for good emperors, but put up with whatever sort you get.} But even then true freedom remains out of reach.\footnote{Note the ambivalence of the conclusion to the \textit{Dialogus}: since great oratory is a product of turbulent and factious times, no one can enjoy both great renown and great peace (\textit{nemo eodem tempore adsequi potest magnam famam et magnam quietum}, 41.5). On the importance of the \textit{Dialogus} for Tacitus’ view of history, see Delpuech, \textit{imperii fatis}, 998-1001.} Like the principate, Roman \textit{imperium} may be an unfortunate necessity.

\subsection*{2.1.2 Date, Genre, Audience and Purpose}

Tacitus published \textit{Agricola} during the reign of Trajan, probably in 98 C.E.\footnote{The phrase \textit{principem Traianum videre} in 44.5 dates the publication after Nerva’s death on January 28, 98 C.E. \textit{The term\textit{minus ante quem} is less secure, though the introduction (1-3) suggests that it was Tacitus’ first historical writing and thus published before \textit{Germania}, which also appeared in 98 C.E. However, see A. J. Turner, “Approaches to Tacitus’ Agricola,” \textit{Latomus} 56 (1997), 582-583. The omission of \textit{divus} before Nerva’s name in 3.1 (cf. by contrast \textit{Hist.} 1.1) may indicate that the work was begun even before Nerva’s death, but after Trajan had been made \textit{socius imperii} (October 97 C.E.) – thus R. M. Ogilvie and Ian Richmond, \textit{De Vita Agricolae} (Oxford: Clarendon, 1967), 10-11. However, the use of \textit{divus} for Nerva is not consistent in the surviving literature (e.g., Pliny, Frontinus), and there are political reasons why senators may have been hesitant to adopt the term early in the new period – see Jan-Wilhelm Beck, “Erstes Werk oder literarischer Erstling? Zur Datierung des ‘Agricola’ und zur Entwicklung seines Verfassers,” in “\textit{Germania}” – “\textit{Agricola}”: \textit{Zwei Kapitel zu Tacitus’ zwei kleinen Schriften} (Spudasmata 68; Hildesheim: Olms, 1998), 74-77. Cf. A. R. Birley: “Perhaps Tacitus… refrained from writing \textit{divus Nerva} in the same breath as praising him for having ‘combined… Principate and liberty’” (“The \textit{Agricola},” in \textit{The Cambridge Companion to Tacitus} [ed. A. J. Woodman; Cambridge: Cambridge University Press, 2009], 48). The phrase \textit{nec spem modo…} etc. (3.1) suggests to Beck a date some time into Trajan’s rule (op. cit., 81-83).} The bulk of the work is occupied by an account of Agricola’s accomplishments as governor of Britain (18-38), with the climactic battle at Mons Graupius (29-38) receiving much...
greater attention than what precedes. In the first part of the book (4-9), Tacitus covers Agricola’s ancestry, birth, education and early career. A digression on the geography and ethnography of Britain (10-13) and the history of Roman occupation (14-17) separates this preliminary material from the central part of the work. The work ends with an account of Agricola’s final years (39-43), focusing particularly on Domitian’s mistreatment of him, and a closing consolatio (44-46).

The precise genre of the Agricola has been a subject of debate among classicists. Tacitus’ opening words, clarorum virorum facta moresque posteris tradere, his evocation of his predecessors Arulenus Rusticus and Herennius Senecio (2.1), and his definition of his task, narraturo mihi vitam defuncti hominis (1.4), announce his intent to write a biography.295 David Aune provides the following as a “typical” definition of an ancient biography: “an independent literary composition, usually focused on the character, achievements, and lasting significance of a memorable and exemplary individual from birth to death, with the emphasis on his public career.”296 The Agricola meets all of these requirements. However, the work also contains elements more typical of other genres, including history (the digression on the geography, ethnography, and history of Britain; the annalistic arrangement of its narrative of Agricola’s governorship; the speeches prior to the final battle and the detailed description of it) and the laudatio funebris, the funeral oration (the unflagging praise of its subject, the ending consolatio).297 The “monumental

“preface” is unmatched in extant Roman biography, though contemporary analogues to *Agricola* such as the biographies of Thrasea Paetus and Helvidius Priscus are not available for comparison. It has also been suggested that Tacitus’ work bears some relation to the martyrologies (*exitus illustrium virorum*) popular in some Roman literary circles in Tacitus’ time. Although the work qualifies as a biography, it is composite in its contents and interests.

As a biography of a distinguished family member, the *Agricola* aims to praise its subject, thereby demonstrating the author’s *pietas*. Tacitus fulfills this obligation by setting forth that Agricola originated from and married into eminent families (4.1, 6.1), had an entirely satisfactory education (4.2-3), advanced with honor and ability along the *cursus honorum* to the consulship despite the corruption of colleagues and the suspicion of emperors (5-9), and succeeded brilliantly as governor of Britain (18-38), being denied the peak of a senatorial career, the governorship of Africa or Asia, only by the malice of Domitian (42).

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Sage, “Historical Works,” 856 and n12.

For the characteristics of this literature and Tacitus’ use of such sources, see F. A. Marx, “Tacitus und die Literatur der exitus illustrium virorum,” *Phil* 92 (1937): 83-103.

W. Liebeschuetz, “The Theme of Liberty in the *Agricola* of Tacitus,” *CQ* 16 (1966): 126-39, argues that all the disparate elements are bound together by an underlying concern – the consequences of loss of freedom.


Beck, “Erstes Werk?” 66-68, points out that even the ethnographic and historical sections, and the historiographical elements employed in the account of Agricola’s tenure in Britain, serve to magnify Agricola’s accomplishments by presenting him, not just as an accomplished individual, but as a part of Roman history: “Agricolas Leistung…wirkt so bedeutend, daß das Leben dieses Mannes zu verfolgen, direkt mit der Geschichte Britanniens gleichzusetzen ist” (67).
The work serves other goals as well. For one, it constitutes Tacitus’ introduction to the literary world and especially to the world of historiography, announcing as it does his intention to pursue a wider historiographical project (3.3). In addition, the work raises the question of what constitutes honorable comportment for the elite under a tyrannical emperor. Agricola had advanced far in a senatorial career under Domitian and had suffered nothing worse under him than a premature end to his career (though Tacitus insinuates that he may have suffered something worse in the end). Other members of the elite, particularly the so-called “Stoic opposition,” had chosen a more confrontational – and dangerous – course. Tacitus speaks of these martyrs with respect, but notes that they accomplished little for the state by such a “pretentious death” (ambitiosa morte, 42.4). On Agricola’s behalf he argues that “there can be great men

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304 See Holly Haynes, “Survival and Memory in the Agricola,” Arethusa 39 (2006): “The memorializing of Agricola as Agricola represents a first step toward creating a discourse for talking about Domitian” (156). Ronald Martin, Tacitus (Berkeley: University of California Press, 1981), notes the emphasis on virtus in the work’s first paragraph: “Though many of the social values that the Republic had cultivated had necessarily been modified or downgraded under the Principate, the idea of public service publicly recognized, which is inherent in the concept of virtus, persisted” (41). On Tacitus’ attitude toward history’s traditional role of memorializing virtus and inculcating fear of infamia, see T. J. Luce, “Tacitus on ‘History’s Highest Function’: Praecipuum Manus Annalium (Ann. 3.65),” ANRW 33.4:2904-27. Luce concludes that Tacitus’ moral rhetoric is aimed primarily at the senatorial class (2914-16).

305 Agr. 43: Augebat miserationem constans rumor veneno interceptum: nobis nihil comperti, adfirmare ut ausim.

306 On the opposition, see Ramsay MacMullen, Enemies of the Roman Order (Cambridge, Mass.: Harvard University Press, 1966), 46-82. On Tacitus’ portrayal of these figures in his other works, with a mix of admiration and criticism, see Liebeschuetz, “Theme of Liberty,” 128-29, and S. P. Oakley, “Res olim dissociabiles: Emperors, Senators and Liberty” in The Cambridge Companion to Tacitus, 190-2. (Cambridge: . Based in part on the long-recognized echo of Cato the Elder’s Origines in Tacitus’ opening lines, Rutledge argues that Tacitus wanted his own work received as a continuation of their literary productions (“Pieces,” 436-39). Thrasea wrote a biography of Cato the Younger; Rusticus, a biography of Thrasea; and Senecio, a biography of Thrasea’s protégé, Helvidius Priscus.
even under bad emperors” (42.4). Tacitus’ defense of his father-in-law is relevant to himself as well – as he admits in a later work, *dignitatem nostram a Vespasiano inchoatam, a Tito auctam, a Domitiano longius pro vectam* (Hist. 1.1).

Finally, in the *Agricola* Tacitus is able to explore the theme of *libertas* and *dominatio* that was so important to him, for he was able to contrast ironically the *libertas* of the Britons with the condition of the Romans under Domitian. In depicting the old regime as he did and in exploring the theme of liberty and authority in the *Agricola*, Tacitus may have hoped to contribute to the shaping of the new regime under Trajan.

Some characteristics that he especially emphasizes – *modestia, moderatio, industria* – are also prominent in Pliny’s *Panegyricus*, which may have been designed as much to

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307 Posse etiam sub malis principibus magnos viros esse.

308 The son of an equestrian, he received the *latus clavus* from Vespasian, was *quaestor* in 81 or 82 C.E. (Titus), and was *praetor* in 88 (Domitian). On Tacitus’ feelings toward his own conduct during the time of Domitian, see *Agricola* 2.1, esp. 45.1; on Agricola as a kind of proxy for Tacitus himself, see Haynes, “Survival and Memory,” 162-70; and Hedrick, *History and Silence*, 164-70. Syme notes that such an *apologia* also benefitted Trajan (*Tacitus*, 1:25 and 125; “The Senator as Historian,” 189-90). Scholars differ in how much relative importance this apologetic purpose had for Tacitus as opposed to the purely biographical purpose of praising his father-in-law – see Beck, “Erstes Werk?” 69-72 and the literature cited there. Beck argues that Tacitus did not need to defend Agricola, who died before the worst years of Domitian, but to assert his father-in-law’s claim to greatness, which was in danger of being overlooked in the rush to honor the martyrs (94-96).


310 On Tacitus’ relationship with Trajan see Sylvia Fein, *Die Beziehungen der Kaiser Trajan und Hadrian zu den litterati* (Beiträge zur Altertumskunde 26; Stuttgart: Teubner, 1994), 211-13. Both were members of the *collegium XV viri* – for Trajan, attested by *ILS* 8970 (Fein, 212 and n575). Tacitus’ appointment as proconsul of Asia in 112 shows that he was still in Trajan’s good graces a decade later.
commend these virtues to Trajan as to praise him for possessing them.\(^3\) By praising Agricola in these terms, Tacitus shows that he is in agreement with the supposed values of the “new era.”\(^4\)

2.1.3 Tacitus’ Presentation of Agricola

**Agricola’s Early Career**

Tacitus passes quickly through Agricola’s ancestry and birth,\(^5\) education, and early career (4-6),\(^6\) culminating in his decision to support Vespasian\(^7\) and his first


\(^4\) On Trajan’s propaganda, see Stadter, “Plutarch and Trajanic Ideology” – in Pliny’s speech, modestia and moderatio are each mentioned a dozen times or more (229, with list of passages at n11, 240); and Julian Bennett, *Trajan: Optimus Princeps* (Bloomington: University of Indiana Press, 1997), 63-73.

\(^5\) Tacitus puts his date of birth in 40 C.E., at Forum Julii (Fréjus) in Gallia Narbonensis (*Agr.* 4.1). The nomen Julius may indicate that the family was enfranchised by Julius Caesar, who probably founded Forum Julii as a colony for his veterans. We know nothing of Agricola’s parents’ lineage except what Tacitus tells us – that both grandfathers had been equestrian procurators (*procurator Caesarum*) (*Agr.* 4.1). His father, Julius Graecinus, had been admitted to the Senate under Tiberius and rose to become tribune of the plebs and finally praetor under Gaius (40 C.E.). Graecinus is noted by Seneca for his candor and integrity (*Ben.* 2.21.5; see also *Ep.* 3.8 (29) 6), and by Columella (1.1.14) as one who had written elegantly about viticulture. The cognomen he gave his son probably reflects his interest in agriculture. For a review of the scanty literary sources on Julius Graecinus, see I. A. Richmond, “Gnaeus Julius Agricola,” *JRS* 34 (1944): 34 and n. 4. According to Tacitus, Gaius had him put to death after he refused to accuse a certain Marcus Silanus (*Agr.* 4.1) – this may have been M. Junius Silanus C. f., the father of Gaius’ first wife, forced to suicide in 38 C.E., or M. Junius Silanus M. f., proconsul of Africa 33-38 C.E., who was suspected by Gaius but whose ultimate fate is unknown (Ogilvie and Richmond, 142). I. A. Richmond notes that Seneca gives a different reason for his death (“Agricola,” 34 n. 4). A.E. 1946, 94 may represent his tombstone or a brother’s. Agricola was raised in Massilia by his mother, Julia Procilla (*Agr.* 4.2-3).

\(^6\) Prior to entering the imperial service, Agricola would have been obliged to serve as one of the vigintivirates, made up of four boards of minor magistrates at Rome (Hanson, *Conquest of the North*, 34). He would have been 18 when he served as tribunus laticlavius in Britain under C. Suetonius Paulinus, governor 58-61 C.E. (*Agr.* 5). The date of his return and marriage is uncertain – perhaps 61 C.E. His wife, Domitia Decidiana, was daughter of Domitius Decidius, from another prominent family in Gallia Narbonensis (*Agr.* 6.1; on Domitius Decidius, see Richmond, “Agricola,” 35 n. 11 and Dessau, *PIR* ii. 21 no. 124: he was one of the first quaestores aerarii nominated by Claudius and later attained the praetorship.
Despite the relative brevity of his account, he is able to introduce a number of themes to which he will return later in the narrative.

The ability to avoid extremes (moderatio), which will be one of Agricola’s most salient characteristics later in life, comes to expression repeatedly in his early years. As a student he must learn to temper his enthusiasm for philosophy, a study which he pursues “with more ardor than prudence (vehementius quam caute)” (4.3 [Hutton, LCL]), in order not to exceed the bounds appropriate for a Roman of his social class. Reason and increasing maturity (ratio et aetas) help him find the right balance: retinuitque... ex sapientia modum (4.3). This balance between ardor and prudence serves him well in his military training. As a young tribunus laticlavius under Suetonius Paulinus he maintains a middle course between overconfidence and timidity: he learns “to aspire to nothing in bravado (iactationem), yet to shrink from nothing in fear, to behave as one at once cautious and yet eager (et anxius et intentus)” (5.1 [Ogilvie/ Hutton, LCL]). As

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315 According to Tacitus, Agricola sided with Vespasian early on (Agr. 7.2). If Tacitus’ chronology is correct, he would have joined the Flavians in March or April, thus before the public declaration of Vespasian on July 1. Tacitus links Agricola’s decision to his mother’s last rites – she died in a raid by Otho’s fleet (7.1), thus sometime before April 14, when Otho committed suicide.

316 Legio XX (Valeria Victrix) stationed at Wroxeter (Agr. 7.3). The fact that Mucianus made the assignment probably places it in the first half of 70 C.E., before Vespasian arrived in Rome (Hanson, Conquest of the North, 38). Agricola served under Vettius Bolanus, then Q. Petilius Cerialis (Agr. 8.1-3). He must have returned to Rome in 74 C.E. at the latest, for Tacitus makes no mention of Cerialis’ successor, Sex. Julius Frontinus. His elevation to the patriciate and assignment to Aquitania, “a peaceful but important province” (Ogilvie, LCL, 9), indicate that he enjoyed Vespasian’s favor (Agr. 9.1; on indications of Vespasian’s favor, see Richmond, “Agricola,” 37).

317 According to Ogilvie and Richmond, modum is “probably best taken in the sense of moderatio” (144). On the virtue of moderatio in this and other passages, see Classen, “Between Republic and Principate,” 95-104.
praetor he conducts games and other “vanities of office” (inania honoris) with neither excessive thrift nor excessive extravagance (6.4).\footnote{This seems to be the sense of medio rationis atque abundantiae, though neither term is usually pejorative. Ogilvie and Richmond suppose that Tacitus, “reluctant even to entertain the possibility that Agricola could be guilty either of meanness or extravagance… clouds his thought by choosing two favorable words to express the extremes…” (Agricola, 151-52). But perhaps the expression is meant to be inclusive: Agricola accomplished both reasonableness and abundance.}

Akin to moderatio is Agricola’s modesty and deference toward those in authority. Though his experiences as a tribune imbue in him a desire for military glory (intravitque animum militaris gloriae cupidio), he is content to learn and gain experience while the glory of recovering the province falls to Paulinus as commander (5.3).\footnote{He would have been in Britain during the Boudiccan revolt of 60 C.E.; Tacitus implies that he played a part in its suppression, but is vague on the details. See Hanson, Conquest of the North, 34-35. Paulinus himself is referred to as diligenti ac moderato duci here (5.1).} On his return to Britain as commander of the Twentieth Legion he does not broadcast his accomplishment in bringing the unruly legion to order: “He, in his uncommon restraint (rarissima moderatione), preferred to seem to have found [the soldiers] good rather than to have made them so” (7.3).\footnote{The legion and its legate, Roscius Coelius, had been at the center of the conflict between the legions and Bolanus’ predecessor, Trebellius Maximus (Agr. 16.3-4; cf. Hist. 1.60). Tacitus magnifies the accomplishment by claiming that the legion had been “too much even for consular legates, and a source of dread” (legatis quoque consularibus nimia ac formidolosa erat). Agricola’s success in managing a rebellious soldiery places him in the company of Germanicus (Ann. 1.31-52) and contrasts him with Trebellius Maximus and Vettius Bolanus (see further below). On the importance of the relationship between the leader and the multitude in Tacitus’ historical works, see Philip Hardie, “Crowds and Leaders in Imperial Historiography and in Epic,” in Latin Historiography and Poetry in the Early Empire: Generic Interactions (ed. John Miller and A. J. Woodman; Mnemosyne Supplements 321; Leiden, Brill: 2010), 11-17. Germanicus’ success in quelling the mutiny of the German legions marks him as “imperial material” (15).} Under the easygoing Bolanus he restrains his strength and enthusiasm so as not to outshine his superior; he had become, Tacitus remarks, “experienced in deference (peritus obsequi) and skillful in combining what is noble with what is useful (eruditusque utilia honestis miscere)” (8.1). The connection between deference and expediency, and the claim that the two are not incompatible with nobility,
introduces a central theme of the book. The arrival of Cerialis gives Agricola the opportunity to distinguish himself (*habuerent virtutes spatium exemplorum*), but still he is careful to give the credit to his commander: “Agricola never boasted of his deeds for his own reputation (*in suam famam*) but traced his success as a subaltern to his commander (*ad auctorem ac ducem ut minister fortunam referebat*). Tacitus again underscores Agricola’s deference (*virtute in obsequendo*) and modesty (*verecundia in praedicando*). In this way he avoids attracting envy yet still receives a share of the glory (*extra invidiam nec extra gloriam erat*) (8.3).

Agricola’s term as *quaestor* in Asia under the proconsul Salvius Titianus gives Tacitus an opportunity to comment on his integrity. The province is “rich and easily exploited” and the proconsul “ready for every kind of rapacity” (*omnem aviditatem pronus*), “prepared to show any amount of indulgence in order to purchase mutual silence about wrongdoing” (6.2 [Ogilvie/Hutton, LCL]). But Agricola proves incorruptible.

Agricola also demonstrates wisdom and discernment during his early career. He demonstrates his discernment as a young tribune by learning from the experienced (*peritis*) and following the best men (*optimos*) (5.1). He wisely spends his years at Rome as tribune of the plebs and then as *praetor* “in quiet and retirement” (*quiete et otio*), having correctly read the temper of the time, “in which passivity was wisdom” (*quibus inertia pro sapientia fuit*). His immediate decision to side with Vespasian (7.2) is also a credit to his discernment, though Tacitus leaves the reader to make the inference.

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321 *quantalibet facilitate redempturus esset mutuam dissimulationum mali.*

322 Not so his colleague as tribune of the plebs in 66 C.E., Arulenus Rusticus, who offered to use his veto to protect Thrasea Paetus from a death sentence.
Finally, Tacitus repeatedly emphasizes Agricola’s diligence in his duties. As a young tribune under Suetonius Paulinus, Agricola is neither frivolous (licens), as are some young men who “turn soldiering into licentiousness” (militiam in lasciviam vertunt), nor sluggish (segnis). Instead of seeking “pleasures and furloughs” (voluptates et commenatus), Agricola uses his time to get to know the province and the army (5.1). He carries out the investigation Galba assigns to him with the same diligence (diligentissima conquisitio fecit, 6.4). Mucianus assigns him to the Twentieth Legion after seeing the “integrity and vigor” (integreque ac strenue) with which he recruits soldiers for Vespasian (7.3).

Agricola as Governor of Aquitania

In narrating Agricola’s three-year governorship of Aquitania, Tacitus provides a capsule description of Agricola as an administrator. Agricola’s moderatio sets the tone. Tacitus notes that military men are often thought to lack “discernment” (subtilitas) and the “craftiness” needed for public office (calliditas fori). Tacitus contrasts the

323 Contrast the young Domitian in 70 C.E. prior to his father’s arrival in the capital: ex paterna fortuna tantum licentiam usurpante (7.2).

324 In the task of recruitment, one would exercise integrity by refusing offers of payment for exemption from service. See Ogilvie and Richmond, Agricola, 154.

325 Tacitus calls Aquitania a post of great distinction from the administrative standpoint as well as from the chances of subsequent promotion to the consulate (splendidiae inprimis dignitatis administratione ac spe consulatus, cui destinaret, 9.1). Agricola would have had few duties as a soldier; thus governing Aquitania demanded that he show his abilities as a judge and an administrator.

326 According to Ogilvie and Richmond, in this context subtilitas refers to “judicial discrimination” and the “capacity for drawing fine distinctions (Agricola, 159); cf. Heinz Heubner, Kommentar zum Agricola des Tacitus (Göttingen: Vandenhoeck and Ruprecht, 1984), 30. Ogilvie/Hutton (LCL) translates calliditas fori “the cunning of the lawyer,” but I take it to refer to the craftiness needed to maneuver in any aspect of public office “inter togatos” (9.2). Calliditas is not necessarily a bad thing to lack: see, e.g., Ulpian on the utility of appeal adversus iudicis calliditatem (Dig. 49.4.1 praef.), cited by Peter Garnsey, Social Status and Legal Privilege in the Roman Empire (Oxford: Oxford University Press, 1970), 82.
characteristics thought to typify the commander of a military camp: being unaccountable (secura, literally “carefree”), “rather blunt” (obtusior), and “high-handed” (ac plura manu agens). However, Agricola steers between excessive subtillis and craftiness on the one hand and excessive bluntness and forcefulness on the other. In place of subtillis and calliditas, he acts with an “innate good sense” (naturali prudentia). He governs both “easily” and “justly” (facile iustequi agebat, 9.2).

Two adverbs, facile and iuste, delineate two major features of Agricola’s style of governing that Tacitus will develop throughout his narrative. Facile is associated with facilitas, “indulgence.” We have already seen that such facilitas can be problematic if one is indulgent toward vice or injustice. Agricola, however, demonstrates that facilitas and iustitia are compatible if kept in the right proportion. Tacitus’ further description of Agricola’s management continues to touch on this contrast. Agricola is “serious” (gravis) and “focused” (intentus) when the duties of the courts demand it, but “drops the official mask” (9.3, Ogilvie/Hutton [LCL]) when the work is done. As a judge he is strict...
(severus) and yet most often merciful (et saepius misericors). Thus he succeeds in the
difficult task of maintaining both indulgence (facilitas) and authority (auctoritas), both
strictness (severitas) and affection (amor, Agr. 9.3).

In addition to these virtues that must be balanced against each other, Tacitus
identifies some common vices of provincial governors that Agricola avoids altogether:
gloom, arrogance, and greed (9.3). Tacitus particularly emphasizes the last, speaking of
Agricola’s integrity and self-control (integritas, abstinentia) as qualities that it would be
an insult to a virtuous man even to mention, though of course he is doing exactly that
(9.4). In addition to the issue of corruption, Tacitus raises the topic of prestige.
Agricola does not seek fame (fama) and abstains from “parading his virtues”
(Ogilvie/Hutton [LCL]) or scheming for honors, and from rivalry (aemulatio) with

331 Here et = et tamen. For the expression linking opposites with et saepius, see Ogilvie and
Richmond, Agricola, 160. Compare Seneca, De clementia 1.1.4 (speaking for Nero): Severitatem abditam,
at clementiam in procinctu habeo.

332 nec illi, quod est rarissimum, aut facilitas auctoritatem aut severitas amorem deminuit. In a
letter to Atticus, Cicero lists as the cardinal virtues of his administration of Cilicia abstinentia, iustitia,
facilitas and clementia (Att. 5.21.5).

333 Tristitiam et adrogantiam et avaritiam exuerat. Presumably the reader is supposed to infer that
he set these aside at all times, but the juxtaposition of exuerat with nulla ultra potestatis persona is
unfortunate. See the discussion in Ogilvie and Richmond, Agricola, 160-61, who state, “These three
qualities are in Tacitus uniformly vicious…” Heubner, with others, would eliminate the sentence as a gloss
on nulla ultra potestatis persona (31-32). Tristitia is a characteristic of Tiberius in the Annals (1.76.4).
Plutarch writes of rulers who suppose that “by heaviness of voice, harshness of manner, and unsociability
in their way of living” they are “imitating the dignity and majesty of the princely station” (Mor. 780A).

334 In tanto viro referre iniuria virtutum fuerit. Cf. Pliny, Panegyricus 20.2 and Velleius Paterculus
on Cato (cuius integritatem laudari nefas est, 2.45.5), a citation I owe to Ogilvie and Richmond, Agricola,
161.

335 Agricola does desire gloria, and he has already earned some. The proper allocation of gloria is
a prevalent concern in the Agricola; see Sailor, Writing and Empire, 51-83.

336 Both Ogilvie and Richmond (Agricola, 162) and Heubner (32) relate per artem to the practice
of procuring official statements of gratitude and other honors from the provincials.
other governors and conflicts with the procurators (9.4).\textsuperscript{337} By noting that fame is something “in which even good men often indulge,”\textsuperscript{338} Tacitus creates a kind of hierarchy of virtues. Whereas integrity and self-control are qualities no good man would be without, even good men engage in status-seeking and rivalry, though it is the part of the better man to be immune to such temptations.

This portrait of Agricola as governor of Aquitania highlights virtues already visible in his early career: \textit{moderatio}, \textit{modestia}, \textit{prudentia}, and \textit{integritas} springing from self-control (\textit{abstinentia}) and freedom from greed. Diligence is not as strongly marked but is suggested by his serious bearing in court. The portrait also explores qualities that the ideal governor must balance against each other: \textit{severitas} and \textit{amor/misericordia}, \textit{facilitas} and \textit{auctoritas}. The ideal governor must be strict but kind; he must be personable, but still command respect.

\textit{Agricola’s Predecessors in Britain}

In the course of a long digression that separates Agricola’s earlier career from his years as governor of Britain, Tacitus prepares the ground by enumerating the deeds and characters of the previous governors from the beginning of the Roman occupation of the province.\textsuperscript{339} In keeping with his purpose to exalt his father-in-law, he does not dwell on

\begin{itemize}
  \item Since procurators were independently appointed by the emperor, conflicts between them and the governors were frequent. Tacitus expects his audience to take that for granted; he is writing to an elite Roman audience that has inside experience of provincial administration.
  \item \textit{Cui saepe etiam boni indulgent}, 9.4.
  \item For evidence that diverges from Tacitus’ account, see Hanson, “Study,” 1754-56. R. Sablayrolles, “Style et choix politiques dans la \textit{Vie d’Agricola} de Tacite,” \textit{Bulletin de l’Association Guillaume Budé} (1981): 55-56, points out that even the geographical and ethnographical sections of Tacitus’ digression serve to magnify Agricola’s achievements by: 1) describing the warlike character of the inhabitants and the wealth to be gained by victory, and 2) demonstrating that due to Agricola’s conquests what once was legend has now become known.
\end{itemize}
the accomplishments of Britain’s former governors, but he does exert himself to stress their weaknesses.\textsuperscript{340} Thus he has little to say about Aulus Plautius (43-47 C.E.) and P. Ostorius Scapula (47-52 C.E.), the governors who established Roman supremacy in the southern portion of Britain, other than that they were both “distinguished in war” (\textit{bello egregius}).\textsuperscript{341} He makes light of the accomplishments of their successor Aulus Didius Gallus (52-57 C.E.): “he advanced a few forts into remoter places, by which means he sought the reputation of having expanded his province” (\textit{per quae fama aucti officii quaeretur}, 14.2).\textsuperscript{342}

Though he has previously characterized Suetonius Paulinus (58-61 C.E.)\textsuperscript{343} as \textit{diligens} and \textit{moderatus} (5.1), here Tacitus accuses him of becoming overconfident in his initial successes and mounting an ill-advised expedition that left his rear open to attack (14.3). His blunder might have led to all of Britain being overrun (16.2). Tacitus confines his account of Paulinus’ decisive victory over the forces of Boudicca to a single phrase: \textit{unius proelii fortuna veteri patientiae restituit}, and he at once goes on to say that although Paulinus had quelled the rebellion, he did not reestablish peace. Most remained

\textsuperscript{340} See especially Brian McGing, “Synkrisis in Tacitus’ \textit{Agricola},” \textit{Hermathena} 132 (1982): 15-20. Ronald Martin disputes this, pointing out, for example, that Tacitus’ portrait of Cerialis is actually more favorable here than in the \textit{Histories} and \textit{Annals}; see “Tacitus on Agricola: Truth and Stereotype,” in \textit{Form and Fabric: Studies in Rome's Material Past in Honour of B. R. Hartley} (ed. Joanna Bird; Oxford: Oxbow Books, 1998), 9. Yet we lack Tacitus’ account of Cerialis’ term as governor of Britain, which would have provided more adequate grounds for comparison. Martin also concludes that the portrait of Suetonius Paulinus in \textit{Annals} 14 is quite similar to the account in \textit{Agricola} (9-10). Tacitus does not seem to have changed his mind concerning Paulinus in the interim, although in \textit{Agricola} he attributes his incaution to his confidence after two years of military success, while in \textit{Annals} he attributes it to Paulinus’ desire to emulate Corbulo’s success in Armenia.

\textsuperscript{341} Plautius was in fact the leader of the initial invasion in 43 C.E., though Tacitus only mentions Vespasian in this connection (13.3; Vespasian was commander of the 2\textsuperscript{nd} legion at the time). Ostorius defeated and captured Caratacus (\textit{Ann.} 12.31-39).

\textsuperscript{342} Cf. \textit{Annals} 12.40, which may indicate he faced a serious threat from the Brigantes.

\textsuperscript{343} His assignment followed the foreshortened term of Q. Veranius (57 C.E.).
in arms (*tentibus arma plerisque*) out of fear of Paulinus’ vindictiveness: “lest for all his excellence he might arrogantly (*adroganter*) take harsh measures against those who surrendered, as the avenger of his own injuries (16.2).\textsuperscript{344} Paulinus’ successor, Petronius Turpilianus (61-63), was sent to restore calm to the province. Despite his apparent success (he received the *insignia triumphalia* in 65 C.E.) Tacitus dismisses him: *compositis prioribus nihil ultra ausus.*\textsuperscript{345} Paulinus and Turpilianus represent two contrasting forms of excess that can afflict a military man: excessive harshness and excessive timidity.

Tacitus dwells on the failings of M. Trebellius Maximus (63-69) and his successor, Vettius Bolanus (69-71). Trebellius is even less industrious (*segnior*) than Turpilianus and has no military experience (16.3). His administration is characterized by *comitas* (*comitate quadam curandi provinciam tenuit*), which he is able to maintain because the Britons also succumb to the attractions of the easy life, mollified by vice (*vitiis blandientibus*), and because the civil war at Rome offers an excuse for inaction. However, the excessive leisure leads the troops to run riot, and Trebellius regains control at the cost of shame and humiliation, having to first flee from, and then plead with, the troops (*indecorus et humilis, precario mox praefuit*). He retains his position and his life but loses authority over the army (16.4).\textsuperscript{346} His successor, Vettius Bolanus,\textsuperscript{347} is likewise

\textsuperscript{344} *ne quamquam egregius cetera adroganter in deditos et ut suae cuiusque iniuriae ultor durius consuleret.* For the Boudiccan rebellion, cf. *Annals* 14.29-39. It is instructive to compare the portrait of Paulinus there with that provided by Tacitus here.

\textsuperscript{345} Tacitus is even more critical in *Annals* 14.39: *honestum pacis nomen segni otio imposuit,* “he conferred the noble name ‘peace’ on this listless inaction.” For a more positive assessment, see Sheppard Frere, *Britannia: A History of Roman Britain* (London: Routledge and Kegan Paul, 1967), 92.

\textsuperscript{346} *Histories* 2.60 provides a different account of these events.

\textsuperscript{347} Bolanus had served in Armenia with Corbulo (*Ann.* 15.3); Vitellius posted him to Britain after the defeat of Otho.
accused of lack of discipline, inactivity (inertia erga hostes), and failing to gain the respect of the soldiers (petulantia castrorum); by his inoffensiveness he wins their affection but not their obedience (caritatem paraverat loco auctoritas).  

The two governors who preceded Agricola were famous military men, and both had notable success in Britain. Q. Petilius Cerialis (71-74) waged war on the Brigantes, one of the largest tribes, and Sex. Iulius Frontinus (74-77) began the conquest of Wales. Tacitus calls them “magni duces” (17.1) but does not dwell on their accomplishments, sketching only a brief outline.

Tacitus’ description of Agricola’s predecessors prepares the ground for his portrayal of Agricola in a number of ways. First, Tacitus demonstrates the hazards of pursuing a policy of excessive severity or excessive leniency. Governing the province well requires the right balance of severitas and comitas. Only then can the governor preserve his auctoritas while still retaining the affection of the troops. Tacitus has already

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348 Cf. Tacitus’ claim in 8.1 that Bolanus was “too mild” for such a warlike province: “Praeerat tunc Britanniae Vettius Bolanus, placidius quam feroci provincia dignum est.” Statius (Silvae 5.2) presents a very different picture of him, and Histories 2.97 (and cf. 3.40) reveals that Britain was more turbulent under Bolanus than Tacitus’ account in the Agricola suggests (Frere, Britannia, 97-98). Vespasian made Bolanus a patrician upon his return to Rome, and he later attained the proconsulship of Asia. A. G. Woodhead, raises the possibility that Bolanus, or perhaps Cerialis, had already advanced to Scotland (“Tacitus and Agricola,” Phoenix 2/2 [1948]: 46-47).

On their campaigns, see Frere, Britannia, 98-103 and David Mattingly, An Imperial Possession: Britain in the Roman Empire, 54 B.C. – A.D. 409 (Penguin History of Britain 1; London: Allen Lane (Penguin), 2006), 115-16. Cerialis must have fought and defeated Venutius (the relevant section of Histories is lost), whom Tacitus describes elsewhere as the greatest British general since Caratacus (Ann. 12.40), since he is not a factor in Agricola’s conquest of the north. Frontinus probably overran the Ordovices as well as the Silures. See further Woodhead, “Tacitus and Agricola,” 47. Frontinus was still influential in Rome when the Agricola was published.

350 Tacitus narrates the terms of Trebellius and Bolanus in 88 words, those of Cerialis and Frontinus in 77, 16 of which are taken up with a general introduction of the age of Vespasian: sed ubi cum cetero orbe Vespasianus et Britanniam recuperavit, magni duces, egregii exercitus, minuta hostium spes (17.1).
described how Agricola achieved that balance in Aquitania: *nec illi... aut facilitas auctoritatem aut severitas amorem deminuit* (9.3; see further 22.4).

Second, the experience of Paulinus demonstrates that military conquest must be accompanied by policies that keep the population peaceful. By narrating the discussions of the Britons prior to their revolt, Tacitus reveals the avarice, arrogance, and violence of the Roman administration: “Now two kings have been imposed, the legate to expend his wrath (*saeviret*) on our blood, the procurator on our property… the instruments of the one, centurions, and the other, slaves, mingle violence with insult (*vim et contumelias miscere*)… Nothing is exempted from their avarice, nothing from their lust (*nihil iam cupiditati, nihil libidini exceptum*)” (15.2-3). In contrast, through his reforms and civilizing program Agricola ensures that there will be peace in the province while he occupies himself with conquest during the summers.\(^{351}\)

Finally, with Didius Gallus, Tacitus raises the issue of prestige and reputation (*fama*). Didius’ pursuit of prestige through empty gestures foreshadows Domitian’s own pretenses (39.1). Tacitus will demonstrate that Agricola does not actively court such fame (8.3, 9.4, 18.5-6, 22.4), but that his achievements are nevertheless real and recognized.\(^{352}\) The signal virtues here are *moderatio* and *modestas*.

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\(^{351}\) Cf. Sablayrolles: “Ce discours fictif des Bretons révoltés sert d’ailleurs à souligner l’excellence des réformes administratives d’Agricola, qui répondront exactement aux griefs exposés par les troupes de Boudicca quelque quinze ans auparavant” (56).

\(^{352}\) For the contrast, cf. 18.5-6: *...clarus ac magnus haber Agricola, quippe cui ingredienti provinciam, quod tempus allii per ostentationem et officiorum ambitum transigunt, labor et periculum placuisset. nec Agricola prosperitate rerum in vantitatem usus ... sed ipsa dissimulatione famae famam auxit ...*
After three years of service Agricola was recalled to stand as suffect consul (77 C.E.) (9.5). It was at this time that he married his daughter to Tacitus (she would have been 13 or 14 at the time). Following his consulate, Agricola was elected a pontifex, and Domitian appointed him legatus pro praetore to Britain (Agr. 9.6). His seven-year tenure as governor of Britain (77/78 to 83/84) is the longest on record, more than twice the norm.

Tacitus makes the circumstances of Agricola’s arrival in Britain a test of his character. Arriving in mid-summer, he finds the army expecting that the campaigning season is over, while the enemy seeks a chance to attack (18.1). Tacitus divulges the thoughts of the Britons: those among them who want a war, though encouraged by a recent successful attack, are waiting to observe the temper of the new governor (probare exemplum ac recentis legati animum opperiri). Thus, when Agricola mounts a late offensive, against prevailing opinion and despite the obstacles, the reader understands

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353 The exact months of his consulship are not known. After the accession of the Flavian dynasty, the period of office of both consules ordinarii and consules suffecti was quite frequently reduced to as little as two months. The date of Agricola’s consulship is rendered problematic by a papyrus dated to early June or July 77 attesting Domitian as consul, apparently alongside his father (Vespasian and Titus were the consules ordinarii of the year). It is questionable whether Agricola could have served as suffect consul after Domitian and still have had time to arrive in Britain in mid-summer (the Roman summer ran from mid-May to mid-August). Thus it has been suggested that Agricola’s tenure in Aquitania was cut short and that he served as consul already in 76. However, such an early date leaves open the question of why Agricola arrived in Britain so late in the summer campaigning season. See Hanson, Conquest of the North, 40-45, and D. B. Campbell, “The Consulship of Agricola,” Zeitschrift für Papyrologie und Epigraphik 63 (1986): 197-200.

354 The traditional dates are 78-84 C.E., since Agricola’s final victory at Mons Graupius apparently followed Domitian’s victory over the Chatti in 83 C.E. (Agr. 39.1). However, current scholarship favors 77-83. Domitian’s triumph may have occurred earlier in 83 than generally thought, making it possible for reports of an Agricolan victory in late summer 83 to reach Rome after the event. For the earlier dates, see Hanson, Conquest of the North, 41-45; “Study,” 1751-53, and the literature cited there.

355 The fasti are incomplete. For governors and their dates from Augustus through Antoninus Pius, see Hanson, Conquest of the North, 189.
that it is the correct decision. The new governor could have taken his late arrival as an excuse for inaction, but instead he proved himself industrious and assertive. His prompt action wards off a potential rebellion of the entire province.\textsuperscript{356}

Tacitus emphasizes the issue of Agricola’s character through the repeated use of the word \textit{animus}. The rebellious Britons want to discern the new governor’s character (\textit{recentis legati animum opperiri}). Agricola demonstrates the quality of his \textit{animus} by marching in front of his troops (\textit{ipse ante agmen, quo ceteris par animus simili periculo esset, erexit aciem}),\textsuperscript{357} and by resolving to follow his success against the Ordovices with the subjection of the island of Mona (Anglesey) (\textit{Monam insulam… redigere in potestatem animo intendit, 18.3}). This further venture allows Agricola to demonstrate his strategic ability and his determination (\textit{ratio et constantia, 18.4}).

Tacitus sums up this first campaign thus: “At his entry into the province, at the time, that is, which others spend in advertisement and in courting attention (\textit{per ostentationem et officiorum ambitum}), he had chosen hard work and peril (\textit{labor et periculum}); nor even now did he turn his success to boastfulness…” (18.5 [Ogilvie / Hutton, LCL]). Tacitus emphasizes both Agricola’s industriousness and his modesty. He

\textsuperscript{356} Cf. the arrival of Ostorius Scapula in Britain under similar circumstances, \textit{Annals} 12.31: \textit{gnarus primis eventibus metum aut fiduciam gigni}; “aware that it is first results which inspire either fear or confidence” (Jackson [LCL], modified). Tacitus evokes the principle in \textit{Agricola} 18.3: \textit{prout prima cessisset, terrorem ceteris fore} – “according as the first (attack) turned out, so would the terror of others be.”

\textsuperscript{357} Hanson, \textit{Conquest}, 49, notes that, “the description is a stock rhetorical convention applied to ‘brave’ generals and need not be taken literally” (citing Caesar \textit{Bell. Gall.} 1.25.1, Sallust \textit{Cat.} 59.1). A section of the Trajanic “Great Battle Frieze,” later re-employed on the Arch of Constantine, depicts the emperor mounted and attacking a group of Dacians – see Gerhard Koeppel, “The Column of Trajan: Narrative Technique and the Image of the Emperor,” in \textit{Sage and Emperor: Plutarch, Greek Intellectuals, and Roman Power in the Time of Trajan (98-117 A.D.)} (ed. Philip Stadler and Luc Van der Stockt; Symbolae: Facultatis Litterarum Lovaniensis ser. A vol. 29; Leuven: Leuven University Press, 2002), 245. On the column of Trajan the emperor is only shown directing the army from behind the lines (Koeppel, op. cit., 245, examples 251).
adds that Agricola did not affix laurels to his dispatches to advertise his victory. As before, however, his self-deprecation does not keep him from garnering a good reputation from his exploits (ipsa dissimulatione famae fama auxit) (18.6).

Though Agricola acts only as a military leader in this initial phase of his governorship, the narrative demonstrates qualities that Agricola will also exhibit in the civilian side of his administration. Tacitus emphasizes Agricola’s energy, initiative, diligence, and determination; his good judgment, his modesty, and his disregard for self-advertisement.

Tacitus begins his account of Agricola’s civilian administration by describing his reforms. First, he devotes considerable attention to Agricola’s management of his own staff (Agr. 19.2). Agricola replaces patronage and nepotism with a system based on merit and eliminates the employment of freedmen or slaves for public business. His treatment of his staff achieves a balance between facilis and severitas. He stays well informed about their actions but does not reprimand every little fault; he exercises clemency for small offenses but treats grave ones seriously (parvis peccatis veniam, 359).

358 The notion that a ruler must first put his own house in order is a commonplace (see Ogilvie and Richmond, Agricola, 213). Tacitus does not take the opportunity to comment on Agricola’s ordering of his own self (his self-control), but he alludes to it both with the phrase a se suisque orsus (“beginning with himself and his own”) and with the comment that the task is “not less difficult for most [governors] than the government of a province” (quod plerisque haud minus arduum est quam provinciam regere), alluding to the connection between political rule and rule of the self common in philosophical rhetoric on kingship.

359 This would have been well received by senators who resented the power of freedmen and slaves in the imperial service, and it sets up an implicit contrast with both Domitian and the staff of the imperial procurator, which would have been composed to a large extent of freedmen and slaves (Hanson, Conquest of the North, 71). For hostile portrayals of these equestrian officials, see Annals 14, 32, 38. On freedmen in the emperor’s service see Fergus Millar, The Emperor in the Roman World, 31 B.C. – A.D. 337 (Ithaca, NY: Cornell University Press, 1977), 69-83.

360 This, I think, must be the meaning of omnia scire, non omnia exsequi in the context of Agricola’s relations with his staff. Cf. Ogilvie and Richmond, Agricola, 19.3. Oddly enough, in his revision of Hutton, Ogilvie translates, “He made it his business to know everything; if not, always, to follow it up.”
magnis severitatem commodore); he is satisfied with penitence more often than he metes out punishment.

Second, Tacitus describes Agricola’s reforms to the system of administration, in particular to taxation. Agricola makes the exaction of grain and tribute more tolerable by equalizing the burden (aequalitate munerum mollire, 19.4) and by removing abuses. Tacitus describes at length the common practice of forcing provincials to buy grain at inflated prices in order to satisfy their obligations. Agricola’s reforms are contrasted with the behavior of previous governors whose negligence (incuria) and harshness (intolerantia) had made peace “not less dreadful than war” ([Hutton/Ogilvie, LCL]). The juxtaposition of incuria and intoleratia recalls the flaws of previous governors who ruled with an excess of either complacency or severity.

A second aspect of Agricola’s civilian administration is his program of Romanization. Through the comforts of civilization (per voluptates), the native peoples are made accustomed to peace and quiet (quieti et otio). Agricola’s distribution of praise for the cooperative and blame for the reluctant (laudando promptos, castigando

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361 According to J. C. Mann there was no grain tax in the Principate; rather, grain for the army was requisitioned as needed for a set price (“Two Topoi in the Agricola,” Britannia 16 [1985]: 21).

362 Tacitus does not explain in what such equalization consisted. He may be referring to the elimination of individual exemptions attained through corruption of officials, leading to the burden falling on fewer people.


364 For discussion of this passage, see Hanson, “Study,” 1744; Conquest of the North, 72-78. The great number of towns and cities founded in the west and the steady extension of citizenship suggest that such a policy was widespread (Hanson, Conquest of the North, 73). A. N. Sherwin-White, The Roman Citizenship (2nd ed.; Oxford: Clarendon, 1973), 251-63 speaks of the “impression … of something almost mechanical” (254).

365 On the close link in the Roman mind between urbanism and civilization, see Louise Revell, Roman Imperialism and Local Identities (Cambridge: Cambridge University Press, 2009), 44-54. In Germania, Tacitus notes that “It is well known that none of the German tribes live in cities” (16.1).
Agricola’s reforms demonstrate his discernment and good judgment. His discernment is evident in his practice of staying well-informed of the actions of his staff and keeping offenses to a minimum by promoting only the most trustworthy (19.3). He is aware of the disposition of the province (animorum provinciae prudens) and able to learn from the experiences of others (doctus per aliena experimenta). Agricola’s prudence is again stressed after his second campaign, when the newly conquered people are surrounded by forts and garrisons “with careful planning” (ratione curaque, 20.3). Tacitus dubs his efforts at Romanization “sound measures” (saluberrimis consiliis, 21.1 [Hutton/Ogilvie, LCL]).

Agricola’s prudent administration has important benefits for his military campaigns. He understands that misrule can undo what has been accomplished by war (parum profici armis, si iniuriae sequerentur, 19.1). The soundness of his reforms is made evident in that they allow him to consolidate his military gains by “rooting out the causes of war” (causas bellorum statuit excidere, 19.1). He is able to extend Rome’s rule in part because of his ability as a general, but also because he does not need to expend his energy dealing with rebellions in previously conquered territory.

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366 Hutton/Ogilvie translate, “the rivalry for his compliments took the place of coercion,” but I understand honoris in more general terms. However, Tacitus may be alluding to rivalry for Trajan’s esteem replacing the fear of Domitian. Recall that Agricola eschewed aemulatio as governor of Aquitania (9.4).

367 Tacitus may have Suetonius Paullinus particularly in mind here.
Agricola also exhibits the expected clemency toward those he has conquered: “once they were sufficiently cowed, he showed clemency in turn, demonstrating to them the attractions of peace” (ubi satis terruerat, pariendo rursus invitamenta pacis ostentare, 20.2). He thus skillfully carries out the Roman ideal, parcere subjectis et debellare subertos.

At this point, Tacitus’ narrative turns almost exclusively to documenting Agricola’s military accomplishments in Britain, a string of territorial acquisitions and pacification campaigns culminating in a decisive battle far to the north. Tacitus continues to hold up both Agricola’s strategic ability and his modesty (e.g., 22.4). He concedes that some thought him “rather harsh in his criticism” (acerbior in conviciis), “as unpleasant to the bad as he was friendly to the good” (ut erat comis bonis, ita adversus malos iniucundus). Tacitus excuses this potential lapse in facilitas by explaining that Agricola expressed his ire immediately and thereafter bore no grudges; you knew where you stood with him (22.4). The loss of a one-year-old son provides an occasion for Agricola to demonstrate both modesty and self-control: “He bore the loss neither with bravado (ambitiose), like most strong men, nor with lamentations and mourning like a

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368 The accuracy of Tacitus’ account of Agricola’s activity in Britain is not similarly assessed by all scholars. For a cautious account, see Hanson, Conquest and “Study.” Tacitus occasionally commits errors, and his geographic and ethnographic indications are often vague or insufficient; e.g., he associates the Brigantes with the revolt under Boudicca (§31). For more on geographical references, see A. R. Burn, “Tacitus on Britain,” 39-40. Archaeological evidence of forts and roads appears to some to support Tacitus’ account – see, e.g., Dorey, ”‘Agricola’ and ‘Germania,’” 7. But Hanson argues that it is perilous to interpret archaeological remains through the lens of such a biased source as the Agricola (Conquest, 20-23, 26-31; “Study,” 1748-50).

369 The site of Mons Graupius remains unknown, and Tacitus’ fidelity to the real events of the battle has been questioned. For various suggestions on the location, see Hanson, “Study,” 1768-70. G. S. Maxwell, A Battle Lost: Romans and Caledonians at Mons Graupius (Edinburgh: Edinburgh University Press, 1990), 72-110, provides an extensive history of this research. On the battle itself, Karl Strobel, “Nochmals zur Datierung des Schlacht am Mons Graupius,” Historia 36 (1987): 198-212 is critical; Maxwell is more circumspect (see esp. 122-23).
woman.” Again he strikes a middle ground, in this case between insouciance and excessive mourning. The adverb *ambitiose* (“ostentatiously”) shows that in this, too, Agricola avoids self-advertisement. Instead, he finds comfort in his work – conquest (*in luctu bellum inter remedia erat*) (29.1).

Tacitus’ account of Agricola’s retirement following his return from Britain is mainly concerned with explaining why the great general attained no higher assignment and was not charged with a command in Germany. Agricola died shortly after his fifty-third birthday, on August 23, 93 C.E. (*Agr. 44.1*). Two years after Agricola’s return, Domitian ordered a withdrawal from the conquered territory; troops were needed for the renewed wars in Germany. Agricola’s northern fortress at Inchtuthil, still unfinished, was systematically demolished. By the middle of the first decade of the second century, the Romans had withdrawn to south of the Tyne, thus abandoning all of Agricola’s conquests. Almost forty years passed until lower Scotland was reoccupied during the reign of Antoninus Pius.

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370 Tacitus’ account of Agricola’s last years (*Agr. 40-42*) has not been taken at face value by all scholars. Skeptical are T. A. Dorey, “Agricola and Domitian,” *Greece and Rome* 7 (1960): 66-71, and Henry Traub, “Agricola’s Refusal of a Governorship,” *Classical Philology* 49 (1954): 255-57. Cf. Ronald Syme: “So flagrant is the distortion when the Emperor is defamed that upon cool reflection doubts might arise about the superior excellence of Julius Agricola, that paragon of civic and military virtue” (*Tacitus*, 1.123). More supportive is Kurt von Fritz, “Tacitus, Agricola, Domitian, and the Problem of the Principate,” *Classical Philology* 52 (1957): 73-97. It is clear that upon his return from Britain, Agricola declined to be a candidate for the *sortitio* for Africa or Asia and was not offered the *salarium*. The reasons for this are less clear: Domitian does not seem to have retarded the careers of other successful generals (e.g., Julius Frontinus, Vettius Julianus, Verginius Rufus, and Trajan). Tacitus’ own advancement under Domitian suggests that the emperor bore no malice toward the family (indeed, Domitian may have nominated him for the consulship of 97, which he assumed after Domitian’s death). Agricola’s premature retirement was in fact far from unprecedented.

371 Numismatic evidence places the withdrawal some time in 87 C.E. For the archaeological evidence, see Hanson, *Conquest*, 150-52. A further withdrawal seems to have been complete by 90 C.E.

2.1.4 Conclusions

Techniques of Characterization

Tacitus does not shy away from employing direct characterization in his portrait of Agricola. He speaks of him as possessing certain characteristics: restraint (moderatio, 7.3), modesty (verecundia, 8.3), prudence (prudentia, 9.2), integrity (integritas, 9.4), self-control (abstinencia, 9.4), and persistence (constantia, 18.4). He also describes how he performs various roles: as a tribune, he is neither undisciplined (licens) nor lazy (segnis), but is both cautious (anxius) and eager (intentus, 5.1). He performs his investigations under Galba diligently (diligentissima conquisitio, 6.5) and his recruiting for Mucianus honorably and energetically (integreque ac strenue, 7.3). As a judge he is serious (gravis), alert (intentus), and more often merciful than severe (severus, et saepius misericors, 9.3). As a governor, he acts both “easily and justly” (facile iusteque), projecting amiability (facilitas) yet preserving respect (auctoritas), exercising strictness (severitas) yet garnering affection (amor).

The claims Tacitus makes through direct characterization are supported and reinforced by his indirect characterization, especially later in the narrative. Agricola demonstrates his restraint and modesty when he repeatedly refrains from boasting or making much of his accomplishments. He demonstrates his clemency by preferring to civilize the Britons rather than fight them. He demonstrates his diligence and industry by

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373 Mendell comments on Tacitus’ varied technique, “The Agricola… uses all the means available in a direct characterization of the subject. … Sometimes the author comments on an action to make sure its significance is clear, at other times the same result is obtained by noting the effect of an action on others, and again the action is left to speak for itself” (Tacitus, 139). On Tacitus’ technique of characterization more generally, see Mendell, op. cit. 138-65 and S. G. Daitz, “Tacitus’ Techniques of Character Portrayal,” American Journal of Philology 81 (1960): 30-52. Christopher Gill, “The Question of Character-Development: Plutarch and Tacitus,” CQ 33 (1983), examines Tacitus’ view of moral character and its potential to change, focusing on his portrayal of Tiberius (482-7). Studies on Tacitus’ characterization tend to be of limited use in the case of Agricola, who as the subject of a biography represents a special case.
taking the field immediately after he arrives in Britain. He demonstrates his prudence, integrity and fairness by his measures to reform his province.

On occasion, Tacitus alludes to others’ judgment of Agricola. For example, after his first campaign, Tacitus mentions that Agricola was thought a great man (*clarus et magnus haberī*, 18.5). More often, Tacitus alludes to Agricola’s standing in the eyes of others simply by relating that he gained *gloria* or *fama*. Domitian’s hostility toward Agricola also commends the governor.

Tacitus also characterizes Agricola by comparison – to Domitian most obviously, but also to the previous governors of Britain. He must be circumspect in his comparisons, for some previous governors were held in high esteem and some were still alive. He lavishes criticism when it is safe to do so, but more he often mounts a more subtle critique by minimizing or passing quickly over accomplishments and/or by only hinting at faults. At times Tacitus also makes generic comparisons, contrasting Agricola’s behavior to what others in his position do.

**Characteristics**

Tacitus’ praise of Agricola’s military acumen and civil policies abounds in commonplaces. His interest was not in factual reportage, but in painting a picture that

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374 Cf. 41.3, *poscebatur ore vulgi dux Agricola*. The use of popular opinion to emphasize the virtue of a character is a device Tacitus uses in his historical works as well (Sage, “Historical Works,” 858).

375 Military: his skill at positioning forts and camps (*Agr. 22.2*; see Ogilvie and Richmond, *Agricola*, 230) and his personal leadership of his troops (*Agr. 18.2*, see Ogilvie and Richmond, 210). Hanson concludes that in most cases “Agricola was doing no more than following normal military routine” (*Conquest*, 174-180, quote from 180). Cf. Ronald Martin, “Truth and Stereotype,” 9-12. Civil: reform of the grain levy (see Mann, “Two Topoi,” 21-23), program of Romanization (Hanson, *Conquest*, 72-83). On the latter, however, Ogilvie and Richmond note the presence of the Greek schoolmaster Demetrius of Tarsus (attested by Plutarch, *De Defectu Oraculorum* 410A, 434C), probably to be identified with the Demetrius Scribonius of two dedicatory inscriptions from York (*RIB* 662-3), and of two distinguished lawyers, Javolenus Priscus and Salvius Liberalis (*ILS* 1011, 1015), presumably sent to advise on the legal system (224-27); see also Woodhead, “Tacitus and Agricola,” 51-52.
his contemporaries could easily recognize.\textsuperscript{376} Several key characteristics surface repeatedly. The most salient of these is Agricola’s modesty, deference to superiors, and disregard for self-promotion.\textsuperscript{377} The prominence of this aspect of Agricola’s character serves the work’s main purpose: to contrast Agricola’s modesty and true greatness with Domitian’s hypocrisy and undeserved preeminence, as well as with the empty gestures of the “Stoic opposition.”

Agricola’s determination to achieve despite the likelihood of insufficient recognition is due not only to his desire for \textit{gloria} but also to his desire to serve Rome. According to Ian Richmond, the focal point of Tacitus’ praise, even more than Agricola’s military and administrative achievements, is Agricola’s \textit{pietas}, “his powers of self-effacement and loyalty to the state.”\textsuperscript{378} Agricola’s demonstration of loyalty, his determination to accept unjust treatment and to subordinate himself even to an unworthy \textit{princeps}, must have rung sweetly in the ears of Trajan and commended to him the man who chose to praise this conduct.

Another characteristic that Tacitus evokes extensively is Agricola’s \textit{moderatio}, his ability to avoid unhealthy extremes and to maintain a proper balance between opposing

\textsuperscript{376}Thus Sailor: “Nor is it [\textit{Agricola}] concerned with what we would think of as pure representation, that is, impartial transcription of events into language, but rather what would seem to a Roman to be “pure” representation, that is, a rendering of events in language that recognizes the ethical value of those events and assigns praise and blame to historical actors according to their deserts” (\textit{Writing and Empire}, 53). On the approach to historiography underlying this procedure, see A. J. Woodman, \textit{Rhetoric in Classical Historiography: Four Studies} (London: Croom Helm/Portland, OR: Areopagitica, 1988), esp. 70-119; Woodman discusses Tacitus’ use of \textit{topoi} and recycling of Livy, Sallust, and others (including his own prior work), 168-79, 186-90.

\textsuperscript{377}\textit{Agr.} 6.3-4, 7.3, 8.1, 8.3, 9.4, 18.6, 22.4, 39.1, 40.3-4, 41.4, 42.3. On this theme, see especially Liebeschuetz, “Theme of Liberty,” 126-30.

\textsuperscript{378}Richmond, “Gnaeus Iulius Agricola,” 45.
principles. This characteristic is associated with Agricola’s modesty but also with his ability to balance justice and mercy, severity (severitas) and compassion (misericordia), seriousness and ease. He avoids the extremes of tristitia and adrogantia, but nevertheless he is serious (gravis) and strict (severus) when it is appropriate. As a result, he succeeds in maintaining a friendly demeanor (facilitas) while still demanding respect (auctoritas).

Underlying this aspect of his character is Tacitus’ recognition that a good governor must be neither too harsh nor too permissive. In his survey of Britain’s previous governors, Tacitus provides examples of both.

Tacitus also repeatedly stresses Agricola’s diligence and industriousness, not just on campaign but also in his civilian administration. Tacitus’ account of Agricola’s program of reform and Romanization suggests a great deal of diligence – he handpicks his staff, is cognizant of all their activities, and actively responds to serious malfeasance. In the province, he exhorts, praises, criticizes, educates, and aids in the construction of temples, fora, and houses (21.1). His industry compares favorably to the complacency of previous governors. When Tacitus sums up the moral of his story, he writes that “submission (obsequium) and moderation (modestiam),” if coupled with “diligence and energy (industria ac vigor)” attain the same honor as a principled death (43.4), suggesting the importance of this quality to Tacitus’ overall portrait of Agricola’s character.  

See especially Classen, “Historian,” 95. He treats Agricola’s modestia as a form of his moderatio, but the characteristic is so prominent that it deserves separate treatment here.

See Morford, “Liberty,” 3429: “Under the principate, however, libertas implied not only virtus but also obsequium and modestia.” Obsequium is an ambiguous term in Tacitus: it is servile if displayed in self-interest, virtuous if “its goal is the effective conduct of the business of the res publica” (ibid., 3429, with further discussion 3430-31).
Despite his protest about the unworthiness of speaking of *innocentia*, Tacitus does not leave this quality unmentioned. In addition to his comments about Agricola’s tenure in Aquitania, Tacitus also uses Agricola’s term as *quaestor* to emphasize his father-in-law’s incorruptibility. Tacitus also brings out this aspect of Agricola’s character by contrasting him with others – not to specific past governors of Britain in this case, but to those Calcagus mentions in his speech as subjecting the provincials to *vis*, *contumelia*, *cupiditas* and *libido*. In contrast, Agricola reforms corrupt practices and carefully selects his staff to minimize such violations. Tacitus does not attribute Agricola’s *innocentia* to his self-control in a direct way, but his comment on the governor’s reforms, *a se suisque orsus primum domum suam coercuit* alludes to this connection (*Agr.* 19).

Finally, Tacitus illustrates Agricola’s prudence, his ability to anticipate the future and avoid potential problems. This is most obvious when Agricola enters the province and chooses to go on the offensive rather than biding his time, but it is also visible elsewhere. In managing his staff, Agricola gives authority to those least likely to offend in order to avoid having to condemn later. In Britain, he pursues civilizing measures to avoid future unrest. He places forts and garrisons among newly conquered populations with “planning and care” (*ratione curaque*). In his legal duties in Aquitania, he exercises an “inbred good sense” (*naturali prudentia*, 9.2). Elsewhere Tacitus speaks of his *sapientia*, *ratio* and ability to learn from others’ mistakes (*doctus per aliena experimenta*). Clearly, discernment and foresight are also an important component of Tacitus’ view of the good governor.
Issues and Concerns

Just as Agricola’s modesty is the characteristic stressed most often in the narrative, so its predominant concern is the proper allocation of *gloria*. It should be ascribed, not to those who call attention to themselves and inflate their accomplishments, but to those whose hard work and genuine success merit it.\(^{381}\) The contrast between Agricola and Domitian is central to this concern, but it appears elsewhere too – for example, Didius Gallus is accused of trying to inflate small gains into a reputation for having expanded his province (14.3). Agricola, on the other hand, scorns to advertise the results of his first summer’s fighting, seeing them as only reoccupying territory previously won; his later military actions demonstrate what “real” expansion of territory is. The temptation to vainglory and massaging one’s public image is to be avoided. Tacitus’ biography is an exercise in remedying the problem, calling attention to where *gloria* should properly be attributed and where it should not.

The governor’s relationship with both provincials and the soldiers under his *imperium* is a repeated subject of concern. The governor must enforce and maintain his *auctoritas*, that quality that compels obedience. However, the governor should also maintain friendly ties with his soldiers and subjects. The extremes of dour severity and amiable malleability are to be avoided. In this sense, governors’ dealing with the troops under their command represents a microcosm of their relationship with their subjects as a whole – both discipline and friendliness with the troops must be maintained, or the troops will either revolt out of hatred for the commander or run wild out of contempt. Likewise, excessive severity breeds hatred in the populace, but excessive leniency breeds license

\(^{381}\) On the “crisis of representation,” see Sailor, *Writing and Empire*, 51-83.
and contempt for authority. Agricola finds a good balance when he is able to motivate people by praise rather than fear of punishment. He pacifies the populace both by “civilizing measures” and by carefully maintaining the menacing presence of troops nearby.

The issue of corruption surfaces several times. Openness to bribery is rejected in the strongest terms – even to consider the possibility is an insult. However, some vices, such as desire for prestige, can afflict even a good man. Tacitus consistently connects unrest and rebellion in the provinces with the corrupt and abusive practices of their rulers. By eliminating these practices Agricola ensures peace within the area under Roman control, freeing him to focus on further conquest.

Finally, the governor’s staff is an issue in Agricola. Agricola’s knowledge of his staff’s activities, and his concern to choose people who will not have to be punished for misconduct later, hints at the reality of administration in the provinces – governors could not in fact be cognizant of all the actions of their subordinates, and to a certain extent simply had to trust that they would behave honorably.  

382 The recognition that the governor should not punish every small offense implies that governors could expect a multitude of small abuses or actions that border on impropriety. The art of governing is knowing when a violation is serious enough that it must be punished to set an example.

View of Rome

Tacitus’ view of Rome as it emerges from the Agricola is nuanced and ambivalent. On the one hand, his job is to praise Agricola, and much of what Agricola

382 Compare Philo’s comment about the malfeasance of Lampo in Against Flaccus 133; he admits that governors cannot keep track of every detail of administration.
did in Britain was military conquest. Thus he represents Agricola’s expansionist policy as a source of *gloria* and suppresses the problematic aspects of conquest. On the other hand, where Agricola is not directly involved, Tacitus does not hide the rapacity involved in Roman conquest and rule. It emerges not only in the speeches he places on the lips of leaders in the fight against Rome (§15, §30-2) but also from comments that Tacitus himself makes. For example, he doubts that the inferior quality of the pearls in Britain is due to the inferior technique used to gather them, as some claim, for “I should more easily believe the pearls lacking in quality than ourselves lacking in greed” (*ego facilius crediderim naturam margaritis deesse quam nobis avaritiam*) (12.6). He calls Romanization, which the subject populations learn to call *humanitas*, “a part of their slavery” (*pars servitutis*). His account of Agricola’s reforms necessarily involves an exposé of the dishonest practices by which previous governors extorted money from the provincials.

The contrast between the paired speeches before the battle of Mons Graupius is particularly striking. Calgacus’ speech excoriates the injustices and abuses of the Romans (30.4–31.2). Agricola does not present a countering point of view, but merely assures the troops of their chances for victory and stresses the dangers of retreat. The contrast between the paired speeches before the battle of Mons Graupius is particularly striking. Calgacus’ speech excoriates the injustices and abuses of the Romans (30.4–31.2). Agricola does not present a countering point of view, but merely assures the troops of their chances for victory and stresses the dangers of retreat. Perhaps Tacitus and his contemporaries so took for granted that Roman rule was justified that they were conditioned to discount the words of a Calgacus in a way that the modern reader is not.

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383 Haynes, “Dangerous Word,” argues that both speeches are essentially Roman: Calgacus’ speech mirrors “contrived, Sallustian, anti-imperial rhetoric,” while Agricola’s adopts “a more measured, Livian tone appropriate to a good Roman general inspiring self-confidence and patriotism in his men” (45). Thus Tacitus “is not creating a simple dichotomy between a true perspective and an ideologically bound one... Both represent facets of Roman ideology [by?] which Tacitus speaks through many voices” (44).

On the other hand, we have seen that Tacitus himself frequently links the revolt of subject populations to the abusive treatment they receive at the hands of Roman governors.\textsuperscript{385} Perhaps he did not care to have Agricola deny that reality.\textsuperscript{386} Thus although Tacitus’ praise for Agricola’s conquests dominates the center of the work, this does not prevent him from expressing his own ambivalence about Roman conquest and dominion in the margins.

However, despite these reservations, Tacitus’ depiction of Agricola as a model governor suggests that governing a province in the Roman Empire can be an honorable task for an honorable man. Agricola’s honorable rule demonstrates that Roman rule need not be abusive, even if some governors make it so. Even if it makes slaves of the provincials, Agricola’s governance brings peace and its attendant benefits to those firmly under his sway. His rule thus demonstrates the ideal that justifies Rome’s rule in its own eyes in the speech of Cerialis, and in Cicero before him (see, e.g., \textit{Quint. fratr.} 1.1.34). It is the (supposed) existence of governors like Agricola that justifies Rome’s imperial enterprise.

\textsuperscript{385} See also his account of the origins of the Boudiccan revolt in \textit{Annals} 14.31 – entirely unflattering to the Romans.

\textsuperscript{386} Such displays of ambivalence raise questions about the extent of Tacitus’ sincerity. For example, Holly Haynes writes, “the text expresses unequivocal ‘Romanness’ because its eponymous hero has no understanding of the ideological vocabulary he uses. The \textit{Agricola} is in one sense an embodiment of its hero’s discourse” – a discourse Tacitus elsewhere suggests has been voided of significance because the signifiers have lost all connection to what they once signified (“Dangerous Word,” 45 \textit{et passim}). Haynes’ article links Tacitus’ interrogation of discourse under the \textit{Principate} to his use of the word \textit{vocabulum}, conspicuous for its absence in the \textit{Agricola}. 
2.2 Philo, Against Flaccus

Philo’s treatise on Aulus Avillius Flaccus,387 Prefect of Egypt 32-38 C.E., describes his mistreatment of the Judean community of Alexandria and his subsequent arrest, exile, and ultimately execution at the hands of the emperor Gaius. Although the bulk of the work is occupied with condemnation of Flaccus’ policy during his final year of power, Philo devotes a short segment near the beginning to eulogizing Flaccus’ governance during his first five years in office. Thus Against Flaccus (hereafter Flaccus) provides both a laudatory and a critical portrait of a provincial governor from the same pen.

387 We have few sources other than Philo’s treatise from which to glean information about Flaccus. Philo represents him as having been educated with Augustus’ grandchildren (Flacc. 158), which Pieter van der Horst surmises would put his birth sometime around 15 B.C.E. – see Philo’s Flaccus: The First Pogrom (Philo of Alexandria Commentary Series 2; Leiden: Brill, 2003), 34. His close connection to Tiberius and his other connections (with Macro, Tiberius’ praetorian prefect, and with Aemilius Lepidus, husband of Gaius’ sister Drusilla), not to mention his appointment to Egypt, suggest that he belonged to a very high-ranking equestrian family. He would have had other important appointments prior to his prefecture, but we know nothing specific. Philo is confusing on his political alliances: he supposedly supported Gemellus, though his friend Macro was one of Gaius’ greatest allies, and he somehow participated in the prosecution of Agrippina (wife of Tiberius’ rival Germanicus and mother of Gaius), though his exact role remains murky – Philo says only that he “had become one of the attackers of Gaius’ mother” (τῶν συνεπιθεμένων τῇ Γαίᾳ μητρί… γεγονός, Flacc. 9). On the problems, see A. N. Sherwin-White, “Philo and Avillius Flaccus: A Conundrum,” Latomus 31 (1972): 820-21. His name appears in two Egyptian inscriptions, one a simple dedication (OGIS 661 = CIG 4716), the other an edict of Tiberius Julius Alexander, referring to him as having been lenient on matters of taxation (OGIS 669 = CIG 4957). Texts, translations (French) and commentary are available in A. Bernand, La prose sur Pierre dans l’Égypte hellénistique et romaine (2 vols.; Paris: Centre National de la Recherche Scientifique, 1992), 1:126-36 and 2:141-53. The text of one of his edicts is preserved on papyrus (P. Boissier 1): issued in 34 C.E., it prohibited the carrying of arms and limited their use (cf. Flacc. 92). In another papyrus (P.Oxy. 1089), a fragment from the so-called “Acts of the Alexandrian Martyrs,” Flaccus is depicted conducting a secret meeting with the Alexandrian leaders Isidorus and Dionysius (cf. Flacc. 20 and, on Isidorus, 135-45); text, translation and commentary in Herbert Musurillo, ed., Acts of the Pagan Martyrs (Oxford: Clarendon, 1954), 47, 93-104; and Victor Tcherikover et al., eds., Corpus Papyrorum Judaicarum (Cambridge: Cambridge University Press, 1957), 1:60-64 (no. 154). Finally, an ostracon from 34 C.E., a deed of sale found in Thebes, mentions Flaccus as the governor of that year. Flaccus’ predecessor in Egypt (Hiberius) probably died in 32 C.E., so Flaccus’ tenure probably extended from 32-38 (a bit more than six years). He died in the spring of 39. For a full survey of the evidence, see van der Horst, op. cit., 34-38, and André Pelletier, In Flaccum (Les Ouvres de Philon d’Alexandrie 31; Paris: Cerf, 1967), 21-23. On the dates of his tenure see especially Arthur Stein, Die Präfekten von Ägypten in der Römischen Kaiserzeit (Dissertationes Bernenses 1/1; Bern: Francke, 1950), 25-28.
Moreover, my analysis of the contours of Philo’s characterization will show that Philo’s portrait of Flaccus during his disastrous final year is best understood as composed of not one but two distinct portraits of Flaccus. In one portrait he is tyrannical and malicious and harbors evil designs against the Judean population over an extended period of time. In the other he is manipulated by local demagogues who persuade him to pander to the anti-Judean sentiments of the populace. Because these two portraits do not cohere – they are even mutually contradictory at points – they are best seen as alternative critical presentations of the same governor. Thus in *Flaccus* we have three examples of the characterization of a governor, one laudatory, two critical.

The following analysis will demonstrate that in his laudatory portrait Philo stresses Flaccus’ good judgment, his interpersonal and administrative skills, his diligence, and his integrity. During his decline Philo portrays the governor losing his prudence and confidence and falling victim to manipulation through his fear and vanity to feelings of jealousy and anger. He is guilty of hypocrisy and dissimulation, but his worst crimes are a result of negligence. In his later portrait Philo continues to depict the governor practicing pretense and deceit, but now as a way to advance his plots. He is malicious and cruel, lawless and unjust, abusing his authority in order to do harm to his enemies. Philo’s narrative betrays particular concern about the issues of public order, favoritism, and abuse of power. A subsidiary concern is the impact of untrustworthy advisors on the governor’s decision-making.

2.2.1 Philo and Rome

As a prominent Alexandrian of Judean descent Philo was situated within a web of political forces and allegiances, and it is in relation to these that his political views must
be understood. On the one hand, he was a member of the Judean πολίτευμα in Alexandria, and he expressed loyalty to the Judean people as a whole and a concern for the political rights of those resident in Alexandria. On the other hand, he was one of the few Jews who enjoyed full Alexandrian citizenship, and his writings reveal his attraction to Greek culture and his interest in positioning Judaism in relationship to Greek thought. Philo shows himself conscious of the need to balance these two allegiances –


390 Expressions of this loyalty are numerous. Within *Flaccus*, it is expressed through Philo’s concern for the impact the behavior of the Alexandrians will have on Jewish communities elsewhere as well as his generalizations about the loyalty and good behavior of the Jewish race. Philo referred to the Judean ἐθνός as a πολιτεία (e.g., *Legat*. 193; ἥ καθολικοτέρα πολιτεία Ἰουδαίων) and makes clear in *Legatio* its priority over the narrower concerns of the Judean Alexandrians (*Legat*. 193-4); other Alexandrian Judeans may have viewed things differently – see Maren Niehoff, *Philo on Jewish Identity and Culture* (Texts and Studies in Ancient Judaism 86; Tübingen: Mohr Siebeck, 2001), 38-39.

391 Although there is a lack of clarity in the primary literature, the general picture it suggests is that most of the Judean residents of Alexandria were not full citizens of the πόλις, but enjoyed a comparable status by virtue of their membership in a πολίτευμα that was favored and protected (see Tracy, *Philo Judaicus*, 16-19). It is clear, however, that some Judeans were full Alexandrian citizens. Philo’s brother must have been one of these, for he held a municipal office; see E. M. Smallwood, ed., *Philonis Alexandrini Legatio ad Gaium* (Leiden: Brill, 1961), 4; and Barraclough, “Philo’s Politics,” 424). It is unlikely that he was the first in the family to hold Alexandrian citizenship.

392 On the nature of this positioning, see Jonathan Dyck, “Philo, Alexandria and Empire: The Politics of Allegorical Interpretation,” in *Jews in the Hellenistic Cities* (ed. John Bartlett; London:
to the Judean ἑθνὸς and homeland, and to the Greek cities in which diaspora Jews resided. Finally, Philo was a subject of the Roman emperor and of the governors the emperor sent as his proxies in Egypt. He was also a Roman citizen, something only a few Judeans could claim. For both Jews and Greeks in Alexandria, Rome was a powerful Other – possibly friendly, but potentially dangerous. Philo is conscious of the protection Rome can offer to the Judean community in Alexandria and to diaspora communities in general, as ethnic minorities clustered in urban areas throughout the Roman Empire. He also recognizes that Roman authorities can be abusive and intolerant.

As with Luke-Acts, scholarly interpretations of Philo’s view of the Romans have varied widely. E. R. Goodenough claimed that Philo “loved the Romans no more than the skipper of a tiny boat loves a hurricane” and that “if Philo had it in his power to destroy the Roman power he would gladly have done so.” More recently, Maren Niehoff has argued the opposite: Philo’s writings represent “the first detailed expression of a sustained pro-Roman attitude on the part of a Jewish intellectual.”


393 Note especially his conception of diaspora as fatherland, Jerusalem as mother-city (Flacc. 46), on which see Niehoff, Philo on Jewish Identity, 33-44.

394 Philo’s brother bore the tria nomina (Gaius Julius Alexander). We have no direct evidence on Philo’s own citizenship status, but his brother’s name suggests that the grant of citizenship originated from Julius Caesar, and thus was first bestowed on their father.

395 Aside from Flaccus there is the governor represented as threatening the Sabbath in De Somniis 2.23-30, the abusive tax-collector in Specialibus Legibus 3.159-163, Gaius and Pilate in Legatio.

396 Goodenough, Politics of Philo, 7.

397 Maren Niehoff, Philo on Jewish Identity, 112.
Goodenough viewed Philo’s advice about dealing with kings and tyrants in *De Somniis* 2.81-92 as an interpretive key to Philo’s political views. Philo advocates caution (ἐυλάβεια, 2.82) and discourages “untimely frankness” (παρρησία ἢκαιρος, 2.83, 85), reminding his reader that these rulers have the power to punish not only the speakers but also their families and their entire people. It seems likely that Philo is criticizing Jews whose open criticism and defiance of those in power could lead to suspicion being cast on the whole Judean ἔθνος. Instead, Philo recommends the use of “blandishments and honeyed words” (τιθασεῖσαι καὶ μειλήμασι, 2.89) to deal with “certain men who are more savage and treacherous than boars, snakes and asps,” whose hostility cannot be escaped otherwise.398 Goodenough saw in this text both an indication of Philo’s real view of the Romans and a reason for caution in distilling Philo’s perspective from his more public writings.399

However, it is not clear that Philo refers to the Romans in general when he speaks of “certain men” who are more savage than wild beasts. At one point in his remarks, he employs the metaphor of a captain who does not set out to sea when the storm is raging but lies safe in harbor waiting for a favorable wind (2.85-86). This reference to the variability of conditions suggests that Philo has in mind, not the Romans in general, but particular representatives of Roman rule who acted tyrannically. If this is true, then Philo’s advice is quite conventional: it is better not to defy a tyrannical governor, but to


be patient and hope that his replacement will be better.\footnote{Compare the advice Josephus places on lips of Agrippa II in \textit{Judean War} 2.352-54, and the speech of Cerialis in Tacitus, \textit{Histories} 74.5-6: \textit{Vitia erunt, donec homines, sed neque haec continua et meliorum interventu pensantur}. The metaphor of the storm and harbor is also found in Agrippa’s speech (2.396).} This suggests a more optimistic view of Roman rule than Goodenough will admit.\footnote{Cf. John Collins, \textit{Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora} (2nd ed.; Grand Rapids: Eerdmans, 2000), 114: “Despite Philo’s animated opposition to Roman oppression, the evidence does not indicate that he was opposed to Roman rule as such.” So also Peder Borgen, “Emperor Worship and Persecution in Philo’s \textit{In Flaccum} and \textit{De Legatio ad Gaium} and the Revelation of John,” in \textit{Geschichte - Tradition - Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag}, ed. Hermann Lichtenberger (3 vols.; Tübingen: Mohr, 1996) 3:507, drawing a contrast with Revelation. The other passages Goodenough cites as coded denunciations of the Romans also fail to convince – they are too general to be aimed only at the Romans. See R. Barraclough, “Philo’s Politics: Roman Rule and Hellenistic Judaism,” \textit{ANRW} 21.1:472-475, who concludes, “In so far as the Romans are criticized, it is because of their participation in pagan practices which Philo condemns and not because of distinctive evil on their part… He writes in the vein of an anti-Gentile Jew and not an anti-Roman patriot.”}

Nevertheless, Philo’s suggestion that \textit{παρρησία} can be \textit{ἀκαρυκός}, and his advocacy of “blandishments and honeyed words,” should make us cautious about divining his true feelings from texts designed for the public square such as \textit{Flaccus} and \textit{Legatio ad Gaium}. Such was the procedure of Goodenough’s contemporary, Émile Bréhier: he claimed that Philo found the Roman government nearly ideal, but cited only the \textit{Legatio} in his support.\footnote{Émile Bréhier, \textit{Les idées philosophiques et religieuses de Philon d’Alexandrie} (Études de philosophie médiévale 8; 3rd ed.; Paris: Librairie Philosophique J. Vrin, 1950), 33-34. Bréhier argues that Philo adopts a theory of the ideal emperor that resembles older conceptions surrounding Egyptian monarchs. Roman rule is not conventional but natural; the Roman emperor has a divine mission (33-34).} Maren Niehoff justifies this approach by arguing that \textit{Legatio} and \textit{Flaccus} were not aimed at a Gentile audience: “Apart from a few specific studies, such as the \textit{Life of Moses}, he [Philo] does not indicate any awareness, let alone hope, that his readers be anything other than congenial Jews.”\footnote{Niehoff, \textit{Philo on Jewish Identity}, 13, arguing along lines laid out by Victor Tcherikover’s article “Jewish Apologetic Literature Reconsidered,” \textit{Eos} 48.3 (1956), 169-93.} Thus Philo’s sentiments were not conditioned by
apologetic needs. Instead, “[b]oth the Legatio and In Flaccum aimed at defending Philo’s pro-Roman politics” against Jews who supported anti-Roman street violence.\(^{404}\)

Niehoff’s arguments fail to convince, at least with regard to Flaccus. Niehoff claims that in contrast to the Life of Moses, neither Legatio nor Flaccus stresses the merits of the Jews. However, in Flaccus Philo is at pains to affirm the Jews’ political loyalty, peaceable nature and sober lifestyle. Niehoff also argues that only a Jew could have appreciated the theme of divine providence. While it may be true that “It required Jewish eyes to see a connection between Flaccus’ trial and his earlier treatment of the Jews,”\(^{405}\) Flaccus seems specifically designed to make its audience see through such “Jewish eyes.” Philo’s evident concern to portray the Judean population of Alexandria as more loyal to the emperor than their Greek and Egyptian counterparts, and his efforts to justify their prohibition of imperial images, imply a non-Jewish – more specifically, a Roman – audience for Flaccus.

Furthermore, Niehoff’s claim that Philo’s praise of Augustus in Legatio represents his view of the Romans is as fallacious as Goodenough’s claim that De Somniis 2.81-92 does.\(^{406}\) Philo uses Augustus as a model of proper policy toward the Jews, but he should no more be taken as a key to Philo’s construction of the Romans than should his counterpart Gaius. Indeed, one might argue that rather than illustrating the excellence of “true Romanitas” to his fellow Jews, Philo’s glorified picture of Augustus

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\(^{404}\) Niehoff, Identity, 39. As she herself notes (39n77), she stands practically alone in this claim – even Tcherikover followed Goodenough’s assumption that the two works are outwardly oriented.

\(^{405}\) Niehoff, Identity, 41.

\(^{406}\) Niehoff, Identity, 118.
and Tiberius provided him a safe platform from which to critique and cajole the Roman administration of his own day without appearing to be anti-Roman as such.  

Philo reflects an elite Alexandrian view of morality and politics. By Philo’s day, that view had been influenced by two generations of Roman predominance. Niehoff has ably illuminated some of the ways in which Philo’s writing reflects distinctively Roman values, particularly in the way he portrays his own people and the Egyptian “Other.” However, her characterization of Philo as “consistently pro-Roman” is not supported by the evidence. Barraclough is likely correct that although Philo appreciated the potential benefits of Roman rule, the superlatives in *Flaccus* and *Legatio* are an exaggeration of his real views. Philo projects a very positive view of what life could be like under a virtuous Roman administration but harbors no illusion that Roman rule will always be virtuous.

Philo’s relative optimism about, and desire to placate, the Romans must be judged in the context of the network of allegiances that conditioned his and his people’s existence. The Judean community of Alexandria had never known and could not hope for complete self-determination. They would always exist as a minority in a multi-ethnic city. Gentile rule was a given – if not by the Romans, then by someone else. Philo does not seem to have spent much time imagining an eschatological future of global Jewish

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407 Moreover, it is hard to see how Philo could have hoped to convince Jewish readers of the essential benevolence of Rome through appealing portraits of past rulers, when they knew by recent tragic experience that present rulers would not necessarily resemble them.

408 Particularly in chapters 1-5 (17-158).

supremacy. Thus, if Roman rule provided better conditions for the Judean people than had rule by the Greeks, Philo was ready to support the Romans.

Philo’s political views must also be evaluated in light of his philosophical values. Philo seems to have looked at political life in general with a jaundiced eye. He regrets the necessity of his own participation in it, seeing the pure life of the mind as far more blessed (Spec. Leg. 3.1-6). His ambivalence toward the political life is mirrored in his two separate portraits of Joseph, the statesman – one censorious (De Somniis 2), one encomiastic (De Iosepho). Even the meritorious version of Joseph is set apart from the three idealized patriarchs, Abraham, Isaac, and Jacob, who achieve excellence through teaching, nature, and practice respectively. If the destiny of the Romans is to be the

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410 On Philo’s subdued eschatology and lack of interest in “practical nationalism” see Collins, Athens and Jerusalem, 133-7, arguing against the interpretations of Goodenough (Politics, 25) and Wolfson, Philo, 2:414-15. For further bibliography see Collins 132-135, notes 99-101 and 108.


412 For a more positive view, see Fug. 33; even here, however, the philosophical life is the goal toward which the practical life leads. For an overview of Philo’s ambivalent statements about politics, see Goodenough, Politics of Philo, 74-85.


414 See Bassler, “Joseph,” 244: “Philo clearly intended De Iosepho… to follow the tractates on these three patriarchs, yet Jos. does not readily fit into the framework that he has established. Philo does not, indeed cannot, argue that the political life produces consummate excellence in the same way that learning, nature, and practice can achieve it. Rather, his argument in this tractate is that the political life can threaten the life of excellence, but with the proper training a life of nobility, virtue, and piety can be maintained in the midst of human affairs.” Bréhier, Idées, 261, takes a more positive view: the political and practical life is not a distraction to be overcome but “le chemin et le prélude nécessaire” to the life of the wise: “Philon se moque des sages qui se retirent tout de suite du monde et dont la vertu n’a pas été éprouvée au contact de la réalité.” For the whole argument, see 252-61, and, on the importance of the practical, 267-68, citing Fug. 33. On the relationship between contemplative and practical life, see also Francesca Calabi, “Happiness and Contemplation: The Contemplative Life,” in God’s Acting, Man’s
world’s rulers, the role of the Jews is a more significant and noble one – to be the world’s philosophers.\footnote{Cf. Bréhier, \textit{Idées}, 34: the ambitions of Jews and Romans are not exclusive, since the wise person is a stranger on earth (\textit{Q.Gen.} 10) whose kingdom is in heaven. “La politique des hommes lui apparaît comme une songe, et l’empire universel une illusion.”}

2.2.2 Date, Genre, Audience, Purpose

The intensity of Philo’s rhetoric suggests that he wrote \textit{Flaccus} at a time soon after the events of 38 C.E. and felt the need to argue for a certain point of view regarding them. The negative view of Gaius (and reference to him in the past tense, \textit{Flacc.} 180) makes a date after Gaius’ death in 41 C.E. likely\footnote{On the dating, see van der Horst, \textit{Flaccus}, 4 and Smallwood, \textit{Legatio}, 151. Prior to Gaius’ death, Philo had a strong motive to avoid criticizing the emperor – he and the rest of the Jewish delegation from Alexandria were busy wooing him.}, and the absence of any reference to the execution of Isidorus and Lampo under Claudius, which probably also occurred in 41 (though some argue for 53)\footnote{The date is based on the \textit{Acta Isidori et Lamponis}, a part of the so-called \textit{Acts of the Alexandrian Martyrs} (Musurillo, \textit{Acts of the Pagan Martyrs}, no. 4 (18-26); Tcherikover, \textit{CPJ}, no. 156 (2:66-81). For arguments in favor of 41 C.E., see Tcherikover, \textit{CPJ}, 68-69; E. M. Smallwood, \textit{The Jews under Roman Rule: From Pompey to Diocletian} (Studies in Judaism in Late Antiquity 20; 2nd ed.; Leiden: Brill, 1976), 253 and n127; and Daniel R. Schwartz, \textit{Agrippa I: The Last King of Judaea} (TSAJ 23; Tübingen: Mohr Siebeck, 1990), 96-98. Cf. J. M. Modrzejewski, \textit{The Jews of Egypt: From Rameses II to Emperor Hadrian} (trans. R. Cornman; Philadelphia: Jewish Publication Society, 1995), 173-79. Herbert Box, ed., \textit{Philonis Alexandrini In Flaccum} (London: Oxford University Press, 1939), prefers the date of 53 (xvii); Musurillo (op. cit., 118-24) considers 53 the more probable option.}, leaves a fairly narrow window for the composition and publication of the work\footnote{In contrast, in \textit{Legatio} 206, Philo mentions Helicon’s execution under Claudius.}. However, neither consideration is beyond doubt, especially the \textit{terminus ante quem}, which is founded on an uncertain date and an argument from silence. Still, the period immediately after the death of Gaius and the accession of Claudius is likely to have been a time of intense literary activity as both Alexandrian

Judeans and Alexandrian Greeks jockeyed for position under the new regime, and it is easy to imagine a text like *Flaccus* originating at such a time.

Pelletier called the work an “aretalogy,” a genre comprising three essential themes: a misfortune, divine intervention, and thanksgiving. In cases where the misfortune is persecution rather than an illness or some other affliction, the thanksgiving element can include the defeated persecutor’s admission of the justice of punishment and the people’s thanksgiving for deliverance, sometimes perpetuated in an annual festival. Pelletier, *In Flaccum*, 16-19. Pelletier would include Esther and the account of the persecution of Antiochus IV in 2 Maccabees in this genre. This suggestion has the virtue of corresponding to the title Περ/υρετ/ον given in Eusebius and connected to the *Legatio*. Though Eusebius misconstrues it as irony, in this context ἄρετή would have the “specifically Jewish” sense of θεία δόναμις found in the Septuagint (Isaiah 42:8, 12; 43:21; 63:7; cf. 1 Peter 2:9 and 2 Peter 1:3) (Smallwood, *Legatio*, 39-40).

This classification, however, ignores the extent to which the work focuses on the wickedness of Flaccus rather than the intervention of God (see below). Martin Meiser has suggested that the work fits the category of “mimetic historiography,” which focuses on emotional impact rather than style of presentation (“rhetorical historiography”) or facts and causes (“pragmatic historiography”). The treatise clearly does not pretend to be a completely factual rendering of events, since Philo presents details that he would have no way of knowing, especially in the latter part of the work. Van der Horst, in turn, applies the term “rhetorical historiography,” designating not a precise genre but the tendency of all historiography in the ancient world to seek to convey a moral, philosophical, or religious message through the narration of events. He concludes that “Philo’s work is a mixture of historiography, pastoral theology, apologetics and

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419 Pelletier, *In Flaccum*, 16-19. Pelletier would include Esther and the account of the persecution of Antiochus IV in 2 Maccabees in this genre. This suggestion has the virtue of corresponding to the title Περ/υρετ/ον given in Eusebius and connected to the *Legatio*. Though Eusebius misconstrues it as irony, in this context ἄρετή would have the “specifically Jewish” sense of θεία δόναμις found in the Septuagint (Isaiah 42:8, 12; 43:21; 63:7; cf. 1 Peter 2:9 and 2 Peter 1:3) (Smallwood, *Legatio*, 39-40).


theodicy,” which draws on various genres but belongs to none.\footnote{Van der Horst, Flaccus, 11-12. M. A. Kraus, “Philosophical History in Philo’s In Flaccum,” The Society of Biblical Literature 1994 Seminar Papers (SBLSP 33; Atlanta: Scholars, 1994), 477-94, argues that Flaccus is primarily a philosophical not a historical work. Philo allegorizes history, using it to demonstrate the efficacy of divine providence, the characteristics of good and bad government, and the importance of virtue and clarity of vision.} Van der Horst is probably correct in arguing that the work is too amorphous to be assigned to any one genre.

Given the work’s emphasis on God’s providence, some have suggested that Philo had primarily a Jewish audience in mind.\footnote{See, for example, Gerschmann, Gegen Flaccus, 124 (cited by Meiser). Van der Horst (Flaccus, 15-16) posits a mixed audience. Goodenough, on the other hand, interpreted the theme of providence as a warning to Gentiles not to persecute the Jews (Politics, 10-11). In Legatio the theme is specifically aimed at those who have given up on God’s providence – thus likely Jews. However, if the two texts are independent of each other, this tells us nothing about Flaccus.} However, Martin Meiser has made a compelling case that the work is mainly aimed at non-Jews. Meiser points out that inner-Jewish terminology is lacking, and that Philo feels obliged to explain the Jewish festival of Sukkoth (116) and to introduce Herod Agrippa to his audience (25). Those aspects of Judaism that do go unexplained, such as the abstention from pork and the forbidding of images, are characteristics widely familiar in the Gentile world. Apparently, Philo expected his readers to have some familiarity with Judaism but not an extensive knowledge of Jewish customs and Jewish affairs.\footnote{Philo also aims at an audience beyond Alexandria: he explains things that any Alexandrian would have known, such as the geographical organization of the city (55) and the fact that papyrus is a native plant (37); see van der Horst, Flaccus, 15.} Philo’s emphasis on the Jews’ political innocence also suggests a non-Jewish audience.\footnote{Meiser, “Gattung,” 423-26.}

One of the important purposes of Flaccus is to reassure readers that God’s providential care is extended over the Jews. Unlike the Legatio ad Gaium, however, Flaccus does not begin by sounding this theme, but rather enters directly into a summary.
of the character of Flaccus. It is only at the conclusion of the work that the theme of God’s providence toward the Jews is stated clearly. In the middle, it is justice (δίκη) personified who takes on the active role.\(^{426}\) Still, it is likely that there was an earlier part to the work, now lost, and it may have begun with a statement of the theme of God’s providence.\(^{427}\)

Within the work itself, however, the weight of Philo’s rhetoric leans toward incriminating Flaccus, not demonstrating God’s providence. A brief consideration of the events Philo narrates suggests an explanation. Flaccus’ only overt actions are the promulgation of an edict defining the Jews as non-citizens, a search for weapons among the Judean community, and the punishment of a certain number of Jewish leaders.

\(^{426}\) This is consistent with Philo’s general tendency to avoid representing God as the agent of punishment.

\(^{427}\) The task of discerning the work’s purpose is complicated by the fact that *In Flaccum* appears to have been part of a larger work of which the structure and content remain uncertain. The text begins with the word Δεότορος, and the final sentence refers to “Flaccus also,” suggesting that the work dealt with at least one other persecutor. An earlier part of the work likely focused on Sejanus, whom Flaccus is said to have succeeded in the plot against the Jews (Flacc. 1).

Eusebius speaks of five books of Philo concerning the suffering of the Jews under Gaius (Hist. eccl. 2.5.1); this was taken by Emil Schürer (cf. Jenny Morris in the revised edition, 3:859-64) to refer to a work containing *In Flaccum* and *Legatio ad Gaium* among its constituent parts (with the material on Sejanus and the missing “palinode” of the *Legatio* providing two further books). Van der Horst accepts this as a “reasonable guess,” though proposing a slightly different arrangement (Flaccus, 5-6). On the other hand, Eusebius also avers that in addition to the *Legatio* Philo describes the sufferings of the Jews in Alexandria “in a second treatise entitled *On the Virtues*” (ἐν δευτέρῳ συγγράμματι ἐπέγραψεν Περὶ ἀρετῶν, Hist. eccl. 2.6.4; not, as Box would have it, “in the second book,” though two mss. reading ὑπὲγραψεν, “of those entitled” support this reading, as does Rufinus’ Latin, *in secundo operis sui de virtutibus libro* – see Smallwood, Legatio, 39). Thus an opposing view, advanced by L. Massebieau, “Le Classement des oeuvres de Philon,” Bibliothèque de l’École des Hautes Études, Sciences Religieuses, I (Paris, 1889), 65-78, and L. Cohn, “Einteilung und Chronologie der Schriften Philos,” Phil Sup 7 (1899): 421-24 (also published separately, Leipzig, 1899), holds that the five books Eusebius mentioned earlier constitute only the *Legatio*, our present version being an abridgement, and that the “second treatise” is *Flaccus* (cf. Goodenough, Politics, 9-10, and Box, *In Flaccum*, xxxiii-xxxvii). However, Eusebius’ summary of the contents of the *Legatio* does not go beyond the work as we have it (with no trace of the “palinode”). Thus F. H. Colson argued that four of the five books survive in the extant *Legatio*, with only the “palinode” having been lost (“Legatio” [LCL], xvi-xxvi). The issue is rife with problems, not least of which are Eusebius’ vague and confusing references. Smallwood concludes that “a certain solution is probably unattainable” (Legatio, 43). In any case, the duplication of arguments and of narrative (sometimes in contradictory fashion) give the two works a certain independence, whatever their relationship to a larger whole. The following discussion of the purpose of the work will treat only *Flaccus.*
(innocent, Philo claims). From another viewpoint, those actions could be interpreted as attempts to restrain street fighting between Judean and Greek factions without resorting to the legions.\textsuperscript{428} Philo, however, presents Flaccus as the cause for both the initial mockery of Agrippa and the anti-Judean attacks that follow. Not content merely to argue that Flaccus favored the Greeks in his response to the hostilities in Alexandria, Philo makes him their originator, not just prejudiced against the Jews but actively hostile and looking for ways to harm them. Philo’s task was not simply to point out that Flaccus was punished for his wrongdoing but to show that, as the originator and chief agent of the attacks against the Jews, Flaccus’ punishment should be seen as adequate evidence for God’s providence and the Jews’ vindication, though some may have been inclined to put more of the blame for the pogrom elsewhere. In sum, the two rhetorical goals – implication of Flaccus in the unrest and demonstration of God’s providence – are tied together.

The work also serves a third purpose – to portray the Judean community of Alexandria, and the Jews in general, as good citizens of the empire, and to protest their innocence of any wrongdoing in connection with the pogrom in Alexandria while casting aspersions on the loyalty of the Alexandrian Greeks. Philo accomplishes this by eliding or justifying any potentially objectionable actions on the part of the Jews, by demonstrating their innocence and inoffensiveness, and by eliciting sympathy for the community’s suffering at the hands of Flaccus and the mob.

\textsuperscript{428} For a more detailed exposition of this way of interpreting Flaccus’ behavior, see Erich Gruen, \textit{Diaspora: Jews Amidst Greeks and Romans} (Cambridge, Mass.: Harvard University Press, 2002), 57-60. Gruen concludes, “[Flaccus’] tenure collapsed through ineptitude rather than malice.”
Thus the work seems designed to defend the Alexandrian Jews before a Gentile audience. It demonstrates that the Jews are loyal to their rulers and are the victims of unrest rather than being in any way the cause of it. It demonstrates that the Jews are looked after and protected by their God wherever they are and thus are right to be exclusively devoted to that God. Finally, it demonstrates that the Jews are not a people to be trifled with – not because they are quick to defend themselves violently, but because they have a special place in God’s heart. As Meiser puts it, “Die seelischen Qualen des Flaccus sollen die Gewißheit der strafenden πρόνοια des Gottes Israels bezeugen, bei den Heiden jeden Zweifel an der Macht dieses Gottes ausräumen und sie dadurch zu einen anderen Behandlung der Juden bewegen.”

2.2.3 Philo’s Portraits of Flaccus

Just as Philo’s narrative about Flaccus falls into two halves, one describing Flaccus’ activities as governor, the other narrating his eventual punishment, his portrait of Flaccus as governor also falls into two parts (though unequal), the first detailing his good performance in his first five years of office, the second the abuses of his final year. However, Philo’s portrait of Flaccus the bad governor is composite and not entirely coherent. Thus it is more easily analyzed as two distinct portraits – one of an incompetent and manipulated governor, the other of a malicious and tyrannical one.

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The opening of the work presents Flaccus as the successor to Tiberius’ powerful and treacherous praetorian prefect Sejanus in “the plot against the Jews.” Philo must go to some lengths to make this association credible, since as he himself admits Flaccus was much less powerful and influential than Sejanus – his authority was limited to Egypt, so that he “did not have the power to wrong the whole race openly like his predecessor.”

So Philo insists that the governor struck all those he was able to reach (literally “overtake,” ἔφθανεν) “with incurable (ἀνίκεστος) evils,” and though his attacks seemed to aim at only a part of the Jewish nation, he really extended his attack to all, “through artifice (διὰ τέχνης) rather than through strength” (Flacc. 1). Thus the governor was able to compensate for his less-powerful position by the severity of his attacks and by his crafty way of extending their impact beyond his own sphere.

The use of artifice rather than strength occasions Philo’s comment that “those of a tyrannical nature (τῶν τὰς φύσεις τυραννικῶν) who lack strength accomplish their plots by means of ruses (πανουργίαις)” (Flacc. 1). The obvious implication is that Flaccus is one such person. Philo has identified him as a type who can be expected to behave in certain ways under certain circumstances. Thus the opening section characterizes Flaccus

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430 δεύτερος μετὰ Σηιανὸς Φλάκκος Αουύλλος, διαδέχεται τὴν κατὰ τῶν Ἰουδαίων ἐπιβουλήν, Flacc. 1. Philo refers to Sejanus’ intentions (in very vague terms) in Legat. 159-60. No other extant ancient writer mentions such a plot except Eusebius, who is probably dependent on Philo (Smallwood, Legatio, 243; see further eadem, “Some Notes on the Jews under Tiberius,” Latomus 15 [1956]: 314-29).

431 σώμαν μὲν ἄδικήσαι τὸ ἔθνος ὁσπερ ἐκείνος ἀντίκρυς οὐ δυνηθείς, Flacc. 1.

432 ἔξητειν ἐπίων τοὺς πανταχοῦ πάντας διὰ τέχνης τὸ πλέον ἢ δυνάμεως, Flacc. 1. For example, Flaccus’ inaction risks anti-Jewish violence spreading to other cities, and Flaccus tries to arouse the ire of the emperor himself against the Jews of Alexandria (and thus by extension against Jews throughout the empire). Thus this is not merely “tendentious generalization” (van der Horst, Flaccus, 91).

433 οἷς γὰρ ισχύς οὐ πρόσεστι τῶν τὰς φύσεις τυραννικῶν, πανουργίαις τὰς ἐπιβουλὰς καταρθοῦσιν.
in three ways. First, he is malicious toward the Jews: the successor of Sejanus, he
savagely attacks all those he can reach. Second, he is crafty: he is able to employ artifice
(τέχνη) when he lacks the strength to attack openly. Third, he has a deep-seated
inclination to tyranny; it is rooted in his very nature.

Flaccus as Model Governor

Before launching into the details of Flaccus’ plots Philo sketches a glowing
account of the “countless signs of excellence” (μυρία καλοκαγαθίας… δείγματα, Flacc.
2)\textsuperscript{434} that Flaccus displayed during his first five years of service as τῆς Ἀλεξανδρείας καὶ
tῆς χώρας ἐπίτροπος (a title probably corresponding to the Latin praefectus Alexandreæ
et Aegypti).\textsuperscript{435} Philo describes him as πυκνὸς (“sagacious, crafty, prudent”) and συνεχῆς
(“constant, persevering”),\textsuperscript{436} quick to make decisions and act on them (ὁξύς νοσέως καὶ τὰ
βουλευθέντα προβάλλειν), ready of speech (προχειρότατος εἰπεῖν) and able to perceive what
remains unspoken even more than what is spoken (πρὸ τοῦ λεγομένου τὸ ἴσαχάζόμενον
αισθέσθαι). These descriptors establish Flaccus’ good judgment and perceptiveness, his
reliability and diligence, and his facility in thinking, speaking, and acting.

Philo’s account of Flaccus’ achievements as governor falls into two parts. The
first is concerned with Flaccus’ administrative work (Flacc. 3). Flaccus is such a quick
study that he quickly learns the business of administration of Egypt down to the last

\textsuperscript{434} The δείγματα are not “proofs,” since they hold good only “as far as appearance” (ὅσα τὸ
δοκεῖν).

\textsuperscript{435} Box, In Flaccum, 69-70.

\textsuperscript{436} Cf. van der Horst: “prudent and persevering;” Colson: “sagacious and assiduous;” Box:
“shrewd and pertinacious;” Gerschmann: “klug und arbeitete ausdauernd;” Pelletier: “avisé, doué d’esprit
de suite.” With συνεχῆς Philo may have in mind something akin to the Roman quality of industria.
detail, making his clerks superfluous. Philo sums up Flaccus’ impact on the accounts and management of the revenues with the verb κατορθόω (Flacc. 4), which can mean “keep straight, manage successfully” or “set straight.” If the latter, Philo is suggesting that Flaccus not only mastered the system of administration but put it on a better footing. This is not an unnatural thought – the administration of Egypt was very complex, and thus probably always in some degree of disarray. On the other hand, Philo has used the verb κατορθόω in the sense of “bringing to a successful conclusion” in line 1. In any case, if there is criticism of former governors here, it is mild.

Philo transitions to the second part of his description of Flaccus’ achievements (4-5) with the observation that his managerial responsibilities did not give Flaccus the occasion to demonstrate “signs of the soul of a ruler” (δείγμα ψυχῆς … ἡγεμονικῆς), literally, a soul “fit for command” or “ready to lead” – the Roman concept of auctoritas may be in the background here. Thus Philo turns to a description of the things that allowed Flaccus to “more openly display” (μετὰ πλείονος παρρησίας ἐπεδείκνυτο) his “splendid and kingly nature” (λαμπρὴ καὶ βασιλικὴ … φύσιν). Flaccus maintained a dignified bearing (σεμνότερον), took part in judging important legal cases, and “brought down the overly proud” (τοὺς ὑπεραχοὺς καθῆρει).

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437 The reality was far different – see P. A. Brunt, “The Administrators of Roman Egypt,” JRS 65 (1975): 124-47.

438 See LSJ, s.v.

439 Box and Pelletier use the term “reform/réforme”; others are more neutral: Gerschmann, “Maßnahmen”; Colson, “managed successfully,” van der Horst, “dealt with competently.”

440 οἱ ἠδικοὶ, τὰ μεγάλα μετὰ τῶν ἐν τέλει. Goodenough reads “he consulted those in office about important decisions,” which he takes as a reference to following “local laws and customs, including the Jewish” (Politics of Philo, 57). While the image of the governor consulting with Jewish authorities about their laws certainly would have commended Flaccus to the Judean community, it is more straightforward to read, “he judged the important cases with those in office” (cf. van der Horst, Flaccus; Box, In Flaccum, sub loc.). In the Mosaic constitution kings are supposed to deal with the most important cases, leaving the less
item may be related in Philo’s mind to the final two activities that he notes: Flaccus’ success at preventing disturbances by a “random and disorganized mob” (μιγάδων καὶ συγκλύδων ἀνθρώπων ὑγλῶν) and the measures he took to dissolve the clubs and associations – a source of drunken disorder, according to Philo – dealing with any who resisted “severely and vigorously” (ἐμπρθός καὶ εὐτύνως).

Philo displays scant interest in Flaccus’ role as a judge, a major part of the governor’s workload in most provinces. After his remarks about Flaccus’ bearing (discussed further below) he devotes most of his attention to Flaccus’ responsibility to maintain public order. His conduct brings “good order” (ἐνομίας) to the city and the country (Flacc. 4-5). Philo follows with a detailed description of Flaccus’ attention to the military forces in the country (Flacc. 5). The reference to their role in keeping the peace with which he closes suggests his motive for such close attention to this aspect of Flaccus’ role.

Lurking behind this extremely positive account of Flaccus’ performance are some reservations. First of all, though it is clear that Philo approves of Flaccus’ actions as governor of Egypt, he leaves the real quality of Flaccus’ character open to question. Philo

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441 The phrase echoes Virgil’s expression of the Roman destiny, debellare superbos (Aen. 6.853).

442 Barracough, “Philo’s Politics,” 462 n. 390, points out Trajan’s suppression of similar groups in Bithynia, as we learn from Pliny (Ep. 10.96). Gambetti (Riots, 208-211) sees in the phrase μιγάδων καὶ συγκλύδων ἀνθρώπων ὑγλῶν a reference to cultural and political mixing of Greeks and Egyptians. Philo’s description of the vigor with which Flaccus prosecuted those who defied his suppression of the clubs again suggests Virgil and his opposition of parcere subiectis and debellare superbos.

443 There is a disagreement between Box on the one side and Colson, Pelletier, and van der Horst on the other over whether the perfect participle μεμνημένος modifies Flaccus himself as subject of the sentence, or “each of the soldiers” (τῶν στρατευτῶν ἔκαστον). Either the soldiers are admonished to keep the peace or Flaccus admonishes the soldiers as part of his duty to keep the peace. In either case, the peacekeeping function of the army is emphasized.
takes care to specify at the outset that Flaccus’ deeds indicated his excellence “as far as appearance” (ὅσα τῷ δοκεῖν). He twice he uses the word δείγμα (Flacc. 2, 4). Though it can be translated “proof,” the association of the word with the phrase ὅσα τῷ δοκεῖν suggests that in this context it refers to a “sign” that can be misleading.\footnote{For this reason I object to van der Horst’s translation in 4, “But the qualities that did indicate (his possession of) a more illustrious and kingly nature, those he demonstrated…” as too positive (Flaccus, 55).}

Philo sets his words about “a splendid and kingly nature” at two removes from the governor: he “displayed” (ἐπεδείκνυτο) things that “revealed” (ἐδήλου) such a nature.\footnote{ἀ δὲ λαμπροτέραν καὶ βασιλικὴν ἐδήλου φύσιν, μετὰ πλείονος παρρησίας ἐπεδείκνυτο (Flacc. 4).} The use of the word φύσις may remind the reader that Philo has insinuated at the beginning that Flaccus actually had a tyrannical nature.\footnote{Ronald Syme’s words on Tacitus’ characterization of Tiberius are apropos here: “The way of thought of the ancients was prone to conceive a man’s inner nature as something definable and immutable. A change in observed behaviour was therefore not a change in essence, but only a manifestation of what was there all the time” (Tacitus 1:421).} Philo follows this remark with a characterization of Flaccus’ outward appearance: “How majestically he carried himself! – pomp (ὁ τῶρος) being a thing most advantageous to a ruler.” Philo’s use of the word τῶρος is suspicious: elsewhere in his writing τῶρος is a negative quality, denoting emptiness and vanity, and he expresses contempt for those who carry themselves haughtily.\footnote{See especially Virt. 173 on the proud man: ἐστὶ δ’ αὐτῷ καθάπερ ἢ ψυχή καὶ τὸ σῶμα ἐπώλητον κατὰ τὰς σχέσεις καὶ κινήσεις ἀπάσας.}

Philo’s portrait of Flaccus as excellent governor is not simply conventional but is shaped according to his rhetorical needs. Philo himself provides his reader a rationale for his praise:

I am praising Flaccus not because it is proper to praise (ἔγκωµιζειν) an enemy, but so that I can present his wickedness more clearly (ἐν αὐτῷ τὴν μοχθηρίαν ἀριθμητέραν
Philosophus' praise serves to demonstrate Flaccus’ wickedness because it shows that Flaccus knew quite well how to govern correctly and thus cannot excuse his later misgovernment on the basis of ignorance or lack of ability. Flaccus did not make innocent mistakes, Philo argues – he knew full well he was doing wrong and chose to do it anyway.448

Philosophus’ description of Flaccus’ good governance demonstrates not only that Flaccus was a competent governor, but that he had full command of the province. He knew all the details of administration, he knew not only what others were saying (and doing) but what they were thinking, he knew how to keep mobs from forming, he had the power required to stifle unwanted gatherings, and he had complete control of the army that was there to keep the peace. Neither ignorance of the activities of his subordinates nor inability to control the mob can be offered as factors mitigating his guilt. In his account of the riots, Philo will continue to argue against these two potential mitigating factors in order to place complete responsibility on Flaccus’ shoulders.

Philosophus’ account of Isidorus’ slanders against Flaccus, though it comes much later in the narrative, also belongs with this part of Flaccus’ portrait, for it reflects an earlier period when Flaccus was viewed with goodwill by the Jewish population. Philo makes it clear that Flaccus was unjustly accused: not only does he demonstrate in detail that the crowds were purchased and that their accusations were groundless slanders, but he also depicts others sympathizing with Flaccus and makes the arrest of the slanderers a

448 See van der Horst, Flaccus, 98-99.
corporate decision, dispelling any notion that these arrests simply represented a personal vendetta on Flaccus’ part (Flacc. 138-45).

Flaccus’ Decline

Philo’s portrayal of Flaccus’ misdeeds is not as easy to summarize as his praise of Flaccus because it is interlaced with Philo’s account of the events in Alexandria. Still, a general sequence is discernible throughout this part of the narrative. Philo describes how Flaccus’ political setbacks and consequent loss of self-control lead him to collude with anti-Jewish Alexandrian leaders. Flaccus proceeds against the Jews in the following ways. First, he demonstrates prejudice against the Jews in legal affairs. Second, he fails to stop the mockery of Agrippa and the imposition of images in the Jewish prayer-houses. Third, he issues a proclamation (πρόγραμμα) characterizing the Jews as foreigners and aliens (ξένος καὶ ἐπήλωδας) and sanctions an outbreak of violence and pillaging against Jews in the non-Jewish quarters of the city. Fourth, he punishes Jewish leaders and other Jews and initiates a search for weapons among the Jews. Thus Flaccus’ behavior progresses from covert to overt and from indirect to direct: from covert discrimination and failure to stop the mob, he proceeds to overt discrimination (the proclamation) and active encouragement of the mob, and finally to direct action against the Jews in his capacity as governor. Philo saves for last his description of Flaccus’ suppression of the Jews’ acclamation to Gaius, though this event is chronologically prior and covert and indirect in nature.

A careful reading of the narrative reveals not one but two disparaging portraits of Flaccus. In the first, Philo represents Flaccus as a political pawn. His disturbed state of mind and his desperation to survive in the face of political setbacks lead him to fall under
the power of the worst element of his subjects, who use him to advance their anti-Judean agenda. Flaccus only emerges as a malevolent plotter acting from his own animosity toward the Jews at a later point in the narrative.

To begin with, Philo relates how, following the death of the emperor Tiberius, Flaccus “began to let loose and slacken (ὑφιέναι καὶ χαλάν) everything.”\(^{449}\) Philo suggests that the cause lay in Flaccus’ “deep grief” (βαρύτατον πένθος), which showed itself in “continual depression” (συνεχής κατήφεια) and a “flood of tears which poured forth unceasingly as if from a fountain,”\(^{450}\) and also in Flaccus’ fear of the new emperor, Gaius, from whom he was “disaffected” (κακόνους) \((Flacc. 9)\). The decline occurs in successive stages. At first Flaccus is able to “hold out” (μέχρι μὲν τινὸς ἐτʼ ἀντεῖχε) against the pressure of his grief and fear and does not completely lose his grip.\(^{451}\) But further political setbacks worsen his condition. News of Gemellus’ murder is such a “terrible blow” that he throws himself down and lies speechless on the floor.\(^{452}\) Philo

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\(^{449}\) Van der Horst \((Flaccus, 100)\) sees in this description the image of a charioteer losing control of his horses, a common image of rulership since Plato \((cf. Resp. 566d2)\). The image is also commonly used of control of the self \((e.g., Mig. 62, though here rider symbolizes one who serves the passions, not one who controls them)\). Thus Philo makes a link between Flaccus’ loss of control over the state and his loss of control over himself.

\(^{450}\) τῆς τῶν διακρών φοράς, ἀ καθάπερ ἀπὸ πιγῆς ἀπαόστως ἐξεχέιτο, \(Flacc. 9\). It is hard to know exactly how Philo would have us evaluate Flaccus’ reaction to the bad news. Niehoff points out that lack of ἐνκράτεια is not a positive thing in Philo or in the Greco-Roman world \((Philo on Jewish Identity, 133-35)\); she notes parallels to Gaius’ illness and change for the worse; \(cf.\) van der Horst, 100). On the other hand, Philo elsewhere describes the patriarch Jacob’s reaction to news of Joseph’s apparent death in very similar terms \((Ios. 1.22-23)\). Philo deliberately narrates the chain of events in such a way as to underscore the depth of the catastrophe; this has the effect of making Flaccus’ despair seem more reasonable. Moreover, Flaccus sheds his histrionic tears on behalf of the Roman emperor, an emperor that Philo elsewhere takes pains to praise \((see Barraclough, “Philo’s Politics,” 454-6, and especially Niehoff’s analysis of Philo’s presentation of Tiberius, 118-28)\). Does Philo mean to criticize Flaccus for making such a display of grief \(“as if over a member of the family,” ὃς ἐπ᾽ ἤκουστότατο\) over the death of the emperor? It seems clear that Philo holds Flaccus to blame for losing his grip, but the narrative also invites a degree of sympathy for him.

\(^{451}\) καὶ μέχρι μὲν τινὸς ἐτʼ ἀντεῖχε μὴ κατὰ τὸ παντελῶς μεθέμενος τὴν τῶν πραγμάτων ἀντιληψιν \((Flacc. 10)\).

\(^{452}\) ἀλέκτρῳ πληγείς συμφορᾷ καταβαλὼν ἐκατὸν ἀχανὴς ἔκαστο \((Flacc. 10)\).
describes Flaccus’ mental deterioration as a result of these misfortunes: “his mind was weakened and exhausted,” he was “completely weakened and scatterbrained,”453 “his reasoning changed for the worse.”454 Philo also describes Flaccus’ progressive loss of hope and his growing desperation (11, 16, 18).

As a result, not only does Flaccus’ activity in the affairs of state diminish (Flacc. 16),455 but he begins to “flail about” in his desperation, making drastic changes in policy in his attempt to find some way out of a seemingly hopeless situation.456 Philo comments on the dangers of such “slackening” in a ruler: “whenever the ruler despairs of his ability to exercise authority (τὸ δύνασθαι κρατεῖν), of necessity the subjects immediately become restive (ἀφηνιάζειν).” This general maxim is particularly true when those subjects are the disorderly Egyptians.457 Thus the reader is prepared for a change for the worse from the efficiency and control with which the affairs of state were run before.

In this part of the narrative, Philo portrays Flaccus as powerless and passive and emphasizes the power and initiative of Dionysius, Lampo, and Isidorus. By deceiving Flaccus with a sham offer of friendship, the trio “took him captive (συναρπάζω) entirely” (19). They persuaded Flaccus to “subscribe” (συνεπιγράφεται) to their plans with their

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453 τῆς διανοίας πολύ πρότερον ἀπειρηκοίας καὶ παρειμένης αὐτῷ (Flacc. 10); or “dispirited”: ἐξαισθενόν καὶ διαρρέον τὴν γνώμην (Flacc. 16).

454 τῇ τοῦ λογισμοῦ πρὸς τὸ χεῖρον μεταβολῇ (Flacc. 18).

455 οὐκέθ᾽ ὁμοίως ἀντιλαμβάνεσθαι τὸν πραγμάτων (Flacc. 16).

456 Philo uses the imperfect verb σφαδάζω, to struggle or chafe, to evoke desperate attempts to escape.

457 The maxim highlights the importance of auctoritas to the task of controlling and governing an empire with limited amounts of troops. The ruled must always believe that the ruler has everything firmly under control.
promises of support (23-24). They ratified their own proposals, with Flaccus involved merely for appearance’s sake. He plays no role and has no voice, but is “dumb as a mask on stage” (Flacc. 19-20). In short, “the ruler became a subject, and the subjects rulers” (19).

The covert phase of Flaccus’ plot (ἀδηλοτέρας ἐποιεῖτο τὰς ἐπιβουλὰς) involves displaying bias against Jews in the hearing of disputes, and refusing them equal speech (ἰσηγορία) with him, instead making himself inaccessible to them (τὸ δυσέντευκτον ἐπιτιθεόντων, Flacc. 24). Here Philo remarks “but later he also showed hostility (τὴν δυσμένειαν ἐπεδείξατo) in the open” (Flacc. 24) – an indication that Flaccus himself harbored ill-will toward his Judean subjects. Yet Philo does not explicitly connect the hostility to Flaccus – he does not employ a possessive pronoun. Instead he continues to emphasize the role of Flaccus’ new “associates” (συνάντες) (Flacc. 25). He states that Flaccus’ “senselessness” (ἀπόνοια) was a result of “instruction rather than nature” (ἐκ

458 As Sherwin-White has pointed out, “the support of the Alexandrians would be more relevant to a charge of maladministration than to a charge of maiestas” (“Philo and Avillius Flaccus,” 820-28). Thus he argues that Flaccus’ attention to the Alexandrian leaders was more likely motivated by the likelihood that he would be replaced as prefect and thus be vulnerable to malicious litigation than by a fear of Gaius. Some have doubted the historicity of such a deal altogether, e.g. Allen Kerkeslager, “The Absence of Dionysios, Lampo, and Isidoros from the Violence in Alexandria in 38 C.E.,” SPhil 17 (2005): 49-94; and Sandra Gambetti, The Alexandrian Riots of 38 C.E. and the Persecution of the Jews: A Historical Reconstruction (JSJSup 135; Leiden: Brill, 2009), 141-45.

459 εἰσηγούμενοι μὲν ἀλυσιτελεστάτας γνώμας, εὐθὺς δὲ ταύτας ἐπισφραγιζόμενοι (Flacc. 19).

460 γίνεται ὁ μὲν ἄρχων ὑπήκοος, οἱ δὲ ὑπήκοοι ἤγερμόνες.

461 ἁμφισβητήσεις, “debates, disputes,” probably refers not only to lawsuits, but also to matters in which the governor acts as mediator between parties. The language is roundabout: “he did not show himself to be an equal and common hearer to those having disputes but inclined toward the other side” (μὴ γὰρ ἐστίν παρέχον καὶ κοινόν ἀκρατὴν ἐκπάθους τοῖς τὰς ἁμφισβητήσεις ἔχονσιν, ἀλλὰ πρὸς θάτερον ἄποκλινὸν μέρος (Flacc. 1.24).

462 This description may be compared with Tacitus’ description of Agricola’s conduct in Aquitania: he is amiable and easy to approach.

463 Box translates “loss of all sense,” Pelletier “une folie,” van der Horst “insanity” and Colson “infatuation.” Whatever ἀπόνοια is to Philo here, it is something that can be practiced and thus does not
μαθήσεως τὸ πλέον ἢ φύσεως). This characterization suggests both that Flaccus may not have been in his right mind and that his actions reflected the prompting of others, not his own character. Philo’s account of Flaccus’ reaction to the arrival of Agrippa I, which “strengthened” this loss of sense, reinforces this impression. Flaccus’ false friends exploit Agrippa’s presence to further manipulate him. Where previously they had played on Flaccus’ fears, now they “incite” him, “lead him on,” and “provoke” him to share their jealousy (Flacc. 30) and to become angry at Agrippa for dishonoring him by “putting him in the shade” (παρευημερέω) with his display (Flacc. 31-32).

In his account of Flaccus’ treatment of Agrippa, Philo emphasizes his timidity and his capacity for dissimulation. Though he privately seethes with jealousy and expresses his hatred (ἐξηλοτύπει καὶ ἐξελάλει τὸ μῖσος), he is careful to treat the king cordially in public “out of fear of him who had sent him.” Even in private he only insults the king “obliquely” (πλαγίως), since “he did not dare to do so directly” (ἀντίκρυς οὐκ ἐθάρρει) (Flacc. 32). Philo suggests that allowing the mob to revile the king was one way in which Flaccus covertly expressed his true feelings.465

464 ἀνηρέθίζον εἰς τὸν σωτὸν ἐνέγοντες καὶ προκαλούμενοι φθόνον. Philo’s epithet “the wretched Flaccus” τὸν ἄθλιον Φλάκκον could be meant in a moral sense (morally depraved, thus amenable to such corruption) or an objective situation (unfortunate, both because of his tenuous situation and because he is being manipulated).

465 Given the connector γὰρ, one might read ἐπιτρέπει with the sense “turn to, rely on, entrust with” rather than “permit”: Flaccus relies on the mob to insult Agrippa because he does not dare to do so himself. Philo leaves it open whether Flaccus himself began the slanders (ἀρξάμενος δὲ ἐκατότοι τῶν λοιπῶν) or whether he encouraged and incited them “through those accustomed to take care of such matters” (ὅτι τῶν ὑπηρετεῖν τὰ τουφάτα εἰσωθέντων, Flacc. 33). He rests his case mainly on Flaccus’ failure to curtail or chastise the mob, a “clear proof that he was an accessory to the defamation” (πίστεις ἑναρχεῖς τοῦ συναίτιον γεγενήθαι τῶν βλασφημίων Φλάκκον, Flacc. 35).
Though Philo has claimed that Flaccus’ behavior stems from manipulation rather than from his own character, the fact that his advisors are able to incite him to such jealousy, and his subsequent behavior, suggest that personal vanity and a tendency to envy are a part of his character. Further developments in the narrative reinforce this impression. Philo claims that following the insulting mime against Agrippa I, the crowd assembled in the theater “having already purchased Flaccus for wretched honors” or “for a wretched price” (Φλόκκον ἥδη τιμῶν ἀθλίων ἐωνημένοι, 41). The reference is probably not to bribery but to the popularity Flaccus hoped to enjoy with the Alexandrian masses.\(^{466}\) He further calls Flaccus “mad for fame” (δοξομανής) and “bought and sold” (παλιμπρατος);\(^{467}\) these epithets suggest that although Flaccus seeks this popularity for the sake of his own political security, his personal vanity also plays a part.

If inciting the mob demonstrated Flaccus’ capacity for dissimulation, failing to curtail it demonstrates Flaccus’ foolishness. Philo claims that Flaccus’ permissiveness toward the mob’s behavior created a sense of “license and impunity” (ἀδειαν καὶ ἐκεχεριάν διδοὺς) to people with bad intentions and nurturing grudges (τοῖς ἐθελοκακοῦσι καὶ ἐθελέχθρως ἐχουσι, 40). He invokes a general principle: “a

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\(^{466}\) There is some difference of opinion among translators as to how to render τιμῶν. Did the crowd buy Flaccus for a “wretched price” (e.g., Gerschmann, “für ein jämmerlichen Preis”) or for “wretched honors” (e.g., Pelletier, “par de misérables honneurs”)? Box splits the difference with “at the price of miserable honors”; van der Horst renders the ambiguous “for less than a penny.” The plural suggests “honors,” as does the reference to Flaccus as “mad for fame” (δοξομανής). The use of the imperfect ἔλαμβανεν suggests that Flaccus received, not a single payment, but an ongoing increase in popularity. Nowhere else does Philo suggest that Flaccus received money from the Alexandrian leaders. (In contrast, the Acts of the Alexandrian Martyrs seems to portray Flaccus accepting a bribe of five talents, though the context is missing and the text is fragmentary.) Whatever the case, the import is that Flaccus acts not on principle or for the benefit of his subjects, but for some form of personal gain.

Philo later indicates that Flaccus did succeed in acquiring the esteem of “the greater part of the city” (τῇ δὲ καὶ ἐκ τοῦ σφόδρα εὐδόκιμεν παρὰ τῷ πλείστῳ μέρει τῆς πόλεως, Flacc. 108), but adds that his hopes of safety on this account were without foundation (109).

\(^{467}\) Literally “sold again” or “repeatedly sold.” The image is of a slave who is repeatedly sold from one master to the next. See notes in van der Horst, Flaccus, 134, and especially in Box, In Flaccum, 93, with citations.
disorganized mob, once it receives a starting point for its lawlessness, does not say there, but goes on from one thing to another, continually adding new deeds” (35). As a heretofore competent governor, Flaccus should have understood such a general principle of crowd behavior full well. Indeed, Philo’s earlier portrait of Flaccus’ actions against the clubs suggest that he did understand this principle.

After Flaccus’ inaction leads to the assembly in the theater and call for erecting images in the prayer-houses, Philo continues to characterize Flaccus’ behavior as reckless and foolish. By permitting the imposition of images, Flaccus shows himself to be “heedless” (ἀμελήσας) of the possible consequences (which Philo delineates for his audience) and negligent in his duty to exercise πρόνοια in his capacity as governor, for he could have commanded or at least advised “a host of reasonable measures (προνοητικά) (Flacc. 43). Philo forcefully argues that Flaccus’ failure to intervene amounted to gross negligence, which not only allowed the violence in Alexandria but also could have touched off violence throughout Egypt and even throughout the Roman Empire. Thus Flaccus wronged the Judeans not only by “saying what should have been left unsaid” but also by “failing to say what should have been said” (Flacc. 51).

In this first section of the narrative, Philo presents a passive Flaccus, who is not by nature evil. Philo dramatizes the political misfortunes that Flaccus suffers through no fault of his own (Philo would hardly fault him for his friendship with Tiberius and his

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468 ὅχλος ὑπόντωκτος ἀφορήμην λάβη τῶν ἁμαρτημάτων, οὐχ ἠσταταί, μέτεισι δ’ ἀρ’ ἔτέρων εἰς ἔτερα προσεπεξεργαζόμενον ἀεὶ τι νεώτερον (Flacc. 1:35).

469 μυρὶς καὶ πάντα προνοητικὰ δυνάμενος ἡ ὑπάρχον κελεύειν ἡ συμβουλεύειν ὡς φιλός. According to LSJ the adjective προνοητικός can be used of things that demonstrate forethought. In Xenophon Mem. 4.3.6, it describes a thing that shows the forethought the gods have taken for mortals. Colson translates “considerations… tending to caution” and van der Horst “considerations… of a cautionary character.” But in the Greek the adjective functions as the direct object of κελεύειν and one does not command considerations – Philo must be thinking of more than remonstrance. One thing is clear: the things that Flaccus fails to command or advise would have demonstrated forethought.
support of the “legitimate offspring” of the imperial house over the perfidious Gaius) and their effect on his physical and mental state. His weakness makes him susceptible to persuasion and manipulation. His behavior results, not from his own character but from the prompting and incitement of others, who deceive and entrap him and use him to pursue their own ends. His actions are covert, and his most egregious crime is not an act, but a failure to act. This is not the Flaccus anticipated by the introduction, the malicious and scheming Jew-hater with the nature of a tyrant.

Nevertheless, some aspects of Philo’s characterization of Flaccus in this section belie his claim that Flaccus’ poor decisions resulted from instruction rather than his own nature. First, there is the suggestive statement about “hostility” that Flaccus later showed openly. Second, Flaccus’ behavior exhibits a number of features characteristic of tyrants. Philo relates that after his crisis, Flaccus began to be suspicious of his true friends, and he mistreated them by sending them away in favor of false friends (18). His narrative suggests that Flaccus is susceptible to fear, jealousy, and anger (30, 32). Thus he proves himself to be the ruled not the ruler, not only by his subjects, particularly, but also by his

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470 Since Flaccus did not actively take part in most of the acts Philo has described, Philo must incriminate him by showing that he failed to do what he should have done to stop them. Flaccus “should have rejected and looked askance (ὁφείλειν ἀπόδισθαι καὶ δυσχεράν) at Dionysius, Lampo, and Isidorus “as revolutionaries and public enemies” (ός νεωτεροποιοῦ τούς καὶ κοινοῖς πολέμους, Flacc. 24). After Agrippa is publically mocked in the gymnasium, Philo asks, “Why did he not become angry, not arrest [the demonstrators], not chastise [them] for their presumptuous defamation?” Flaccus’ inaction proves his complicity (Flacc. 35).

Philo also emphasizes Flaccus’ complicity by stressing his proximity to the action. Flaccus heard, “or rather saw,” the mockery in the gymnasium but did not respond, “pretending not to see what he was seeing or hear what he was hearing” (Flacc. 40). Apparently, Flaccus was not at the gymnasium and thus could feign ignorance of the insult to Agrippa; however, Philo insists that Flaccus was entirely cognizant of what the mob was doing, as if he were seeing it with his own eyes.

471 Barraclough also notes the inconsistency. He concludes, “Here, by dint of circumstances, Flaccus made a hazardous change of policy through which the vocal antagonists of the Alexandrian Jews were able to exert unrivalled influence. Elsewhere, however, Philo charges Flaccus with a prior determination to trouble the Jews… One concludes that the ascription to Flaccus of premeditated anti-Jewish action is a reading back from the events…” (463-64).
passions: fear, grief, envy, anger, and vainglory. Philo shows him practicing
dissimulation and hypocrisy (32). Finally, he acts for his own benefit rather than for the
good of those he rules (41, 43), a defining characteristic of a tyrant. Despite Philo’s
tendency in this section to emphasize the initiative of Dionysus, Lampo, and Isidorus and
to portray Flaccus as a political pawn, his portrait of Flaccus is hardly favorable.

*The Malicious Flaccus*

After his description of the meeting in the theater and the decision to erect images
in the prayer-houses, Philo begins to portray Flaccus as acting not merely for reasons of
political expediency but because of his own malice toward them. As Philo describes the
potentially disastrous consequences of Flaccus’ failure to discourage the images, he
describes Flaccus as a more active contributor to events, stating that he “was working
hand in hand (συνεχειρούργει) with each wrong-doing.” Furthermore, Flaccus now
begins to make decisions and take initiative, “seeing fit, from his greater position of
authority, to rekindle the civil strife (ἀναρριπζείν… τὴν στάσιν) with ever more new
additions of evils (καινοτραις ἀεὶ κακῶν προσθήκαις)” (*Flacc.* 44). Flaccus has moved
from a passive to an active participant, even though so far Philo has mainly faulted him
for what he has *not* done.

As Philo continues the narrative, he begins to characterize Flaccus as the
mastermind and author of all that has occurred:

> Since, therefore, the unlawful enterprise seemed to him (αὐτῶ) to be going well, having seized our prayer-houses and not even left the name behind (τάς προσευχάς ἄρπάσαντι καὶ μηδὲ τοῦνομα ύπολιπομένῳ), again he proceeded to another thing, the abrogation of our citizenship (τὴν τῆς ἠμετέρας πολιτείας ἀναίρεσιν). *Flaccus* 53.472

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472 There is some question over whether this “removal of citizenship” involves the Jews’ rights in Alexandria as a whole, or their rights to self-rule within the Jewish πολίτευμα (see van der Horst, *Flaccus,*
Up to this point, Philo has held Flaccus responsible due to negligence. Now, by making Flaccus (αὐτός) the antecedent of the participles, Philo makes him the one who carried out the acts. Isidorus, Dionysus, and Lampo disappear. Even before he describes Flaccus’ first overt action, the promulgation of the decree (Flacc. 54), Philo has already made Flaccus the active agent of the wrongs against the Jews. The governor’s decree amounts to “a profession of tyranny” (Flacc. 54): it represents condemnation without a trial, with the governor acting as “accuser, enemy, witness, judge, and executioner” (54).

“To the first two” Philo continues, “he added also a third, allowing those who wished (τοῖς ἔθελονσι) to lay waste to the Jews as in conquest (ὡς ἐν ἀλώσει)” (54). By “the

153-54 and the literature cited there). According to Philo’s description of the decree, its language seems to aim at the status of the πολίτευμα in Alexandria as a whole. Flaccus declares that they are “aliens and foreigners” (ξίνος and ἐπηλθός are fairly interchangeable words) or “foreigners and immigrants” (ἐπηλθός is Philo’s usual term for proselytes). Gambetti (Riots, 172-76) makes rather too much of the vocabulary; we have no assurance that Philo is quoting rather than paraphrasing.

οὖ ὅτι ἐν ἐη ἡμῶν ἰματώδος ἐπάγγελμα μᾶζιν; “Than which what greater profession of tyranny could there be?” “Profession of tyranny” is Colson’s translation (LCL); I find it preferable to van der Horst’s “promise of further tyrannical behavior.” Philo’s point is that Flaccus has shown himself to be a tyrant in the clearest way possible.

καταγγελότας, ἃθροις, μάρτυρες, δικαστής, κολαστής. By promulgating his decree, Flaccus is in effect collectively punishing the Jews with ἀτιμία, loss of citizen rights, without a trial or conviction.

On the “civic rights” that the Alexandrian Jewish community possessed at this time, see Aryeh Kasher, The Jews in Hellenistic and Roman Egypt: The Struggle for Equal Rights (TSAJ 7; Tübingen: Mohr Siebeck, 1985), 208-345. Kasher argues that “it is inconceivable, even ridiculous, to think that Philo and his delegation aspired to attain citizenship in the Greek polis, which was led by confirmed anti-Semites … who strove diligently to have a single politeia in the city, a Hellenic one, necessarily associated with the municipal cult” (261). This leaves unanswered, however, the question of what “more than they previously had” Claudius was warning the Jews not to strive for in his edict of 41 C.E. (P.Lond. 1912; H. Idris Bell, Jews and Christians in Egypt: The Jewish Troubles in Alexandria and the Athenasian Controversy [Oxford: Oxford University Press, 1924], 1-37). See Peter Schäfer, Judeophobia: Attitudes toward the Jews in the Ancient World (Cambridge, Mass.: Harvard University Press, 1997), 145-152; and Simon Davis, Race Relations in Ancient Egypt: Greek, Egyptian, Hebrew (New York: Philosophical Library, 1952), 93-112. On the privileges accorded Alexandrian citizens see Diana Delia, Alexandrian Citizenship during the Roman Principate (American Classical Studies 23; Atlanta: Scholars Press, 1991), 30-34.

The relationship between the decree and the subsequent pillaging is often described in the scholarly literature as one of cause and effect. Schäfer is typical: “Flaccus’ decree is taken as a charter for anti-Jewish riots and paves the way for horrible massacres” (Judeophobia, 144; cf. Gambetti, 186-90, where Flaccus’ edict is seen as depriving the Judean residents of legal recourse against arbitrary confiscation and punishment). Philo depicts Flaccus’ permissiveness as an additional step, however (Flacc.
first two” (δυσι τοῖς προτέροις). Philo is evidently referring to two previous “professions of tyranny”: if the second is the anti-Jewish decree, then the first must be the desecration of the prayer-houses. Thus Philo has retrospectively dubbed Flaccus’ inaction on that occasion an act of tyranny as well.

As with his account of the insults to Agrippa and violation of the prayer-houses, Philo suggests that the anti-Judean violence that follows the promulgation of Flaccus’ decree results from the “impunity” (ἀδεία) Flaccus extends to the mob (55). Indeed, following his gripping description of the riots, Philo goes so far as to characterize Flaccus himself as the agent of the rioters’ deeds: “Flaccus, having broken in and robbed everything…” (Flacc. 73).\(^{476}\) Having portrayed Flaccus as the author of the violence, he calls Flaccus “worker of enormities” (μεγαλοπρές) and “inventor of new abuses” (καινόν ἀδικημάτων εὐρετής) (Flacc. 73).

In addition to directly characterizing Flaccus as a tyrant and emphasizing his actions and initiative, Philo also begins to invoke to Flaccus’ own hatred of the Jews as a motivation for his actions. He begins to refer to Flaccus’ “plot” (ἐπιβουλή) (73, 76) and “attack” (ἐπίθεσις) (73) against the Jews. It is “proof of no small malice” (οὐ μικρὰς δείγμα κακονοίας) that Flaccus inflicts a commoners’ punishment on members of the

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54. He leaves unexplained how Flaccus signalled this “hands off” policy. Werner Bergmann and Christhard Hoffman stress the power dynamics involved and the role of the ringleaders in mobilizing the crowds; “Kalkül oder ‘Massenwahn’? Eine soziologische Interpretation der antijüdischen Unruhen in Alexandria 38 n. Chr.” in Antisemitismus und jüdische Geschichte (FS H. A. Strauss; ed. R. Erb and M. Schmidt; Berlin: Wissenschaftlicher Autorenverlag, 1987), 15-46. However, note Peter Schäfer’s cautions against underestimating anti-Semitism as a contributing factor (Judeophobia, 156-60).

\(^{476}\) πάντα δὲ διορύξας καὶ τοιχωρυχήσας ὁ Φλάκκος.
Jewish Senate (78). Flaccus’ original motive for appealing to the anti-Judean sentiments of the Alexandrian population has not disappeared: he hastens to punish the condemned in order to please the crowd, “intending by this to win them over to what he had in mind” (82). However, Flaccus’ own hostility now also plays a role.

As the narrative progresses, Philo continues to emphasize Flaccus’ active measures against the Jews and his enmity toward them. Flaccus’ search for arms constitutes a “second spoliation” (πόρθησις) by means of which the governor uses the soldiers under his command “as a weapon against us” (Flacc. 86). Philo thus equates the search of the Jews’ houses ordered by Flaccus to the plundering of Jewish residences and businesses by the mob. This “plot” (ἐπιβουλή) stems from the “relentlessness” of Flaccus and the crowds (Flacc. 95). The word ἀποτομία denotes harshness and severity. Philo ties his account of the “intolerable and savage mistreatment” suffered

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477 It may be significant that the “proof” of Flaccus’ malice lies in the type of punishment he inflicted on these distinguished Jews rather than in the fact of punishment itself, for which Flaccus doubtless had some explanation. Philo never divulges the nature of the accusations against them.

478 ταύτῃ νομίζων ἡξικεισασθαι μᾶλλον αὐτὸν εἰς ἄπερ δυναστείο. Philo does not specify what exactly Flaccus “had in mind.” Gruen supposes that Flaccus wished to tame the wrath of the crowds by publicly punishing their enemies: “Here the author has it right. The prefect and the Alexandrians had different objectives” (Diaspora, 59). This cannot be what Philo intended his readers to understand, however. It is more likely that he is alluding to Flaccus’ desire to win the crowds’ sympathy and support.

479 The progression of the punishment scene is unclear. At first Philo describes the flogging of the senators and states that some were carried out dying while others recovered after a long period of time. Then, without alerting the reader to the shift, he begins to describe the torture and execution of Jews in the theater prior to a theatrical competition (probably in honor of Gaius’ birthday).

480 τὸ στρατευόμενον πλήθος ἡμῖν ἐπιτειχίσατο.

481 According to Colson, Philo would have used a singular for “crowd,” and thus the plural should be translated “turbulent outbreaks.” However, the genitive is paired with Flaccus’ name, and the latter seems to be a genitive of possession (“Flaccus’ relentlessness”) – “turbulent outbreaks” would not relate to “relentlessness” in the same way.

482 BDAG glosses ἀποτομία with “severity,” and the expression ἀποτομία θεοῦ/ occurs in Romans 11:22. LSJ offers “severity” (also “sheer madness,” Pseudo-Callisthenes 2.12). Philo also uses the word in Spec. Leg. 2.94. Box translates “atrocities” (a plot of the atrocity of…); van der Horst, with Colson, “ruthlessness” (a deliberate plot, due to the ruthlessness…), but these invest the word with more of a
by the Jewish women to this ἀποτομία, thus linking Flaccus to what otherwise seem like spontaneous actions of the mob (95-6).  

In this section of the narrative, Philo continues to portray Flaccus’ hypocrisy and dissimulation. He alludes to an occasion when Flaccus summoned the Judean magistrates “ostensibly for reconciliation” (Flacc. 76) – he does not reveal what Flaccus’ real motives would have been. Flaccus also assumes false pretenses when he orders the search for arms: his real motive is to harm the Jews (86). Philo illustrates Flaccus’ dishonesty and pretense in great detail when he describes his response to the Judeans’ decree on behalf of Gaius (97-101). He describes Flaccus’ pretenses when he reads the resolution: “often nodding his head, smiling and beaming – or pretending to be pleased” (98), making a flattering speech commending the Jewish Alexandrians’ piety (εὐσέβεια), orderliness (κοσμιτης), and deference (εὐπεθεια) (98-99), and promising to add nothing to his own testimonial, “for the truth is quite sufficient praise in itself” (99). Philo emphasizes the depth of Flaccus’ hypocrisy by contrasting the confidence the Judean delegation places in Flaccus (quite reasonably, Philo insists) with the immediate disregard Flaccus pays to everything he has just promised (100-101).

negative connotation than it really has. In this context the meaning must be “excessive severity,” thus “harshness” or “relentlessness.”

483 ἀφορήτου καὶ ἀργαλεωτάτης δῆμος.

484 See Colson (LCL), note c ad. loc. (355); this account belongs with the riots narrated earlier.

485 It is not clear what the ξένου συκοφαντήματος εὑρεσίς represents, but it is clear that Flaccus’ intent is to harm the Jews, not find weapons.

486 According to Philo, the Judeans elect to transmit their congratulations through Flaccus, knowing that he would not allow them to send their own embassy to Rome. However, Philo has previously marked Gaius’ accession as the beginning of Flaccus’ decline. Why then did the Jews already believe that Flaccus would not permit a Jewish embassy? Van der Horst notes the puzzle without providing an answer (Flaccus, 188).

487 ὁ δὲ πολλά χαίρειν φράσας οἷς διενοθήμεν, οἷς ἔπειν, οἷς ὠμολόγησε… (Flacc. 101).
Philo concludes his account of the Judeans’ decree with his strongest asseveration of Flaccus’ enmity toward the Jews since the introduction: “Are these not the actions of one who has long lain awake at night and has carefully considered the plot against us, and not one in desperation (κατ’ ἀπόνουαν) acting rashly in untimely haste and by some fallacy of reasoning?” (Flacc. 101). This statement directly contradicts what Philo said in the earlier section of his narrative. In his account of Flaccus’ decline, Philo had spoken of his loss of sense (ἀπόνοια) and the weakening of his reasoning powers due to his grief and desperate circumstances; here he denies that Flaccus acted κατ’ ἀπόνοιαν. In his account of Flaccus’ initial anti-Jewish actions, Philo represented him as acting at the instigation of others; here he claims that he plotted against the Jews long and carefully. In his earlier account, Flaccus’ policies changed only after a progressive decline in his confidence and mental state beginning with the death of Tiberius and the accession of Gaius; here Philo claims that soon after Tiberius’ death Flaccus already had plans in place to harm the Jews. Whereas the Flaccus of the earlier part of the narrative was weakened and desperate, not wholly in his right mind and a victim of deception and manipulation, by the time of his arrest, Flaccus has become the principal villain, carefully and craftily plotting against the Judeans of Alexandria because of his own hostility toward them.

As Philo sums up this section of the narrative, he refers to Flaccus’ “flattering words” (θῶπες λόγοι), “subtleties meant to deceive” (κεκοµψευµ/uni1F73νους/φενακισµ/uni1FF7), τα/uni1FE6τ᾽ ο/uni1F50 διηγρυπνηκ/uni1F79τος/καθ᾽ κατ᾽ ἀπόνοιαν α/uni1F50 τοσχεδι/uni1F71ζοντος κα/uni1F76ρ/uni1FF3 φορ/uni1FB7 κα/uni1F76 παραγωγ/uni1FC7 τιν/uni1F76 λογισµο/uni1FE6.

488 ταὐτ’ οὐ διηγρυπνηκότος ἢν ἐκ πολλοὶ καὶ περιεσκεµµ/uni1F73νου τὴν καθ᾽ ἡμὸν ἐπιβουλήν, άλλὰ μὴ κατ᾽ ἀπόνοιαιν αὐτοσχεδίαζοντος ἀκαίρῳ φορᾷ καὶ παραγογῇ τινὶ λογισµοῦ;

489 The departure from chronological order serves Philo’s rhetorical purposes: it allows him to end his account of Flaccus’ crimes with the Flaccus presented in the introduction, a devious and malicious plotter against Jews everywhere. In addition, it suggests a link between Flaccus’ attempt to arouse the emperor’s hostility against the Jews and the emperor’s subsequent arrest of Flaccus.
and “the council-chamber of his lawless mind” (τὸ τῆς ἐκνόμου διανοίας βουλευτήριον) in which he has been trying to prevail through cunning (ἐν ὧ κατεστρατήγει) (102).\(^{490}\) Thus he touches on Flaccus’ hypocrisy, deceit, cunning, lawlessness, and malice, all characteristics that Philo has brought out in this section.

Thus there are two portraits of Flaccus as bad governor. The first, as summarized above, is a governor who is enervated by grief and driven mad by fear for himself, who loses control of the population and is manipulated by demagogues into pandering to the anti-Jewish sentiments of the masses. The second is the Flaccus of the introduction, the Flaccus that Philo has returned to by the end of his description of the riots. Prejudiced against the Judean community, he acts deliberately with intent to harm, works by deceit, and through such artifice seeks to surpass his own limited power in order to harm Jews throughout the empire – truly a worthy successor to Sejanus.

*Flaccus’ Arrest and Punishment*

Once Flaccus is arrested, Philo’s efforts to show him as a tyrant or a Jew-hater cease. Instead, he merely appears hapless.\(^{494}\) When he is arrested at the home of a host, a

\(^{490}\) On κατεστρατηγεῖν used absolutely, see Colson, note b ad. loc. (359).

\(^{491}\) See further Philo’s description of Flaccus’ insincere flattery of Gaius in his dispatches and public speeches (*Flacc.* 108).

\(^{492}\) See further Philo’s reference to “the immeasurable excesses of his wrong-doing and lawlessness” (ταῖς ἀμέτροις ἕπερβολαῖς ὄν ἡδίκει καὶ παρηνόμει, *Flacc.* 107).

\(^{493}\) Cf. the reference to Flaccus’ “spiteful treatment” (ἐπιρρία ἃ τοῦ προεστότος, *Flacc.* 103).

\(^{494}\) Philo has been accused of displaying a certain amount of “Schadenfreude” in his account of Flaccus’ demise. Colson is particularly egregious: he writes that Philo “gloats over the misery of Flaccus...with a vindictiveness which I feel to be repulsive” (“Introduction to *In Flaccum* [Loeb Classics], 301). For a critique of this position see V. Nikiprowetzky, “*Schadenfreude* chez Philon d’Alexandrie?” in *Études Philoniennes* (Paris: Cerf, 1996), 96-109. Philo’s purpose in narrating Flaccus’ demise is not vindictive but didactic. To demonstrate that his fate is no mere happenstance but an expression of God’s providential justice, Flaccus must suffer everything that he caused others to suffer – not only humiliation and homelessness but even mutilation and a shameful death. Cf. M. Kraus: “Reciprocal punishment is the
freedman of Tiberius,\footnote{Philo once again reminds the reader of Flaccus’ link to Tiberius, an emperor he depicted elsewhere as a friend of the Jews.} he is not misbehaving but is in the act of offering a toast to someone and “being congenial” (φιλοφρονέομαι) to the other banqueters (\textit{Flacc.} 113).\footnote{Compare Philo’s depiction of overindulgence in \textit{Fug.} 31 (I owe the citation to Sly, \textit{Philo’s Alexandria}, 97).} Flaccus’ character in exile is consistent with his behavior following Tiberius’ death rather than with the malicious Flaccus that surfaces later. He hardly acts the part of a Stoic, but rather feels and expresses extreme anguish. It is unclear whether by his frenzied behavior Philo wants to emphasize Flaccus’ lack of courage or self-control, or the extremity of his mental suffering.\footnote{One cannot assume that Philo’s description of Flaccus’ behavior is meant to criticize or condemn: note a parallel in \textit{De Iosepho} 1.16, when Judah returns to find Joseph has been sold: ο δὲ πρεσβύτατος … ἢδος καὶ ἔκεκράγει καὶ τὰς ἐσθήτας περιφρηξάμενος ἄνω καὶ κάτω καθάπερ ἐμμανής ἐφέρετο τὰς χεῖρας κροτῶν καὶ τὰς τρίχας τίλλων.} Flaccus does convict himself of “being soft,” (μαλακίζομαι)\footnote{This could be interpreted as a passive, “being softened up for death” instead of “being soft toward (in the face of) death,” but the reference to suicide in the following phrase suggests the middle form.} in being unwilling to take his own life, but he attributes this to destiny, which is saving him for more punishments to come.

Philo also makes Flaccus confess his wrongdoings and acknowledge the justice of his punishment (\textit{Flacc.} 170-79). He seems to imply that in the end, Flaccus sees the world clearly.\footnote{The designation of “corybantic” reinforces this notion, being a way Philo depicts the reception of mystical insight; cf. Meiser, “Gattung,” 428.} He now sees the order in the cosmos (\textit{Flacc.} 169). Had he perceived that order and not been living in illusion, he would have realized that his injustices would

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\footnote{The designation of “corybantic” reinforces this notion, being a way Philo depicts the reception of mystical insight; cf. Meiser, “Gattung,” 428.}
return to haunt him. Through his confession, Flaccus confirms what Philo had stated earlier – he always knew that his actions were wrong; he was condemned by his own conscience before he ever suffered the divine judgment. Flaccus’ confession serves to reinforce Philo’s own view of the governor’s actions – even the perpetrator of the deeds acknowledges their injustice.

2.2.4 Conclusions

Unlike Tacitus’ consistent portrait of Agricola, Philo presents us with at least three different portraits of Flaccus: Flaccus as ideal governor, Flaccus as weak and negligent governor, and Flaccus as hostile and tyrannical governor. The introduction promises us Flaccus the tyrant – a malicious, scheming enemy of the Jews – but the narrative passes through the idealized portrait of the first five years and a portrait of Flaccus as weak and manipulated by others before it works its way around to this portrait. After his arrest he becomes pitiful, and at the end of the narrative he confesses the injustice of his actions and recognizes the folly of choosing that course.

Techniques of Characterization

Philo makes full use of direct characterization. He employs a number of descriptors such as clever (πυκνός), perseverant (συνεχής), vainglorious (δοξομανής), careless (ἀμελήσας), and wretched (ἄθλιος), and epithets such as “worker of enormities” (μεγαλουργός). At various points he ascribes “excellence” (καλοκαγαθία), “malice” (κακονοίας), “hostility” (δυσμένεια), “severity” (ἀποτομία), and other characteristics to

500 Flaccus’ thoughts in exile evoke rich connections to Philo’s thought on the statesman elsewhere, especially in De somniis and De Iosepho.
Flaccus. He describes Flaccus’ feelings of sorrow, despair, anger and jealousy, pride, and hatred, and even makes the reader privy to his interior monologues at certain points.

Philo also freely engages in moral evaluation. For example, he calls Flaccus’ decree a “profession of tyranny” (τυραννίδος ἐπάγγελμα). Elsewhere, he explains that Flaccus’ “senselessness” derived from instruction by others rather than from his own nature. At times he facilitates a proper evaluation of Flaccus’ actions by explaining what Flaccus should have done or by suggesting the possible consequences of his actions.

Philo also characterizes by comparison, though not with other prefects of Egypt but with Flaccus himself in his first years of office. By portraying the excellence of Flaccus’ first five years, Philo paints a picture of proper rule and its positive consequences against which to contrast the turmoil, violence, abuses, and injustice of the last year. He also makes Flaccus seem more culpable by demonstrating that he was capable of much better.

Early in the narrative Philo also uses innuendo, subtly undermining his positive portrait of Flaccus with backhanded compliments (“pomp is quite advantageous to a ruler”) and praise so exaggerated that its sincerity is open to question (“a splendid and kingly nature”). In this section, he uses the language of appearance, speaking of “signs,” “display,” and “seeming,” to suggest that all may not be as it seems.

**Characteristics**

Philo sums up Flaccus’ virtues during his first five years with the term καλοκαγαθία. His salient characteristics can be organized under several headings. First, he demonstrates good judgment. Philo calls him πυκνός and praises him for implementing policies that prevent disturbances and disorder. Second, he is intelligent
and able. Philo praises his quick thinking and decision making, his speaking ability, his perceptiveness about people, and his administrative skills. Third, he is industrious. Philo uses the term συνεχ/uni1F75ς and speaks of his studious application to administrative affairs, his participation in important cases, his strict discipline against those who defy his orders, and his vigorous attention to military discipline. Fourth, he demonstrates integrity: he introduces reforms, or at least good management, to the finances, and the accusations of protestors are shown to be complete lies. Their punishment conforms to common agreement about what is just and is not due to vindictiveness on the governor’s part. Finally, he displays auctoritas – shown by his success in keeping the peace, his command of the army, his ability to contain the haughty, and his confident bearing.

After Flaccus’ political crisis, Philo describes his weakened and dispirited state in dramatic fashion as he gives way to grief and terror. He becomes negligent toward affairs of state, and his confidence in his auctoritas flags. He is susceptible to being manipulated and deceived and is unable to perceive people’s true intentions. He lacks prudence and care, instead displaying “senselessness” (ἀπόνοια) and acting “heedlessly” (ἄμελήσας), putting his own safety above the common good. He is largely passive, committing crimes of omission, negligence and bias. He is guilty of hypocrisy and dissimulation in his treatment of Agrippa I and indulges in ill-advised speech, “saying what he should not have said,” by grumbling against Agrippa. As well as hypocrisy and guile, he displays other characteristics typical of a tyrant: fear, suspicion, jealousy, and anger.

Philo then shifts from a portrait of Flaccus as passive, manipulated, self-protective, and negligent to a portrait of Flaccus as an active practitioner of “tyranny.” This portrait has some similarities with the previous one – for example, Flaccus continues
to engage in dissimilation and pretense, employing insincere flattery, false promises, and hollow pretexts. However, now his deceit is more clearly connected with craftiness: in the first section he hid his true feelings about Agrippa out of fear, but in this section he deceives in order to harm his enemies and lies awake at night forming his plots. In this section, Flaccus’ hostility is emphasized. Philo speaks of his “malice” (κακονία) and “relentlessness” (ἀποτομία), accuses him of attacks and “spoliation” (πορθεσία). Flaccus is also accused of lawlessness (his ἔκνομος διάνοια) and injustice (he invents ἀδίκημα). He is shown abusing his position of authority to improperly condemn the Judean citizens, and using the army under his command to harm them.

*Issues and Concerns*

As one might expect, a concern about law and order is paramount. Public order (εὐνομία) is a prominent result of Flaccus’ five years of competent administration. After the governor’s breakdown causes him to loosen his grip, Philo remarks upon the need to maintain “capacity to rule” (τὸ δύνασθαι κρατεῖν, auctoritas), the dangers of slackening the reins and the tendency of the mob to get out of hand if not curbed. Confirming his own words, Philo shows that Flaccus’ inaction brings about a severe breach of public order which his subsequent actions only worsen. Whether unintentionally or deliberately, Flaccus gives the mob the expectation of impunity (ἀδεία) by not swiftly curtailing their actions and administering appropriate punishment. In contrast, Philo showed the governor dealing with troublemakers “severely and vigorously” (ἐμβριθεὶς καὶ εὗτόνος) during the first five years of his administration.

Concerns about abuse of power and favoritism are intertwined. Flaccus abuses his power as a judge, favoring one side over another. He makes himself more accessible to
one segment of the population than to the other. He misuses his power to condemn the Judeans to loss of citizen rights without due process, to inflict inappropriately harsh and humiliating punishments, and to turn the army against the Judeans, all to gain the favor of the majority population. The effect of favoritism is that the people become the rulers, and their ruler comes under their power.

When he is not accusing Flaccus of outright malice, Philo accuses him of favoritism rather than corruption. Though he calls Flaccus παλίμπρατος, Philo does not say clearly that he takes a bribe. Instead, the overriding concern is gubernatorial favoritism for the sake of popular support. This is Flaccus’ central motive immediately after his decline, and remains a factor throughout. In his account of Flaccus’ first five years, Philo does not underscore his innocence of corruption, and although he later insists on Flaccus’ innocence of some charges brought by the masses, he does not explain the nature of these charges.501

The role of Isidorus, Dionysus and Lampo introduces a concern about the governor’s staff. These advisors deceive and manipulate the governor for their own ends. Flaccus’ inability to perceive that they are really hostile to him contrasts with his earlier ability to perceive the unspoken. In addition, Philo notes that in his first five years Flaccus’ management of the army includes rooting out corruption among the officers and curbing misbehavior by the soldiers. Philo also touches on this concern in his description of Lampo’s corruption (131-134), recognizing that it is impossible for governors to be cognizant of everything that happens under their watch (133).

501 It may be that Philo avoided the issue of corruption because it would weaken the connection he was trying to suggest between Flaccus’ treatment of the Jews and his demise.
In *Flaccus*, Philo projects a generally favorable view of Rome. His narrative demonstrates that Roman governors can be incompetent and malicious but also that they can be competent and beneficial. Philo illustrates the contribution a competent governor can make to social welfare, especially to civic peace, but he also illustrates the damage that an incompetent governor can allow or even deliberately cause. However, the author does not find fault with Rome on account of incompetent or malicious governors, portraying Rome as an arbiter of justice and defender of the rights of provincials in such cases. Similarly, Philo indicates the possibility of misbehavior by a governor’s subordinates, but he defends the governors, arguing that no governor can be aware of every action of his subordinates.

The author is willing to be openly critical of Roman officials and even of a Roman emperor (Gaius), but he does not suggest that the objects of his critique represent the norm. Rather, the author views previous Roman emperors as “benefactors” and suggests that it is appropriate to honor and respect them. In the course of his abuses Flaccus not only harms the Judean population of Alexandria but also shows disrespect toward the emperor. In contrast, the Judean residents of Alexandria are loyal, peace-loving citizens who would rather die than fail to honor their benefactors. Though their loyalty to their ancestral traditions (or, in Roman terms, the *mos maiorum*) prevents them from certain honorific gestures, there are alternate signs of respect available to them.

Thus there is no reason why loyalty to Rome and loyalty to the ancestral traditions need

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502 Philo depicts Augustus as a model of Roman benefaction. He fails to mention that it was Augustus who imposed the *laographia* on the Jewish population of Alexandria. He is aware of anti-Jewish policies under Tiberius, but he finds the cause in false accusations made by Sejanus, insisting that Tiberius discovered the truth after Sejanus’ death (*Legat*. 160). See Hadas-Lebel, *Jerusalem Against Rome*, 68-71.
ever come into conflict. The author suggests that gestures of respect toward the Roman emperor are desirable and proper.

The author also suggests that Rome’s interests are best served by good governance in the provinces and are threatened by abusive and incompetent governance. Philo remarks that Flaccus accepted his “miserable honors” “not only to his own detriment but also to the detriment of the common security” (οὐ καθ’ αὐτοῦ μόνον ἀλλὰ καὶ τῇ κοινῇ ἀσφαλείᾳ, Flacc. 41). The imposition of the images in the prayer-houses risked encouraging similar mistreatment of Judean populations throughout the inhabited world. In turn, the outraged Jewish populations could not fail to fight in defense of their way of life (48). Thus by permitting it, Flaccus might have “filled the entire inhabited world with ethnic strife (ἐμφυλίων πολέμων)” (44). Not only are Flaccus’ misdeeds detrimental to the interests of Rome, they are also disrespectful toward the emperor.503

The implication is that the interests of Rome and the interests of her subject populations are aligned, and both are threatened by abusive governors. By siding with a segment of the population that only pretends respect for Rome, Flaccus sides not only with the enemies of the Jews, but also of Rome itself. Thus rather than framing the issue of gubernatorial misconduct as an issue between Rome and subject populations, Philo demonstrates that Rome and her subjects have a mutual interest in opposing corruption and abuse by governors.

In Flaccus, God uses Rome as an instrument of God’s providence to save the Jews. At the same time, it is a Roman governor that the Jews need to be saved from. Furthermore, Philo does not claim that Rome intervened out of concern for how the

503 Cf. Hadas-Lebel, Jerusalem Against Rome, 67-68: “Philo… made a great effort to subtly demonstrate that the enemies of the Jews were the enemies of Rome itself.”
Judeans were being treated. Thus the Judeans cannot depend on Rome in the same way that they can depend on God. Still, Philo’s favorable representation of the emperors prior to Gaius and of Rome’s response to gubernatorial misconduct suggest that although he recognizes that Roman rule is not invariably just and beneficial, he is optimistic that more often than not it will be.

2.3 Comparison

Tacitus and Philo represent two very different positions in relation to imperial Rome. As a prominent member of the imperial elite Tacitus had already served as a provincial governor prior to writing Agricola, and he likely anticipated doing so again. He writes largely as an insider and beneficiary of the system, although his writing, even in the Agricola, gives evidence of some areas of disaffection with Principate and with the governance of the provinces. Philo, on the other hand, occupied the position of an imperial subject. He and his fellow Jews were among the ruled, for whom the decisions and misbehavior of provincial governors could have dire consequences. Nevertheless, Philo belonged to the elite among his own people, a sub-population that enjoyed a degree of self-government. Thus his position in the Judean community mirrors Tacitus’ position in the Roman community – a highly-placed elite, yet also occasionally a jealous onlooker toward the very center of power. Philo’s hostility toward Flaccus does not drown out all sympathy for the challenges governors faced in confronting the unruly Alexandrian masses. His ability to channel the perspective of an insider probably results from a combination of empathy for the governors, whom Philo was in a position to encounter socially, and his own political experience, whatever that was.
The differing concerns of the two works reflect their different origins. Tacitus is centrally occupied with how the governor’s performance and accomplishments are to be judged by his peers. His twin concerns of proper behavior under a tyrannical emperor and the proper allocation of *gloria* both proceed from this preoccupation. Philo, on the other hand, is primarily concerned with how the governor’s decisions will affect the subject population. His central theme, the governor’s responsibility to maintain law and order through effective control of the native population, is carried through with this in mind. He distributes praise and blame not out of a concern that governors be properly evaluated, but as a stimulus to proper behavior and as a defense of the governor’s victims as being not at all to blame for the way they were treated.

However, though the two works place their emphases in different places, they share many of the same concerns. Tacitus’ contrast between modesty and self-advertisement are also featured in *Flaccus*, and Philo seems to agree with Tacitus that even good governors can fall victim to inordinate pride. Philo is also aware of the prestige involved in gubernatorial assignments and makes a point of contrasting the *gloria* he gained in others’ eyes with the shame he experienced on his journey into exile. Tacitus places emphasis on Agricola’s loyalty to the state, while Philo emphasizes how Flaccus’ behavior jeopardizes the peace and security of the empire and shows disrespect for the emperor and his family.

Philo does not stress the importance of diligence to the extent that *Agricola* does, but he does allude to it, both in his portrayal of Flaccus’ mastery of the administration and assiduous drilling of the troops and by his illustration of the dire consequences of Flaccus’ subsequent “slackening.” In contrast to Flaccus, Agricola demonstrates self-
control at the news of his son’s death. Whereas Flaccus’ grief and fear lead him to neglect the affairs of state, Agricola finds consolation for his loss in his duties.

Control of the native population is a concern for Tacitus as well as for Philo. Both suggest that maintaining auctoritas over one’s subjects requires diligence and foresight. At various points both stress the dire consequences of appearing too lax or permissive. On the other hand, Tacitus also raises the possibility of being too strict. One must be inclined to mercy in judgment, not punish every small offense committed by one’s staff, and know when to “drop the official mask.” The subject of facilitas is not prominent in Flaccus, but Philo does portray a failure in facilitas when Flaccus turns away from Jews who come to see him.

Both works raise the issue of corruption, but they handle it in different ways. Agricola raises it only to dismiss it. Other governors are corrupt, but certainly not Agricola. It would be offensive even to discuss the issue in any length. In Flaccus corruption takes the form of favoritism and impunity granted in exchange for political support. Interestingly, Philo can render an entirely condemnatory portrait of a governor without depicting him as engaged in bribery, extortion or peculation.

The fact that the same characteristics and concerns occur in both works despite their different origins, purposes, and emphases suggests that there was a common discourse about governors in the first century that influenced both Philo and Tacitus. Prudence and foresight, diligence, moderation, self-control, and pietas are all important, along with military virtus. The prestige of an appointment, the glory or shame attached to success or failure, the difficulty of keeping public order, the undue influence of the
masses, the possibility of corruption in various forms – all these are common concerns of both works.

Moreover, one could argue that Philo’s bifurcation of Flaccus the weak and negligent governor and Flaccus the harsh tyrant is analogous to Tacitus’ contrast between the harshness of Paulinus and the permissiveness of Turpilianus and his successors. There seem to be two distinct types at play: the lazy and permissive governor and the harsh and tyrannical governor. The former shows lack of self-control, foresight, and industry; the latter, dishonesty, secrecy, and hostility. Tacitus’ thumbnail sketches of Agricola’s predecessors are too brief to fill out the type, but they do demonstrate a bifurcation between the permissive types who lack adequate auctoritas and the vindictive types who fall short in the arts of peace.

The following chapter will undertake a survey and analysis of governor characters in Josephus’ historical works. These shorter and often less obviously motivated portraits of governors incorporate characteristics and concerns recognizable from the portraits of Agricola and Flaccus analyzed above. Analysis of portraits in a historical work will lay the groundwork for the analysis of portraits of governors in Luke-Acts.
CHAPTER 3

GOVERNORS IN HISTORIOGRAPHY:

JOSEPHUS’ JUDEAN WAR AND JUDEAN ANTIQUITIES

Tacitus and Philo wrote narratives that treated their subjects in some depth and with clearly defined perspectives. These texts yield a range of characteristics that can be assigned to a governor in narrative as well as a sense of which characteristics can be used to present a favorable view of a governor and which an unfavorable view. The analysis has also highlighted some recurring concerns about governors and governing.

This chapter will take up Josephus’ historical works, The Judean War and Judean Antiquities, texts that are more akin to Luke-Acts in portraying the role played by the governors. Unlike Flaccus and Agricola, Josephus shows little biographical interest in the governors featured in his narratives. Their lives and actions are described only insofar as they relate to Josephus’ account of the history of Judea, and in most cases his interest lies in recounting their deeds, not in assessing their character. Furthermore, Josephus’ broad chronological focus in both works limits the amount of space in the narrative that can be devoted to any one governor. As a result, in most cases the reader must form an

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504 I use the term “biographical” loosely; my usage is informed by Simon Swain, “Biography and Biographic in the Literature of the Roman Empire,” in Portraits: Biographical Representation in the Greek and Latin Literature of the Roman Empire (Oxford: Clarendon, 1997); “Biographical texts are texts which furnish detailed accounts of individuals’ lives,” whether in whole or in part. The biographical trend extends well beyond the specific genre “biography” (1-2).
idea of the character of each governor based solely on a very limited selection of his actions.

Nevertheless, despite the limitations imposed by the parameters of his historiographical project, Josephus imparts a distinct view of many of his governors, sometimes favorable, sometimes unfavorable. Many of the same characteristics and concerns manifested in *Agricola* and *Flaccus* appear in Josephus’ depictions of governors and can provide additional clarity on Josephus’ view of the governors in his narratives.

Thus Josephus’ historical writing provides a sort of test case for reading Luke-Acts, in which similar conditions apply. If Josephus does often project a certain view of a governor, despite the limitations, then it is realistic to think that Luke might overcome similar limitations in order to present his governors in a certain light. An analysis of Josephus will also increase the available data on the portrayal of governors in narrative in the first century, further delineating the concepts, conventions, concerns and techniques available to a writer.

3.1 Introduction

Josephus’ two historical works, *The Judean War* (henceforth *War*) and *Judean Antiquities* (henceforth *Antiquities*), depict a number of Roman governors of Syria and Judea, beginning with Pompey’s legates to Syria and continuing through Florus, the last procurator of Judea before the outbreak of war in 66 C.E. In *War* this historical period...
occupies the second of the first two books, which together survey the history of Judea from the Maccabees up to the time of the revolt. *Antiquities* details the history of Roman involvement in Judea in its last three books (18-20), and ends with the outbreak of hostilities in 66. Though *Antiquities* often presents a fuller account of a given period or event than does *War*, the basic thrust of Josephus’ portrait of each governor usually remains the same, with some significant exceptions.

As the following analysis will demonstrate, Josephus does not have a single view of Roman governors. He depicts some very favorably, some extremely unfavorably, and others somewhere in between. However, he does have a consistent view of what characteristics typify a successful Roman governor and, conversely, what characteristics are typical of a blameworthy governor. Thus certain themes and motifs repeat themselves in his various portrayals.

Josephus is also inconsistent in his technique of characterization. He usually avoids direct characterization, but he conspicuously abandons this reticence in certain cases. This increased clarity often corresponds with the importance of the characterization to his narrative rhetoric, but this correspondence is not clear in every case.

3.1.1 *The Judean War*: Date, Genre, Audience, and Purpose

The standard date presumed for *War* is 75-79. \(^{506}\) *War* 7.158 mentions the dedication of the Flavian Temple of Peace, which occurred in 75 according to Dio Brill, 2008), 80n720 (hereafter *War 2*). Mason points out that “at their first mention in *War*, Josephus *invariably* uses ‘procurator,’ whereas he never uses this term in *Antiquities*.”

Cassius (65.15). In the Life (359-61) and Against Apion (1.50-51) Josephus claims to have presented copies of the work to Vespasian, who died in 79. However, there are complicating factors. The style of book 7 differs from the first six, indicating that it may have been a later addition.\textsuperscript{507} Domitian plays a greater role in this book than in the others, raising the suspicion that the seventh book may have been added during his rule.\textsuperscript{508} This would make the reference to the Temple of Peace in book 7 no obstacle to a date earlier than 75 for the rest of the work.

On the other hand, there is reason to place the work later, in the reign of Titus (79-81 C.E.). Only Titus is mentioned in the preface (War 1.10), and it is Titus who receives the bulk of Josephus’ attention throughout the book. In Life (363) Titus, not Vespasian, is given credit for endorsing the finished work. Furthermore Josephus’ criticism of Aulus Caecina Alienus, a partisan of Vitellius who went over to Vespasian (4.634ff), seems to presuppose his fall from grace in 79.\textsuperscript{509} Thus the theory presents itself that Josephus did not entirely finish the War until the reign of Titus and that he added another section to it at the time of Domitian.\textsuperscript{510} Josephus’ statement that he presented τὰ


βιβλία to Vespasian (Ap. 1.51, Life 361) need not mean that he presented the finished work to him. He may have shown him books as he completed them, as he seems to have done for Agrippa II (Vita 365). At any rate, it is clear that Josephus wrote the bulk of the work during the reigns of Vespasian and Titus.

Josephus claims to have distributed his book both to Romans (the emperors Vespasian and Titus and other Romans who had participated in the war) and Jews (Agrippa II and others) (Ap. 1.50-51, Life 361-367). His prologue implies that a primary motive was to set the record straight against other histories that had been influenced by favoritism toward the Romans and hatred of the Judeans. These biases suggest that it was primarily Roman historiography that he aimed to correct.

On the other hand, the extent to which Josephus actually anticipated a Roman readership is open to question. He may have expected that his book would mostly appeal to elite Jews in Rome and elsewhere.

One indication is his depiction of Titus’ concern for the temple, which even if not entirely

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511 Richard Laqueur’s theory of multiple editions makes assigning any particular date problematic, since we can’t be sure how much was composed under Vespasian, how much under Titus, and how much under Domitian; see Richard Laqueur, Der jüdische Historiker Flavius Josephus: Ein biographischer Versuch auf neuer quellenkritischer Grundlage (Giessen, 1920; repr. Darmstadt: Wissenschaftliche Buchgesellschaft, 1970), 57-59. However, against Laqueur, Cohen (Josephus in Galilee, 89-90) argues that the uniformly high quality of the style of books 1-6, the appearance of the same tendentious elements throughout, and the relative lack of explicit contradictions make extensive revision of War after its initial publication unlikely. Furthermore, there is no evidence from the manuscript tradition for a re-edition, though as Cohen points out (89n13), the lack of proof for the hypothesis does not constitute proof against it.

512 The title “The Judean War” (Περὶ τοῦ Ἰουδαϊκοῦ πολέμου), comparable to “the Punic Wars” or “the Gallic Wars” reflects a Roman perspective; see H. St. John Thackeray, Josephus: The Man and the Historian (1927; repr. New York: Ktav, 1967), 30; M. Stern, “Josephus and the Roman Empire,” in Josephus, Judaism, and Christianity (ed. Louis Feldman and Gohei Hata; Detroit: Wayne State University Press, 1987), 71. Both cite Laqueur, Historiker, 98. But see reservations from Tessa Rajak, Josephus: The Historian and His Society (2nd ed.; Philadelphia: Fortress, 2002), 201-2; she argues that the book originally had no title. The alternate title Περὶ Αλώσεως is attested on most manuscripts and in some references by early Christian writers, e.g., Jerome, Vir. ill. 17 (cited by Rajak, 202) and idem, Comm. Isa. 64 (cited by Thackeray, 30-31); Thackeray accepts it as an older title; Rajak rejects it as reflecting “Christian interest in the fall of Jerusalem.” Whatever the original title, Josephus refers to the book in other places as ζι υπ’ ἐμὸν περὶ τοῦ Ἰουδαϊκοῦ πολέμου βιβλίον (Ant. 1.203, 18.11, 20:258; Life 27, 412-3), though not invariably (cf. Ant. 13. 72, 173, 298, cited by Rajak, 202).
invented (that is open to question) is emphasized in the strongest terms. This device seems calculated to salve Jewish wounds, and it contradicts the Flavians’ own representation of the war in their triumph of 71 C.E.\(^{513}\) The repeated attempts to justify the Roman destruction of Jerusalem and its temple on the basis of the rebels’ crimes and God’s will would have been superfluous for a Greek and Roman audience.

\textit{War} was composed while Josephus received a pension from the Flavians and was lodging in their household.\(^ {514}\) Whether or not they can be considered his literary patrons is unclear,\(^{515}\) but Josephus was clearly beholden to them to some extent. He also appears to have enjoyed a close connection with Agrippa II, with whom he corresponded frequently in the course of writing the \textit{War}. Thus the need to avoid offending either the Flavian house or Agrippa II\(^ {516}\) can reasonably be inferred to be motivating factors in his presentation of events. Accordingly, Josephus portrays Titus as both courageous and compassionate, and carefully exonerates him for the destruction of the temple.\(^ {517}\) He

\begin{footnotes}
\item[514] For an assessment of the benefits that Josephus received from the Flavians, see Steve Mason, “‘Should Any Wish to Enquire Further’ (Ant. 1.25): The Aim and Audience of Josephus’s \textit{Judean Antiquities/Life},” in \textit{Understanding Josephus: Seven Perspectives} (ed. S. Mason; \textit{Journal for the Study of the Pseudepigrapha} Supplement Series 32; Sheffield: Sheffield Academic Press, 1998), 76-78.
\item[515] Laqueur, \textit{Historiker}, 126-27, and Thackeray, \textit{Josephus}, 27-29, claim that Josephus was actually commissioned by the Flavians to write pro-Roman propaganda on the war. For more modest claims, see S. Cohen, \textit{Josephus in Galilee and Rome}, 86; S. Schwartz, \textit{Josephus and Judaean Politics}, 10; and Gregory Sterling, \textit{Historiography and Self-Definition: Josephos, Luke-Acts and Apologetic Historiography} (NovTSup 64; Leiden: Brill, 1992), 239. Rajak, \textit{Josephus}, 185-222, minimizes the connection. Sterling’s question is to the point: how much difference would there have been between writing material commissioned by the emperor and writing material that would be presented to the emperor, while being housed and paid by the emperor?
\item[516] Though note \textit{Antiquities} 16.187, in which he claims to have offended some of Herod’s descendents by reporting the unvarnished truth.
\item[517] Stern, “Josephus and the Roman Empire,” 72-73. For an excellent summary of the texts relating to both points, see James McLaren, “Josephus on Titus: The Vanquished Writing about the Victor,” in \textit{Josephus and Jewish History in Flavian Rome and Beyond} (ed. J. Sievers and G. Lemb; JSJSup 104; Leiden: Brill, 2005), 281. On Titus’ \textit{clementia} and \textit{religio} (e.g., \textit{War} 3.501, 4.92, 4.118-19, 5.333-34, 519),
\end{footnotes}
commends Agrippa II and his sister Berenice to the Romans by recounting their valiant attempts to forestall the war. At the same time, Josephus insists on Agrippa’s sympathy with the Judeans’ suffering under Florus in a context where his outward behavior suggested otherwise.

This is not to say that War can be “dismissed as Flavian propaganda.” Josephus’ motives are more complex and his attitude more subtle than that. As Paul Spilsbury writes:

To state that he pandered to the Romans is in one sense to state the painfully obvious. To look beyond the obvious to the more complex and oblique is far more interesting and instructive. And ultimately, it renders a more realistic account of what Josephus may have hoped to achieve by writing as he did.

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see Hadas-Lebel, Jerusalem Against Rome, 76-80, 85-89. Stern points out that Vespasian, in contrast, sometimes deals harshly with the Judeans and with others as well (op. cit., 73-74). In addition to the evidence internal to War, the fact that Josephus wanted to present a positive portrait of Titus is usually inferred from the fact that he presented the work to Titus and earned his approval (Life 361-63, Ag. Ap. 1.50-51). McLaren argues that though there are positive aspects to Josephus’ portrayal of Titus, there are also negative aspects that subtly undermine Titus’ image as a successful general.

In the Chronica of the Christian writer Sulpicius Severus (2.30), Titus advocates in favor of the temple’s destruction. Jacob Bernays argued that Severus is dependent upon the lost portion of Tacitus’ Histories and thus is credible (Schürer, 1:506-7n115). See also Feldman, “Josephus Revisited,” 850-51 and Rajak, Josephus, 206-11. For text, commentary, and additional literature, see Menahem Stern, ed., Greek and Latin Authors on Jews and Judaism (Jerusalem: Israel Academy of Sciences and Humanities, 1980), 2:64-7 (no. 282). On Severus’ use of Tacitus, see also T. D. Barnes, “The Fragments of Tacitus’ Histories,” Classical Philology 72 (1977): 225-28.

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518 In addition, War omits the accusation against Agrippa II before Vespasian recounted in Life 407-9.

519 S. Schwartz points out that War does not mention Agrippa’s presence in the Roman camp at the siege of Jerusalem (noted in Tacitus, Hist. 5.1.2) and his (probable) presence in Caesarea Philippi, his capital city, at the games in honor of Titus’ conquest of Jerusalem (Josephus and Judean Politics, 131-33). Interestingly, Josephus emphasizes Agrippa’s warm relations with Vespasian but not with Titus. It may be that by 80 Titus was beginning to feel embarrassment about his association with Berenice and it was unwise to bring up the friendship.


Some of the pro-Roman features of his account (e.g., Titus’ desire to preserve the temple) are aimed not only at flattering the Flavians but at defusing or redirecting lingering resentment among the Jews that, if allowed to smolder, could lead to more unrest with more tragic consequences. Furthermore, Josephus reveals a Jewish nationalist agenda that is arguably more important to him than his pro-Roman agenda. Josephus writes that he intends to challenge the pro-Roman and anti-Jewish histories of the war that have preceded his (War 1.1-3, 6-16). He portrays the vanquished Jews as worthy opponents of the Romans (excusing himself for this by pointing out that the greater the vanquished, the greater the honor for the victors). He attempts to exculpate the majority of Jews from the charge of sedition, placing the blame for the revolt on a small and unrepresentative

522 Thackeray draws attention particularly to War 3.108, where Josephus states that his description of the Roman army is intended to console the vanquished and deter revolt (Josephus, 28-29). On War as “a contribution to the internal Jewish discussion about the attitude to the Roman state and the interpretation of the Messianic prophecies,” see Per Bilde, Flavius Josephus between Jerusalem and Rome: His Life, His Works, and Their Importance (JSPSup 2; Sheffield, 1988), 76-77. Stern notes that Agrippa’s speech on Rome, in striking contrast to other such speeches (e.g., Aelius Aristides, To Rome, and the speech of Cerialis in Tacitus, Histories 4.73f. in an analogous situation), argues only on the basis of Roman military might, with no mention of the benefits of Roman rule (“Josephus and Rome,” 76-77). Nor is such pro-Roman propaganda to be found elsewhere in War. Thus Josephus’ attitudes toward the Flavians must be separated from his attitude toward the Roman Empire itself.

523 Cf. Bilde, Flavius Josephus: “Thus, Apion can be regarded as the key to all of Josephus’ writings... it is the political and spiritual status of the Jewish people and of Judaism in the Greco-Roman world which constitutes the central theme in all of Josephus’ works” (121). John Barclay points out that in this work Josephus refers to Judea as “the land which we inhabit” (1.1, 315), “our land” (1.132), every Jew’s “homeland” (2.277), and “this land” (1.103), as if he were there; Barclay, Jews in the Mediterranean Diaspora from Alexander to Trajan (323 B.C.E. – 117 C.E.) (Edinburgh: T&T Clark, 1996), 347n26.

524 As Mason has emphasized, Josephus’ belief that the Jewish God ordained the result of the war and his depiction of the bravery and frequent success of the Judean forces belies the Roman assumption that the war was won by a superior soldiery, superior generalship, and the aid of Roman deities: “This is vom Haus aus a Judaean story told by an aristocrat from Jerusalem” (“Figured Speech,” 257). On the other hand, Christiane Saulnier points out the importance of the Judean victory to Flavian propaganda: not only did it establish Vespasian as a conqueror, but it constituted one of many links to Augustus, who had also claimed the primacy after a successful war in the East. As such, Josephus’ emphasis on the magnitude of the war and the ferocity of the Judeans could only enhance Flavian prestige; see Saulnier, “Flavius Josèphe et la propagande Flavienne,” Revue Biblique 96 (1986), 560-62.
group of radicals (War 1.9-11), as well as on the incompetence and malfeasance of the procurators. He represents Jewish traditions as admirable and worthy of respect by outsiders. He portrays the destruction of Jerusalem and the temple in ways calculated to engage the readers’ emotions and garner sympathy. According to Mason, “In spite of its predictable flattery of Titus... the War is aimed at defending the surviving Jews against widespread post-war animosity, perhaps even reprisals.”

In addition, Josephus was concerned with living up to the values of the historiography of his day, or at least with being perceived to have lived up to them. Thus he wants to give an account that will be accepted as accurate, orderly, well-written, and coming from a reputable source with a high claim to knowledge about the subject. He is also concerned with his own reputation. He depicts his own exploits as a general and the circumstances of his capture by the Romans in terms favorable to himself. Finally, at

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525 For a thorough analysis of Josephus’ attempts to exculpate the priestly aristocracy (himself included), see Cohen, Josephus in Galilee and Rome, 97-100.

526 Tacitus, Histories 5.10, expresses a similar sentiment.

527 Bilde calls War “a work of tragic historiographical interpretation,” arguing that “[t]he fall of Jerusalem and the burning of the Temple are in reality incomprehensible and inconceivable events, and Bell. can and must be regarded as an endeavour to understand and describe how things could have come to this end” (Flavius Josephus between Jerusalem and Rome, 71-72). This can be understood as the flip side of Josephus’ nationalism – not only does he want to counter outsiders’ accounts of the war, but he also wants to assuage the feelings of the vanquished and explain the course of events in terms of their (and his own) belief system.

528 Mason, “Should Any,” 73; cf. Barclay, Jews in the Mediterranean Diaspora, on the “opprobrium which Judean Jews had brought upon their compatriots throughout the world” as a motivating factor (346).

529 Among “the requirements of Greco-Roman historiography” John Barclay mentions the use of speeches, the “drawing out of the emotive and grotesque features of the story,” and use of literary conceits from the Thucydidean tradition. He also mentions appeals to fate (τοῖς ἐμφαρμαῖς) and the presentation of Jewish sects as philosophical schools in 2.119-66 (Jews in the Mediterranean Diaspora, 354). G. Mader, Josephus and the Politics of Historiography: Apologetic and Impression Management in the Bellum Judaicum (Leiden: Brill, 2000) has written eloquently about the ways Josephus’ echoes of Greek historiographical conventions, particularly from Polybius and Thucydides, not only elevated the style of his work but also made his explanations of events and their causes seem more reasonable to a sophisticated audience.
times Josephus’ rhetoric arguably reflects one of his sources rather than his own perspective. For example, the extremely favorable accounts about Herod were likely taken over from Nicolaus of Damascus. Josephus integrated these accounts into his own portrait of Herod, which is considerably more complex and ambiguous.

3.1.2 Judean Antiquities: Date, Genre, Audience and Purpose

The date of Antiquities is fairly secure: Josephus writes (20.267) that he finished it in the thirteenth year of the reign of Domitian, thus Sept. 93 – Sept. 94. The one complication is the possibility of a later edition, a hypothesis advanced by Laqueur. Laqueur accepted Photius’ (9th/10th century) statement that Agrippa II died in the third year of Trajan, thus 100/101. Since Vita 359-60 presupposes that Agrippa is no longer living, the final publication of Antiquities, which incorporated the Vita, must be later. However, this requires that Josephus carelessly left the original date in the revised work. Since the numismatic and epigraphic evidence for Agrippa’s reign ends in 91 and 93 respectively, we are not obliged to accept Photius’ statement about his time of death.

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531 Photius, Bibliotheca 33, supposedly citing Justus of Tiberias’ Chronicon.

532 Furthermore, Agrippa’s death is already indicated by Josephus’ treatment of him in Antiquities 20. Josephus mentions the rumors about Agrippa’s relationship with Berenice (145), the hatred his subjects bore him (212), and his departure from ancestral custom (218). See Attridge, “Josephus and his Works,” 210-11. Vita mentions no emperor later than Domitian.

533 See Bilde, Flavius Josephus, 103-6; Rajak, Josephus, 237-38, Attridge, “Josephus and his Works,” 210-11. On the date of Agrippa’s death, see Schürer 3.481-83n47. The latest inscriptional evidence for Agrippa II is OGIS 426 = IGR 3.1127, dated 92/3. Coins dated 34 and 35 are extant; these could be from 89/90 and 90/91 or from 94/95 and 95/96, depending on the era they are using (Agrippa II used both 56 and 61). On Agrippa’s coin issues see Ya’akov Meshorer, Ancient Jewish Coinage (2 vols.; Dix Hills, N.Y.: Amphora Books, 1982), 2:65-95 and plates 11-16.
As Sterling points out, though *War* and *Antiquities* are both histories, they are histories of very different types. Where *War* is reminiscent of Thucydides in its intimacy and scope, *Antiquities* resembles Dionysus of Halicarnassus’ *Roman Antiquities*. It traces the history of an entire *ethnos* from its origins until the writer’s day (though Josephus stops before the Judean rebellion, choosing not to include an era he had already detailed extensively in his previous work). Sterling demonstrates that *Antiquities* shares a number of characteristics with other works that belong to a tradition that he calls “apologetic historiography.”

We can infer little from Josephus’ dedication of *Antiquities* to Epaphroditus. We do not know what individual is referred to, although many suspect Marcus Mettius Epaphroditus, known from the Suda lexicon as a grammarian and literary figure. However, there is no evidence in Josephus’ work to establish that link. Josephus’ patron may have been an Epaphroditus who is wholly unknown to us. Nor can the dedication to Epaphroditus demonstrate for certain that Josephus no longer enjoyed the goodwill and

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534 *Historiography and Self-Definition*, 240-45 (historiographical traditions); 258-63, 297-310 (apologetic historiography).

535 Suda, s.v. “Epaphroditus.” Mason, “Should Any” (98-100) argues for Nero’s freedman Epaphroditus; if this is the case, then both *Antiquities* and *Life* must have been finished before his death at the hand of Domitian, in 95 at the latest; this requires the redating of some of Agrippa’s coins from 95 to 92/93 C.E. Against this, Meshorer prefers the later dates; see *Ancient Jewish Coinage*, 2:65-73. Rajak judges that there would not have been enough time between the publication of *Antiquities* and Epaphroditus’ death for Josephus to have taken cognizance of the response to *Antiquities* and written *Against Apion* (*Josephus*, 224n1), but this depends on several unknowns, such as how much exposure Josephus gave the material before its final publication and whether Josephus had started working up material that would become *Against Apion* before *Antiquities* was finished. See also Schürer, 3.480-83; against, S. Schwartz, *Josephus and Judean Politics*, 19-21.

536 Cf. Jonathan Price, “The Provincial Historian in Rome,” in Sievers and Lembi: “[A]fter writing the *Bellum*, Josephus apparently lost imperial literary patronage, for he dedicated his next three works… to a certain Epaphroditus, who cannot be identified with any important figure of that name in Rome in Josephus’ day. In other words, by lavishly thanking an obscure figure of (probably) servile birth as his patron, Josephus is inadvertently revealing his own obscurity in Roman society of his day” (106). To my knowledge, no other scholar has claimed that Epaphroditus cannot be identified with any important figure of the time; however, Price’s point that Epaphroditus *need not* be so identified is well taken.
support of the Flavians. In the Life, he writes that Domitian continued the tax exempt status of his land in Judea (429).

Antiquities is ostensibly addressed to “the whole Greek-speaking world” (1.5). This claim is borne out by the efforts Josephus makes to introduce characters and explain laws and customs that would have been common knowledge among Jewish readers. According to Mason, “[Josephus] acknowledges that one of his own compatriots might by chance peruse his work, but significantly he worries that such a hypothetical reader would seek to correct his arrangement of the laws (4.197).”

On the other hand, Laqueur argued that Josephus aimed to have an impact on the Jewish community: he had lost imperial patronage and needed to rehabilitate himself with his fellow Judeans. Similarly, S. Cohen and S. Schwartz have both argued that Josephus wanted to court the now-dominant Pharisaic/proto-Rabbinic party. Mason points out that the trend of current scholarship to minimize the influence and importance

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537 As for example Laqueur (Historiker, 23-36, 228-230; cf. Thackeray, Josephus, 51-53) believed that Josephus had lost his imperial patrons by the time of composition – and thus his interest in imperial propaganda – and wrote Antiquities “solely as Jewish historian and apologist” (Thackeray 52, cited in Mason, “Should Any,” 66). Cassius Dio claims that Domitian “visited disgrace and ruin upon the friends of his father and of his brother” (67.2.1), but he allows in the same passage that Domitian upheld favors bestowed by his predecessors, supporting Josephus’ own testimony. In reality, many of the advisors and senior personnel of Vespasian and Titus continued under Domitian (Mason, “Should Any,” 72).


539 Sterling, Historiography and Self-Definition, 298, with a plethora of examples.


541 Laqueur, Historiker, 258-61.

of the proto-Rabbinic movement weakens such theories.\textsuperscript{543} Nor does Josephus seem to feel a need to distance himself from his previous career: he refers readers of \textit{Antiquities} back to what he had previously written in \textit{War}, and he views both as parts of a single project (\textit{Ap.} 1.47-56).\textsuperscript{544}

Still, there are indications that although Josephus aimed at a Greek audience, he also anticipated that Jews would read the work. His programmatic claim that his history would demonstrate that those who maintain the laws prosper and those who disobey meet disaster (\textit{Ant.} 1.14) seems designed for Jewish ears – the sentiment translates to a Gentile context but is expressed in Jewish terms, with the emphasis on laws and maintaining observances.\textsuperscript{545} Josephus professes his desire to reconcile both Greeks and Jews to each other and to remove unreasonable hatreds on both sides by promoting a common civility (\textit{καλοκαγαθία}) (\textit{Ant.} 16.175-8).\textsuperscript{546} He is capable of portraying the Romans as guardians of that common civility (\textit{Ant.} 14.247, 257; 16.46).\textsuperscript{547} The recitation of past benefactions

\textsuperscript{543} The fact that neither party ever mentions the other is noteworthy. Sterling “[the Rabbis’] silence about him indicates that he was a \textit{persona non grata}” (Historiography and Self-Definition, 307) may be saying too much, but at the least he was a nonentity.

\textsuperscript{544} Mason, “Should Any,” 67-68.

\textsuperscript{545} On the potential for a Jewish audience, see further Rajak, \textit{Josephus}, 178.

\textsuperscript{546} Sterling notes that \textit{Antiquities} is less missionary than \textit{Apion}, which “revels in the fact that Gentiles have converted to Judaism” and “surreptitiously extends an invitation on two occasions” (2.209-10, 123, 261). The \textit{Antiquities} says little about Gentile conversion – the only one shown in a positive light (i.e., not forced or undertaken for pragmatic reasons) is that of the house of Adiabene, safely beyond the bounds of the Roman Empire. Sterling speculates that the difference may be due to the date of composition, that is, before and after the end of Domitian’s reign (Historiography and Self-Definition, 305-6). On the theme of conversion, see esp. S. Cohen, “Respect for Judaism by Gentiles,” \textit{HTR} 80 (1987): 409-430.

\textsuperscript{547} Barclay, Jews in the Mediterranean Diaspora, 361.
not only reminds Greeks and Romans of precedent but also encourages Jews to appreciate the protection that Rome can still offer.\footnote{548}{On the pursuit of a \textit{modus vivendi} for diaspora Jews in Josephus’ later works see Rajak, \textit{Josephus}, 226-8.}

In \textit{Against Apion} Josephus asserts that \textit{Antiquities} demonstrated “the extreme antiquity of our Jewish race, the purity of the original stock, and the manner in which it established itself in the country which we occupy today” (1.1). As Sterling has shown, \textit{Antiquities} belongs in the tradition of apologetic historiography: it is a historical account intended to defend the Jews against their detractors and gain approval in the Greco-Roman world.\footnote{549}{Cf. Bilde, \textit{Flavius Josephus}, 101; and Barclay, \textit{Jews in the Mediterranean Diaspora}: “To devote this much effort to the retelling of one’s national story suggests a desire to promote its reputation and to enhance (or defend) its pride, in an age when ‘national histories’ were an important form of political and cultural propaganda” (356). Among specific apologetic features, Barclay mentions the idealized presentation of Moses, the removal of the golden calf episode, and the presentation of Jewish heroes in terms of Greek virtues (358); on the last item, see Feldman, “Josephus Revisited,” 794-804.} The hints of an anticipated Jewish readership suggest that Josephus aimed not only to foster tolerance and respect from Gentiles but also to encourage Jews to take pride in their heritage and to maintain their fidelity to their ancestral customs.

More specificity about its purpose is difficult to attain. Laqueur, followed by S. J. Case, argued that \textit{Antiquities} is addressed to the ruling class in Rome in response to fears of anti-Jewish measures from Domitian.\footnote{550}{Shirley Jackson Case, “Josephus’ Anticipation of a Domitianic Persecution,” \textit{JBL} 44 (1925): 10-20; On Domitian’s policy toward Judaism see further E. M. Smallwood, “Domitian’s Attitude Toward the Jews and Judaism.” \textit{Classical Philology} 51 (1956): 1-13, who finds his argument credible that “indications that the Jewish race was in danger” are to be found in \textit{Antiquities} (11).} However, there is scant evidence of deterioration in relations under Domitian’s reign – his increased enforcement of the \textit{fiscus Judaiacus} was only one of a number of measures he took to prop up the ailing imperial finances and thus does not prove any extraordinary anti-Semitism.\footnote{551}{See Smallwood, “Domitian’s Attitude,” 4; Bilde, \textit{Flavius Josephus}, 102-3; cf. Sterling, \textit{Historiography and Self-Definition}, 302-4: there is no substantial evidence of a persecution, but there may still be a need for Josephus to justify his work.} \textit{Antiquities} would
have been extremely ineffective as a response to specific misinformation and slander circulating in Josephus’ day.\textsuperscript{552} As Mason suggests, it was probably aimed at better informing Gentiles who were already “keenly interested in Judean culture,” of which evidence suggests there was a substantial number.\textsuperscript{553}

One important though mundane motivation for its composition may be that such a work had not previously been written (by a Judean), and that Josephus believed himself uniquely qualified for such a task, as a priest thoroughly familiar with the scriptures but also with years of experience mingling with Greeks and Romans.\textsuperscript{554} Josephus intended to produce a work that would be useful not just for his own time, but for succeeding generations.

3.1.3 Josephus’ View of Rome

Josephus takes an apologetic stance toward Rome in the \textit{War}. He portrays the Romans as showing clemency (φειδ/uni1F7D) toward members of a foreign race (ἄλλοφ/uni1F00λλος) in contrast to the brutality of the Judean “tyrans” toward their own (1.27). Titus did everything possible to save the city and the temple (1.27). Their destruction by the Romans was actually a result of divine wrath over its pollution by murder and civil strife have been an “erosion of Roman support” – thus \textit{Antiquities} may have aimed at a Roman audience, but not exclusively. He notes two explanatory comments about Roman words and habits that presuppose a non-Roman audience (18.195; 19.24). Smallwood notes that “the evidence that ca. 93 Josephus feared a persecution of the Jews does not mean – and Case does not take it to mean – that such a persecution did in fact occur during the three years after the completion of the \textit{Antiquitates}. We are justified in deducing from Josephus only that there was disquiet among the Jews late in Domitian's principate” (op. cit., 12). On the state of the imperial finances see Suetonius, \textit{Domitian}, 8.12.1-2.

\textsuperscript{552} Mason, “Should Any,” 69. Note the judgment of Sterling that \textit{Against Apion} is a testimony to the failure of \textit{Antiquities} (\textit{Historiography and Self-Definition}, 298).

\textsuperscript{553} Mason, “Should Any,” 80, 95-96.

\textsuperscript{554} Cf. Sterling: “The act of writing the \textit{Antiquities} implied discontent with what was available. In Rome this meant the Περ/uni1F77'Iουδα/uni1F77ων of Alexander Polyhistor. At its broadest level \textit{AJ} should be seen as a replacement for Polyhistor” (\textit{Historiography and Self-Definition}, 302).
Indeed, Josephus attributes Roman dominance in general to God’s providence: “God, who brings round sovereignty to nations in turn, now stands over Italy” (5.367). Thus, seeking independence was futile and self-destructive. But even after the rebellion, the Jews could hope for a continuation of Roman tolerance and accommodation, as Titus demonstrated in Antioch (7.100-111).

Thus Josephus claims divine favor for Rome, but from Israel’s God and on a temporary, not eternal, basis. In Antiquities he ties the fortune of the Jewish nation to their obedience to the law and preservation of the Mosaic politeia (labeled an aristocracy, which he commends to his Gentile readers). The Jews’ condition as a subjected diaspora is due to their failure at this, and should they turn from cultural assimilation to pure observance, their prosperity and good fortune would outstrip all other nations (4.181-93). Josephus does not associate this hoped-for renaissance with national

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555 Josephus also adverts to this theological explanation in a prayer that serves to explain his decision to surrender to the Romans (3.354).


557 Cf. the conclusion of Stern, “Josephus and the Roman Empire”: though Josephus expresses “sympathy with and gratitude towards Titus and respect for the Flavian house” in the War, “there is a conspicuous lack of any expression of cultural or spiritual solidarity with the empire” (78). Josephus sees Rome in Jewish terms.


559 According to Balaam’s prophecy, which Josephus claims predicted the course of history up to his time and beyond, no catastrophe will ever completely destroy the Jews, but they will always flourish again “to the terror of those who brought them harm” ἐπὶ φόβῳ τῶν ἐπαγαγόντων αὐτῶς τὰς βλάβας (Ant. 4:125-28). Mason, “Josephus, Daniel, and the Flavian House,” 172.
independence or political dominance, and he avoids representing Judea as a land covenanted to the Jews alone.\textsuperscript{560} He is also reticent about messianic and eschatological expectations.\textsuperscript{561}

Does Josephus’ reticence mask a more critical view of Rome that he does not allow to show clearly in his works? David Balch argues that Josephus’ support for aristocracy in the \textit{Antiquities} is intended as commentary on the Roman politics of the time.\textsuperscript{562} Mason further points out Josephus’ connection to Domitia Longina (\textit{Life} 429), who in turn was connected to the “Stoic opposition.”\textsuperscript{563} However, the rejection of kingship was a venerable theme in Roman history and political thought, and whatever the reality of the Principate, it kept up a façade of republicanism. So it is hard to be certain what political resonance Josephus’ pro-aristocratic and anti-monarchic sentiments might actually have had.

\subsection*{3.2 Survey of the Narratives}

For the sake of clarity, Josephus’ narratives are broken down into three sections. The first includes Josephus’ portraits of the governors of Syria from the beginning of Roman domination initiated by Pompey until the establishment of Herod the Great as a


\textsuperscript{561} Mason points out that although Josephus makes it fairly clear (while ostentatiously demurring from directly saying it) that Rome is Daniel’s fourth kingdom and thus destined to be destroyed in its turn (\textit{Ant.} 10.208-10), “he removes all traces of Daniel’s apocalyptic urgency” (“Josephus, Daniel, and the Flavian House,” 171-73). On this and other coy references to Rome’s mortality, see Amaru, “Land,” 225.


\textsuperscript{563} Mason, “Should Any,” 100-101. Mason also wonders about Josephus’ relationship to Flavius Clemens, Flavia Domitilla, and Acilius Glabrio, who were executed/banished in approximately the same period (95) that Josephus was finishing \textit{Antiquities}. 
client king. The second covers the prefects of Judea, equestrian legates appointed by the emperor to govern Judea with full authority, up to the point when Judea passed into the hands of another Roman client king, Herod Agrippa I. The third involves the same Roman officials, now called procurators, after Judea reverted to direct Roman rule following the death of Agrippa I until the beginning of the Judean rebellion in 66 C.E.

3.1.1 Early Governors of Syria

An Opportunist: Scaurus

The first Roman to receive extensive treatment as a governor in The Judean War and Judean Antiquities is Marcus Aemilius Scaurus. After having served under Pompey as quaestor in 66 B.C., Scaurus was appointed proquaestore propraetore in Syria in 65 while Pompey pursued a war in Armenia. In Josephus’ narratives, he appears in the middle of the account of the rivalry between two Hasmonean scions: Hyrcanus, with encouragement and assistance from the Idumaean Antipater, is struggling to regain the throne from his younger brother, Aristobulus II (War 1.122-27; Ant. 14.8-21).

Josephus portrays Scaurus as an unscrupulous opportunist, particularly in War. In the earlier account, Scaurus quickly passes through Syria to Judea because he sees Judea as his best opportunity for profit: Damascus having already been captured by two other

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564 On Scaurus, see PW s.v. (I 38).
565 Appian, Syr. 51. Quaestor: MRR 2:153; Proquaestor: MRR 2:163, 168. For the title, see IGR 3:1102 (Tyre) (= ILS 875): Μάρκος Αμύλιος Μάρκου υἱὸς Σκαρῆος ἀντιπαραγός. According to A. N. Sherwin-White, Josephus is incorrect that Pompey was fighting Tigranes at the time; see Roman Foreign Policy in the East (Norman: University of Oklahoma Press, 1983), 210n60. Tigranes surrendered without a fight in 66 B.C.E. Pompey confirmed him as king of Armenia but deprived him of his other possessions, then spent the end of 66 and most of 65 consolidating Roman power over Tigranes’ former holdings in the Caucasus (ibid., 193-94).
generals,\(^{566}\) news of affairs in as-yet-untouched Judea comes as “a godsend” (ἔρματον, War 1.127). Sure enough, Scaurus is able to use his position as representative of Roman power to leverage a bribe from Aristobulus. Josephus makes it clear that in so doing he supports a usurper over the rightful claimant to the throne: “[T]hree hundred talents offered by Aristobulus outweighed considerations of justice” (War 1.128, [Thackeray, LCL]).\(^{567}\) The critique is more muted in Antiquities. Both brothers offer an equal amount (400 talents), and Scaurus sides with Aristobulus only for reasons of expedience: Aristobulus is wealthy and generous, asks for moderate terms, and is already in control of Jerusalem, while Hyrcanus is poor, miserly and untrustworthy (Ant. 14.31).\(^{568}\) Furthermore, in Antiquities Josephus makes it clear that the real guilt for the Judeans’ subjection to Rome lies not with the Roman general but with Hyrcanus and Aristobulus and their infighting (Ant. 14.77-78).\(^{569}\)

When Pompey enters the country, it becomes clear that Scaurus had only pretended to the authority to decide the conflict between the brothers, for Pompey reverses the decision. Again, War and Antiquities provide different versions of the events.

\(^{566}\) These were Metellus Nepos and Lollius, two of Pompey’s naval commanders who had been sent to fight pirates in the eastern Mediterranean. Their presence in Damascus was ostensibly justified by the terms of the Lex Gabinia, which allowed Pompey and his officers to operate up to 50 miles inland in pursuit of pirates – but Damascus was more than 50 miles from the coast (Sherwin-White, Roman Foreign Policy, 209-10, 217).

\(^{567}\) γίνεται δ’ ἐπίπροσθεν τοῦ δικαίου τὰ παρὰ Ἀριστοβούλου τριακόσια τάλαντα.

\(^{568}\) ὁ δὲ πένης ἦν καὶ γλύσχρος καὶ περί μειζόνων τὴν ἀπίστον προὔπεινεν ἐπαγγελίαν.

\(^{569}\) The differences in the accounts can readily be understood as a reflection of Josephus’ sources. In War he is heavily dependent on Nicolaus of Damascus, who was likely prejudiced against Scaurus as an enemy of Antipater, father of his patron Herod. Thus only Aristobulus bribes Scaurus, and Hyrcanus’ cause is considered the just one. In Antiquities, on the other hand, Josephus had a further source in Strabo, from which he may have garnered details suppressed by Nicolaus, such as Hyrcanus’ own attempt at bribery. Josephus’ first direct reference to Strabo is at Antiquities 13.285-87, and his last at 15.9. Thus Josephus appears to depend most on Strabo for the period from the end of 1 Maccabees to the reign of Herod. For a useful summary of Josephus’ use of Strabo, see R. J. H. Shutt, Studies in Josephus (London: SPCK, 1961), 106-9.
In *War*, Aristobulus continues to rely on Scaurus’ openness to bribery (δωροδοκία, 1.132); in *Antiquities*, he turns his attentions to Pompey, while through his representative Nicodemus he accuses Scaurus (and Gabinius!) of taking bribes (*Ant*. 14.34-37).

In both narratives Scaurus’ last act is the invasion of Arabia, where the terrain around Petra gives him great difficulty. Relief comes from the very man whose claim he had opposed: Hyrcanus has Antipater bring much-needed supplies, and Antipater negotiates payment of an indemnity from Aretas (*War* 1.159; *Ant*. 14.80-81). Scaurus’ only recorded military undertaking is saved from disaster through the benevolence of his erstwhile political foes. In *Antiquities* Josephus notes that the nonviolent resolution is desired as much by Scaurus as by Antipater (14.81), suggesting that Scaurus is not eager to earn glory on the field of battle, but rather is relieved not to have to fight.

Thus, although Scaurus is unscrupulous and opportunistic in both *War* and *Antiquities*, the portrait in *War* is more prejudicial. Josephus emphasizes Scaurus’ overriding interest in opportunities for self-enrichment (1.127), his willingness to champion an unjust cause in exchange for a bribe (1.128, 1.132), and his duplicity in acting as a broker without authorization (1.132). In both *War* and *Antiquities* he is an ineffective military leader.

*A Model Governor: Gabinius*

Josephus’ portrayal of Scaurus’ successor, Aulus Gabinius (proconsul 57-55 b.c.e.), creates a complete contrast. Gabinius succeeds Scaurus at a time when

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570 According to Appian (*Syr*. 51) there were two governors between Scaurus and Gabinius, Marcius Philippus (61-60) and Lentulus Marcellinus (59-58); each spent much of his two-year term fighting off Arab incursions. Josephus does not mention them either in the *War* or in the *Antiquities*. The reader has already met Gabinius as a legate of Pompey who undertakes unsuccessful negotiations with
Aristobulus’ son Alexander is threatening Hyrcanus’ dominance (War 1.160-161; Ant. 14.82-83), and he proves to be the savior of Hyrcanus, for he defeats a foe that otherwise would have deposed the king. In both War and Antiquities Josephus makes his favorable opinion of Gabinius quite clear already at this early point in his description of Gabinius’ term, describing Gabinius’ expedition against Alexander as a feat that takes its place among his many other achievements.

In the events subsequent to the fighting, Gabinius demonstrates clemency, magnanimity, and a concern for reform. He offers clemency to some of the rebels who have fled to the fortress of Alexandrion. Only when they refuse surrender does he attack them (War 1.164; Ant. 14.86 is more ambiguous, since the response to the offer of surrender is lacking). He proves himself a benefactor by rebuilding cities destroyed the fighting (War 1.165-166; Ant. 14.87-88) and a reformer by restructuring the country into five districts (called συνόδες in War, συνέδρια in Antiquities), each with its own council; the result of this restructuring, according to Josephus, is that the people now pass from monarchic rule to aristocratic (War 1.170; Ant. 14.91), an arrangement which, according

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Aristobulus when the latter is besieged in Jerusalem (War 1.140; Ant. 14.65-66). When Gabinius’ term as governor began, Syria had officially been made a consular province (Appian, Syr. 51).

571 Following his consulship in 58 B.C.E. he received Syria as one of the consular provinces of 57. See MRR 2:193-94 (consul), 203, 210-11, 218 (proconsul). A law of Clodius gave him a special command similar to that given by the Lex Gabinia to Pompey, including a large military force, extra financial resources, and a three-year minimum term (Sherwin-White, Roman Foreign Policy, 271-72). For a hostile account of the politics behind his assignment, see Cicero, Pro Sest. 55, Dom. 55; additional references listed in MRR 2:193.

572 Antiquities 14.82 actually represents Gabinius as sent to Syria as a general in order to fight Alexander, a misleading representation since Gabinius’ military leadership was simply a function of his proconsulship.

to *War*, they receive with pleasure and which Josephus is likely to have viewed favorably.\footnote{On Josephus’ view of the ideal πολιτεία, see Spilsbury, “Reading the Bible,” 221-24. On his preference for aristocracy, see Mason, “Should Any,” 80-87, and idem, “Flavius Josephus in Flavian Rome,” 559-89. Smallwood suggests that in reality Gabinius’ reorganization was an application of the Roman practice of “divide and rule”; see *The Jews under Roman Rule: From Pompey to Diocletian* (Studies in Judaism in Late Antiquity 20; 2nd ed.; Leiden: Brill, 1981), 31. Cf. Schürer, 1.268-69.}

Josephus appears to have deliberately avoided relaying details that would reflect poorly on Gabinius. In *Antiquities* Aristobulus’ agent Nicodemus accuses him of bribe-taking along with Scaurus (14.37, see above). Since at this point he has not yet been introduced into the narrative, the effect is jarring. Josephus’ account of Scaurus’ entry into Syria (*Ant. 14.29*) states that Pompey sent Scaurus “also” (καὶ Σκαῦρον).\footnote{Ms. P omits the καὶ, but the principle of *lectio difficilior* suggests it is original. See Thackeray (LCL) note ad loc.} Since according to Nicodemus’ accusation Gabinius had taken money before Scaurus had, it seems likely that in Josephus’ source (perhaps Strabo – see note 62 above) Gabinius had preceded Scaurus into Judea, and Josephus chose to omit the material.\footnote{According to Sherwin-White, Gabinius was active in southern Armenia and northern Mesopotamia at this time. He cites Dio 37.5.2-6 and Plutarch, *Pompey*, 36.2, 39.3 (*Roman Foreign Policy*, 210 and n. 61). Josephus does not appear to view the accusation with favor: he remarks that by it Aristobulus “made these men hostile to him along with the others” (*Ant. 14.37*).}

Josephus also omits a number of details prejudicial to Gabinius in his account of Gabinius’ hasty return from an expedition against the Parthians in order to restore Ptolemy XI Auletes to the throne of Egypt. *War* narrates the change of course in a roundabout way – when Gabinius was marching to war in Parthia, “Ptolemy became a hindrance to Gabinius” (Γαβινίῳ ... γίνεται Προλεμαίος ἐμπόδιον, 1.175). *Antiquities* simply says that he “changed his mind” (µετέτδοξεν, 14.98). In neither text does Josephus mention that Gabinius had been denied permission from the Roman Senate to invade
Parthia in the first place, nor that Ptolemy Auletes had offered him 10,000 talents to secure his services.\footnote{577} 

Josephus does reveal, however, that while Gabinius was away in Egypt Judea revolted again under Alexander, whose forces slaughtered many Romans. He uses the occasion to relate that Gabinius defeated this further uprising and again reorganized the government in Jerusalem, this time according to the suggestion of Antipater (\textit{War} 1.178; cf. \textit{Ant.} 14.103),\footnote{578} perhaps an implicit admission that the previous organization had failed to prevent the revolt (\textit{War} 1.175-78; \textit{Ant.} 14.98-103).\footnote{579} He also divulges that Gabinius secretly released two Parthian fugitives, giving out that they had escaped (\textit{War} 1.178; \textit{Ant.} 14.103). Though the ordinary suspicion would be that Gabinius had taken a bribe to let them go, this goes unmentioned by Josephus.\footnote{580} 

Gabinius’ final act is a successful war against the Nabateans. Thus he secures a victory that had escaped his predecessor Scaurus. In the \textit{Antiquities}, to ensure that the

\footnote{577} Gabinius would later be tried (and acquitted) for \textit{maiestas} over this unauthorized use of his command. On the politics involved, see Sherwin-White, \textit{Roman Foreign Policy}, 272-74. The sum of 10,000 talents would have represented nearly the entire annual income of Egypt and is “clearly fantastic,” apparently invented to assure that Gabinius would be exiled if convicted – see Richard Williams, \textit{“Rei Publicae Causa: Gabinius’ Defense of his Restoration of Ptolemy Auletes,” CJ} 81 (1985): 32.

\footnote{578} Nothing is said of the details of this reorganization, but “τὸ Ἀντιπάτρου βούλημα” must have inclined toward strong centralized authority (Smallwood, \textit{Jews Under Roman Rule}, 35). Smallwood notes that Antipater is termed “ὁ τῶν ἱουδαίων ἐπιμελητὴς” later in the narrative of \textit{Antiquities} (14.127, 139), and speculates that it was Gabinius who gave him some sort of official post at this time. It is apparent in 14.139 that Josephus’ source for this designation is Strabo. Julius Caesar later makes Antipater “ἐπιτροπὸς τῆς ἱουδαίας” (procurator?) and a Roman citizen (14.143). Cf. Sherwin-White, \textit{Roman Foreign Policy}, 275.

\footnote{579} Note Smallwood’s comment: “If Gabinius’ division of Palestine had been aimed at breaking Jewish cohesion and so preventing further revolts, it was now patently a dismal failure and had to be modified or abolished” (\textit{Jews Under Roman Rule}, 35).

\footnote{580} Josephus says nothing of Gabinius’ release of Archelaus of Comana, who proceeded to marry Bernice the Queen of Egypt thus shoring up her position against her brother. Dio claims Gabinius did this in order to extort additional funds from Auletes (39.55.3); his version differs from that of Strabo (\textit{Geog.}, 17.1.11) and is contradicted by records showing that Archelaus was already on the throne prior to the initial negotiations between Auletes and Gabinius. See Williams, \textit{“Gabinius’ Defense,”} 30-31.
reader does not miss the point, Josephus closes his account of Gabinius’ tenure with this summary: “And so, having accomplished great and brilliant works (ἐργα μεγάλα καὶ λαμπρά) during his command, Gabinius sailed for Rome” (14.104).

Josephus’ partiality toward Gabinius is obvious, and thus we can expect to see in his portrait of Gabinius some of the elements of a praiseworthy governor. The most prominent of these is his military prowess: he is successful in every military endeavor that he undertakes. He demonstrates clemency toward his enemies. He also acts both as a benefactor and an administrative reformer. Finally, Josephus takes pains to avoid any mention of corruption or profiteering related to his role as governor.

**Governors at Prey: Crassus, Cassius, Bassus, Sosius**

In the period leading up to and including the Roman civil war, Josephus narrates Judea’s suffering under a number of governors and generals who squeeze the province

581 Josephus’ glowing report of Gabinius stands in stark contrast to the negative account of him that we find in Cicero (Prov. Cons. 9-11, Pis. 41-3, 48-52, Sest. 93). Cicero is a biased source: as consul, Gabinius had conspired with P. Clodius to secure Cicero’s exile. Still, it is worth asking why Josephus places Gabinius in such a positive light. There are several alternatives: 1) Josephus may have derived this positive evaluation from one of his sources. Gabinius was evidently on good terms with Antipater, and thus Nicolaus likely portrayed him favorably. However, in the case of the accusation of bribery in Antiquities, it is Josephus himself who apparently suppressed information from one of his sources. 2) We learn from Cicero that Gabinius was unpopular with the publicani (see esp. Prov. Cos. 10). His interference with their profit-taking may have earned him the goodwill of the Judeans (including the aristocracy) at the same time as it earned the enmity of the tax collectors (Cicero complains that Gabinius made them “the slaves of Jews and Syrians,” Pis. 41). See further Sherwin-White, Roman Foreign Policy, 276 and n11; M. Rostovtzeff, The Social and Economic History of the Hellenistic World (Oxford: Clarendon, 1941), 2:981-3; David Braund, “Gabinius, Caesar, and the publicani of Judea,” Klio 65 (1983): 241-44. Thus Judean tradition may have remembered Gabinius kindly. However, Josephus says nothing about this aspect of Gabinius’ rule. 3) Josephus relates that Gabinius divided the country into districts and put local councils in charge, a form of government that Josephus characterizes as aristocratic. On the other hand, the construal of the arrangement as an aristocracy may originate with Josephus himself. 4) Josephus may have wished to contrast Gabinius’ military efficiency with the utter failure of Crassus, a general toward whom Josephus and his fellow Judeans must have borne considerable ill will due to his plundering of the temple.

582 As Horst Moehring points out, this is in contrast to the “highly hostile terms” with which his Judean opponents are described: “[T]hey are of unsound state of mind (νενοσηκτάς), their behavior is ‘mad’ (παραφροσύνη), they are to be brought back ‘to a more reasonable frame of mind’ (προς τὸν ἀμέινον λογισµόν)” (“Joseph ben Matthia and Flavius Josephus: The Jewish Prophet and Roman Historian,” ANRW 21.2:893).
for income to support their war efforts or to line their pockets. None of these figures are as well delineated as Scaurus or Gabinius, but together they create a composite picture of the kind of rapacious governor that will continue to appear in Josephus’ twin narratives.

Josephus says little about Gabinius’ successor, M. Licinius Crassus (proconsul 54-53 B.C.E.), and little is needed.\(^{583}\) Crassus’ defeat and the Roman humiliation at the hands of the Parthians were well known.\(^{584}\) In both War and Antiquities Josephus notes the debacle at Carrhae in a few terse words\(^{585}\) – the focus of his account is rather on Crassus’ looting of the Jerusalem temple prior to the offensive (War 1.179; Ant. 14.105-109). Both War and Antiquities contrast Crassus’ behavior with the restraint shown by Pompey, remarking that the gold Crassus took from the temple included 2,000 talents that Pompey had left there.\(^{586}\) The sequence of the narrative serves to link the subsequent disaster to this impiety. Antiquities portrays the plundering in much greater detail and shows Crassus behaving not only impiously but also perfidiously: he reneges on his promise to spare the temple treasury, which he had made in exchange for an enormous gold bar brought out of hiding by the temple treasurer.

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\(^{583}\) See MRR 2:224, 230. He was appointed by a Lex Trebonius despite stiff opposition.

\(^{584}\) He was the subject of one of Plutarch’s biographies, for example.

\(^{585}\) War 1.179: “Then, after crossing the Euphrates, he and his army perished” (διωβάς δὲ τὸν Ἐυφράτην αὐτός τε ἀπόλλετο καὶ ὁ στρατὸς αὐτῶν), following which Josephus says, “concerning which it is not now time to speak” (περὶ δὲν όυ νῦν καροῖς λέγειν). Cf. Ant. 14.119: “Crassus, having settled everything as he wished, marched off to Parthia, and he perished with the whole army” (Κράσσος δὲ πάντα διουκήσας ὁναυτὸς ἔβολετο τρόπον ἐκσώμησεν ἐπὶ τὴν Παρθανιὰν καὶ αὐτὸς μὲν σὺν ἄσπαντι διεφθάρη τὸ στρατὸ) followed by the comment, “as has been related in other places” (ὡς καὶ ἐν ἄλλοις δεδήλωται).

\(^{586}\) Compare Cicero, Ver. 2 4.7, 72-83, 103-4, 120-25, 129-31. Earlier in Antiquities (14.72), Josephus similarly praises Pompey: although he violated the holy of holies, he respected the temple treasures out of religious scruple (ὅτι εὐσέβειαν), an action consistent with his virtuous character (κἂν τούτῳ ἄξιος ἐπηρεῖ τῆς περὶ αὐτοῦ ἀρετῆς).
Crassus’ *quaestor*, C. Cassius Longinus (53-51 B.C.E.),
587 escapes the disaster and returns to Syria to finish out his term and fight the Parthian invaders. The future killer of Caesar is an implacable figure. To quash rising support for Aristobulus, still a prisoner at Rome, he kills Aristobulus’ general, Peitholaus, and enslaves 30,000 of the inhabitants of Tarichaeae (War 1.180-181; Ant. 14.119-122). 588 When Cassius returns to Syria following Caesar’s assassination (44 B.C.E.), 589 which Cassius and Brutus accomplish “through guile” (διόλω, War 1.218, lacking in Antiquities), he exacts “heavy tribute” from the cities (Ant. 14.272) – “beyond their ability to pay” according to War (1.219). 590 Antiquities adds that “he especially mistreated Judea” (14.272). 591 To raise the tribute, Antipater is not only forced to press his sons into service but must even turn to one of his enemies, Malichus (War 1.220; Ant. 14:273). In War Josephus speaks of Antipater’s alarm at Cassius’ “threats” (δείσας Ἀντίπατρος τὴν ἀπειλήν τοῦ Κασσίου, 1:220).

Antiquities 14.273 is more vague, describing Antipater as “seeing things in great fear and

587 See MRR 2:237, 242. His title became *proquaestor*. He was relieved by a new proconsul, M. Calpurnius Bibulus, in 51 B.C.E., but only late in a year of active fighting. Bibulus left Syria in the charge of his legate Veiento in 50 (MRR 2:253; Cicero, Att. 7.3.5).

588 Josephus does not make the connection between Tarichaeae and Peitholaus clear; the reader is left to surmise that the Tarichaeans were involved in a revolt by the fact that Cassius had to “capture” it.

589 Pompey’s father-in-law Q. Caecilius Metellus Pius Scipio Nasica had charge of Syria during the civil war between Pompey and Caesar (49-48 B.C.E.; see MRR 2:260; Caesar, Bell. Civ. 3.31-33). After Pharsalis, Caesar appointed Sex. Julius Caesar over the forces in Syria (probably as *Proquaestor pro praetore*, otherwise as *legatus*) in 47 B.C.E.; see MRR 2:289. However, the Pompeian Q. Caecilius Bassus led a mutiny among the troops that resulted in Sextus’ death (46).

590 παρὰ δόναμιν τὰς εἰσπράξεις ποιοῦμενος.

591 The period of civil wars in the 1st century B.C.E. saw an enormous expansion in the size of Roman military forces, which in turn required enormous resources from the provinces: “the stored wealth and annual produce of kingdoms and provinces was ruthlessly liquidated to maintain the armies” (Sherwin-White, Roman Foreign Policy, 298); cf. David Magie, Roman Rule in Asia Minor to the End of the Third Century after Christ (Princeton: Princeton University Press, 1950; repr. New York: Arno, 1975), 1:418-426 and 2:1273n49; he cites Appian, B.C. 4.64 and Cassius Dio 47.31 on the fate of Tarsus at the hands of Cassius.
confusion” (ὅρων ἐν μεγάλῳ φόβῳ καὶ ταραχῇ τὰ πράγματα). Cassius is enraged when only Herod is able to meet his quota. “Accusing the rest of tardiness, he vented his wrath on the cities themselves” (War 1:221; cf. Antiquities, ύπ’ ὅργης, 14.276), selling four towns into slavery. He is ready to have Malichus killed (War 1.222; Ant. 14.275-76), until he is satisfied with an extra hundred talents from another quarter.

The depredations of Crassus and Cassius are seemingly motivated by military needs. Under P. Ventidius Bassus, however, personal gain becomes paramount. Sent to Asia by Antony in 40 B.C.E., Bassus comes to Jerusalem after defeating the Parthians (39 B.C.E.), ostensibly to lift the siege against Herod’s family at Masada but actually to extort money from the besieger, Antigonus (War 1.288; Ant. 14.392). Once he has milked Antigonus sufficiently (Ant. 14.392: ἀποχρώντως ἥργυρίσατο τὸν Ἀντίγονον), he departs, leaving his general, Silo, to cover his tracks. Silo and his successor, Machaerus, proceed to behave in the same way as their commander.

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592 In Ἀντίπατρος δ’ ὅρων ἐν μεγάλῳ φόβῳ καὶ ταραχῇ τὰ πράγματα, the prepositional phrase can be understood adjectivally, describing the state of τὰ πράγματα, or adverbially, with ὅρων, describing the manner in which Antigonus viewed the situation; see Marcus (LCL), note ad loc.

593 τούς δὲ λοιποὺς εἰς βραδυτήτα κακίσας αὐτάς ἐθυμοῦτο ταῖς πόλεσιν.

594 Antiquities inserts “the supervisors of the other [cities] were sold to a man” (ἐπιπράσκοντο δ’ αὐτανάδροι οἱ τῶν ἄλλων πόλεων ἐπιμεληταί; mss. P and E lack πόλεων) before the notice about the four cities (14.275). Later in Antiquities, Hyrcanus sues for the release of those Cassius enslaved “contrary to the law of war” (τούς αἵμαλατισθέντας ὑπὸ Κασσίου Ἰουδαίους οὐ νόμῳ πολέμου (14:304).

595 War 1.222: ἐχώριε μὲν ός καὶ Μάλιχον ἄναρρήσιον ὅτι μη στεόσας εἰσέπραξεν; cf. Ant. 14.276. The large amount of money (100 talents, equal to Herod’s entire share of the 700 talent tribute) suggests that this is not a bribe but an advance on tribute still owing. War gives all the credit to Antipater, claiming that by “placating” Cassius he saved not only Malichus but also “the other cities” from destruction (ἐπάσχεν δὲ τὴν τοῦτον καὶ τὸν ἄλλων πόλεων ἔκπολεσιν ... θεραπεύσας Κάσσιον). According to Antiquities, however, Hyrcanus was the source, drawing ἐκ τῶν ἴδιων (or according to mss. P, F and L ἐκ τῶν Ἰουδαίων), and Antipater was merely the mediator. Some of the obscurity and inconsistency doubtless derives from Herod’s court historian, Nicolaus of Damascus, who will have narrated the course of events in such a way as to flatter and exonerate Antipater and vilify Malichus. Cassius later colludes in Herod’s revenge against Malichus for his father’s murder (War 1.231-235, Ant. 14.288-293), but it is not clear that Josephus regards this action as unjustified.

596 See MRR 2:383, Appian, Bel. Civ. 6.65; Plutarch, Ant. 33.1 places his appointment in 39.
Josephus finds a foil for Bassus and his minions in Antony’s next legate, Sosius (War 1.327; Ant. 14:447). Sosius accomplishes the task from which the others had been diverted by bribes, proving himself both honest and effective (War 1.345-353; Ant. 14.468-481). He displays his ἀνδρεία when he pours contempt on the supplicant Antigonus, calling him “Antigone” (War 1.353; Ant. 14:481). 597 Josephus remembers Sosius as one of a select list of individuals who sacked Jerusalem and acknowledges that Sosius’ soldiers, along with Herod’s, looted the city and massacred the inhabitants (War 1.351-352; Ant. 14.479-480) until even the temple was in danger (War 1.354; Ant. 14.482). 598 Nevertheless, he has Sosius argue that he has a right to let his soldiers plunder as a reward for their labors and danger during the siege, 599 and he shows that Sosius is willing to recall his troops when offered a substitute for this (War 1.356; Ant. 14.485). 600 Furthermore, he relates that Sosius dedicated a golden crown to God prior to his departure from Jerusalem (War 1.357; Ant. 14.488), an act of piety demonstrating that his attack on the holy city was not carried out with any disrespect for its God. 601

597 It is evident that Josephus agrees with his assessment, for he relates that Antigonus “clung to life with faint-hearted hopes to the last” (τοῦτον μὲν οὖν φιλονιχήσαντα μέχρις ἐσχάτου διὰ ψυχῆς ἔλπιδος) and judges him “worthy of the indignity” of execution (War 1.357). On the other hand, in both War and Antiquities Joseph remarks that Antigonus’ reversal of fortune did not gain him Sosius’ pity (μηδὲν αὐτὸν οἰκτέρας πρὸς τὴν μεταβολὴν, War 1.353, Antiquities 14.481). Clemency is not a prominent feature of Josephus’ portrait of Sosius.

598 Motivated, Josephus says, by anger at the length of the siege. It is Herod’s Jewish troops who are “eager to spare no adversary” and who ignore the king’s efforts to stop them but “attack persons of all ages like madmen” (ὠπερ Μημυγότες πάσσων ηλικίαις ἐπεξήκεσαν, War 1.352; Ant. 14.480). Sosius’ troops, on the other hand, obey when their commander recalls them (War 1.356; Ant. 14.486). Thus Moehring, “Joseph ben Matthia and Flavius Josephus,” 900: “Josephus finds an excuse for the Romans.” To Moehring, the acceptance of Herod’s gifts in place of plundering the city demonstrates “the discipline of the Roman army.”

599 τοῦ δὲ ἄντι τῆς πολιορκίας τὰς ἀρπαγὰς δικαίως τοῖς στρατιώταις ἐπιτρέπειν φαμένοι (War 1.356; Ant. 14.485).

600 Herod is obliged to offer similar gifts to Antony (War 1.559; Ant. 15.5).

601 Josephus is not the only historian to report some form of deference toward the temple by Sosius. An account in Cassius Dio (49.22.3-5) reports that Sosius allowed some prisoners captured “with
Crassus, Cassius, and Bassus represent variations on a single theme – the rapacious governor. Each practices a different technique of spoliation: Crassus by plundering a temple, Cassius by imposing heavy taxes and harsh penalties on those who fail to raise them, and Bassus by using his command to obtain bribes. None of them are victorious in war. By contrast, Sosius honors the temple and its God, is willing and able to restrain his soldiers’ looting when it is reasonable to do so, and is not deterred from his mission by the opportunity of gain. He displays his superiority to his foes both on and off the battlefield. Thus, as with Scaurus and Gabinius, the virtues of one governor serve to place the vices of his predecessors in a clearer light.

3.1.2 From Herod the Great to Agrippa I

*Characterization by Contrast: Varus*

With Herod firmly installed on the Judean throne, the Roman governors of Syria cease to occupy a central place in Josephus’ narrative.\(^{602}\) The governor, L. Volusius Saturninus, and his tribune,\(^ {603}\) Volumnius, are called in as judges and mediators in the conflicts within the Herodian house (with Alexander and Aristobulus), but Herod plays the decisive role. Following Herod’s death, however, the Syrian legate Varus asserts his

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the temple” (τοῦς προτέρους τοῦς μετὰ τοῦ ἱεροῦ χειρωθέντας) to return there for the sacrifices on the following Sabbath.

\(^{602}\) In the constitutional settlement of 27 BCE Syria became an imperial province rather than a senatorial one. Thereafter its governors were styled legates of Augustus. On the transition and its ramifications see Fergus Millar, *The Roman Near East 31 BC – AD 337* (Cambridge, Mass.: Harvard University Press, 1993), 31-33. On the division of authority between Senate and Emperor, which was more fuzzy in reality than on paper, see idem, “The Emperor, the Senate and the Provinces,” *JRS* 56 (1966), 155-66, and “‘Senatorial’ Provinces: An Institutionalized Ghost,” *Ancient World* 20 (1989), 93-97.

\(^{603}\) His actual position is not entirely clear. Josephus names him along with Saturninus as τοῦν Συρίας ἐπιστατῶντον. In *War* 1.535 he is called military tribune (στρατοπεδάρχης), and in 1.538, procurator (ἐπίτροπος).
authority in Judea, occasioning another pair of contrasting portraits, this time between Varus and the imperial procurator Sabinus.

P. Quintillius Varus, Saturninus’ successor as legate of Syria (ca. 4-6 C.E.), is better known to posterity as the general who lost three legions in the Teutoburg forest of Germany (9 C.E.). His suppression of the revolt that greeted Archelaus’ rule was remembered long afterward in Judea as “the war of Varus.” In the histories of Josephus, however, he is an effective general and demonstrates moderation and clemency. Like Saturninus, he is drawn into the internal conflicts of the Herodian family – he presides over the trial of Antipater (War 1.617-40; Ant. 17.89-133). Josephus relates that his verdict following the trial was not made public, but in Antiquities he adds that in the public mind Antipater was spared the death penalty on Varus’ advice (War 1.640; Ant. 14.133). Already at his first appearance Varus demonstrates his clemency.

Josephus narrates Varus’ role in the aftermath of Herod’s death by contrast with another actor: Sabinus, Augustus’ procurator for Syria (Καίσαρος ἐπίτροπος τῶν ἐν

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604 Smallwood, Jews Under Roman Rule, 113, citing Seder Olam Rabbah 30. Cf. T. Mos. 6.8-9: “After his [Herod’s] death there will come into their land a powerful king of the West who will subdue them; and he will take away captives, and a part of their temple he will burn with fire. He will crucify some of them around their city” (J. Priest [OTP]).

605 Josephus’ account of Varus and Sabinus has likely been taken over uncritically from Nicolaus of Damascus. Like Varus, Nicolaus was an advocate of Archelaus, while Sabinus took the side of Antipater (see below), and whatever his real motivations, Sabinus’ attempts to gain access to Herod’s property cannot have endeared him to Nicolaus.

606 A fragment of Nicolaus’ autobiography (GLAJJ F. 97) represents the conclusion of the trial differently. There Antipater is immediately sentenced to death, though Nicolaus does not specifically attribute the decision to Varus. It is Nicolaus, not Varus, who delays Antipater’s death by proposing to send him to Caesar for trial. Before he can be sent, however, a letter from Caesar arrives, giving Herod the authority to punish Antipater. Herod immediately puts him to death, and Nicolaus earns universal praise. Only then does Nicolaus relate that Herod died “after these events, when a short time had passed” (unlike Josephus he does not link Herod’s illness to Antipater’s death). Cf. Ben Zion Wacholder, “Josephus and Nicolaus of Damascus,” in Josephus, Judaism, and Christianity (ed. Louis Feldman and Gohei Hata; Detroit: Wayne State University Press, 1987), 156-59, though he emphasizes the similarities rather than the differences.
In defiance of Varus’ orders, which he initially pretends he will obey, Sabinus goes to Jerusalem in order to take charge of Herod’s estate in Judea. From the beginning he asserts his authority aggressively, commandeering Herod’s palace and demanding an accounting from Herod’s administrators and commanders (War 2.16-19; Ant. 17.221-223). Soon it becomes clear that he is more than an over-zealous functionary: after Varus decides to leave a legion in Jerusalem to keep the peace, Sabinus exploits these forces and his own large staff of

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607 Though Sabinus is not a governor, I include him here because he serves as a foil to Varus. We know nothing about this particular Sabinus beyond the account of Josephus.

608 As Augustus’ procurator, Sabinus was beholden to him and not to the governor of the province within which he operated. On the power relations involved, see Mason, War 2, 15-16n107. Sabinus also comes in conflict with Varus over the succession – he sides with Antipater against Archelaus, whom Varus supports (War 2.23; Ant. 17.227). On procurators in general see H. G. Pflaum, Abrégé des Procurateurs Équestres (trans. and rev. Serge Ducroux; Paris: Boccard, 1974). They are not to be confused with the procurators charged with governing small territories, who were originally called prefects. The emperor had a claim on the property of deceased client kings, and some actually willed their kingdoms to Rome – most famously, Attalus of Pergamum (see Millar, Roman Near East, 41 for the deduction that Herod had left a substantial legacy to Augustus). Archelaus may have left his step-brother Philip (the future tetrarch) behind in Judea as his own procurator (War 2.14) in order to counter possible claims on the property by Sabinus (Mason, op. cit., 14n96) – claims he seems to have anticipated when he urged Varus to come to Caesarea (War 2.16). As it happened, whatever Archelaus inherited was confiscated to the imperial treasury following his removal from power in 6 C.E. (War 2.111).

609 Or “appropriating the royal property.” It is unclear exactly what the expression τὰ βασιλεία denotes here, whether “royal goods” (Mason) or “royal precincts” (Mason, War 2, 17n116) or “palace” (Thackeray). As Mason points out, this property would have been kept in the royal palace, and thus its confiscation would have required control of the palace.

610 There is some confusion in the account. Earlier in the narrative (War 2.18; Ant. 17.222), Varus is said to have returned to Antioch following Archelaus’ departure for Rome, giving Sabinus an opening to proceed to Jerusalem. But War 2.40 reports that Varus went to Jerusalem following Archelaus’ departure in order to restrain restive elements of the population (τοὺς παρακινούντας καθέξων), and left a legion there to keep down further unrest. The narrative then continues with the arrival of Sabinus and his efforts to take over the fortresses, efforts that, contrary to the earlier account, are successful (unless the imperfect verbs be construed as conative, as Thackeray and Mason have done; cf. the imperfect in Ant. 17.223, τὰς άκρας καθίστατο ἢ ὀτροδοκοί, plainly conative because followed by the report of the guardians’ fidelity to Archelaus). Similarly, Ant. 17.251-2 reports that Varus was present (ms. E: ἐπὶ παρῆγ; others ἐπὶ παρόν or some variant thereof) at the time of an uprising, punished those responsible, and left a legion behind, and that Sabinus remained there (ὕπομείνας ὀτρόθ) after his departure and created further unrest. It is possible that the earlier accounts in War and Antiquities are compressed versions of the story that leave out Varus’ detour through Jerusalem – so Thackeray (LCL), note on War 2.18. Mason (War 2, 29n246) posits that Antiquities is a fuller and more logical account of what is compressed and therefore confused in War; however, both accounts suffer from the same duplications and inconsistencies.
slaves to attempt to take Herod’s treasures by force (War 2.39-41; Ant. 17.250-53). At this point, Josephus confirms what the reader may have already suspected: Sabinus is seeking personal gain. In War he accuses Sabinus of using his slaves as “servants of his covetousness” (ὑπηρέταις ἐχρῆτο τῆς πλεονεξίας, War 2.41). Antiquities is more direct: Sabinus acts “on account of love of gain and desire for profits” (Ant. 17.253).611

The disastrous consequences of Sabinus’ greed affords Josephus an occasion to place him and Varus in comparison. When the Jews again rise in revolt and trap Sabinus and the legion in Jerusalem, Sabinus becomes frightened and frantically begs help from the man he had previously deceived and disobeyed, emphasizing the dire fate awaiting the legion if he should refuse (War 2.45; Ant. 17.256).612 His concern for the legion appears to be wholly feigned, however, for he sends the soldiers out to fight while he himself remains secure in one of Herod’s towers (War 2.45-46; Ant. 17.256-57). Both War and Antiquities make the cowardice of this act clear.613 Nevertheless, after a deadly and destructive conflict, Sabinus does not hesitate to lay claim to some of the temple

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611 διὰ κέρδη καὶ πλεονεξίαν ἐπιθυμίας. Though πλεονεξία often refers to covetousness (“greed”), while κέρδος often refers to the thing coveted (“gain, advantage, profit”), both can be translated either as covetousness or the object coveted. But since πλεονεξίαν is both plural and dependent on ἐπιθυμία I have opted to translate it as the object coveted, and κέρδος, as parallel to ἐπιθυμία, as the covetousness itself.

612 Both texts emphasize that Sabinus sent to Varus repeatedly. According to War 2.45, “he sent messengers constantly to Varus begging him to come quickly to his assistance” (συνεχεσάς μὲν ἀγέλους ἐπέμενεν πρὸς Οὐθαν ἐπαμόναν ἐν τάχει δεόμενος; the parallel passage in Antiquities reads “he began to send letters and … to not cease to command him to help with all speed” (ἐπέμεπε γράμματα καὶ τὸ σύνηθες) οὐκ ἀνία κελεύουν ἐκ τοῦ ὀξείς βοηθεῖν (17.256; the odd τὸ σύνηθες may be a corruption of the συνεχεῖς in the War version).

613 War simply says that he was not brave enough to go down to support the legionaries (2.46), while Antiquities is more severe: “he deemed it acceptable for others to die for his greed” (τοὺς δ’ ἄλλους προσαπαθήσαν αὐτόν τῆς πλεονεξίας δικαίων, 17.257). Although later Greek and Roman strategists advised that the general should remain back from the fighting (e.g., Onesander, 33; cf. War 5.85-97), Josephus portrays both himself and Titus as willing to enter the thick of combat when the occasion demanded (War 3.153-54; 5.71-84). Mason, War 2, 32n284.
After Varus comes to the rescue, he does not come face to face with him but leaves secretly for the coast. Both *War* and *Antiquities* refer to his reluctance to be seen by Varus (*War* 2.74: οὐδὲ εἰς ὅψιν ὑπομείνας ἐλθεῖν; *Ant.* 17.294: οὐκ ἀφίκετο Οὐάρῳ εἰς ὅψιν), suggesting Sabinus’ shame.

Varus’ activity stands in stark contrast to Sabinus’ greed, fecklessness, and cowardice. In spite of the earlier reference to Sabinus’ repeated entreaties, both *War* and *Antiquities* emphasize Varus’ prompt response to news of the trouble and his concern for the stranded legion (*War* 2.66; *Ant.* 17.286). Therefore, Sabinus has treated the legion only as a tool for his own gain, Varus proves himself a responsible commander, acting with alacrity to preserve the forces under his command. In contrast to Sabinus’ helplessness, Varus’ massive show of force disperses the rebels without a fight. Whereas Sabinus has seemed indifferent to the lives of others, and his irresponsible actions have led to great destruction and many needless deaths, Varus shows clemency toward the ordinary citizens of Jerusalem, who maintain that they were the victims of outside agitators. His treatment of the rebels that his troops rounded up around the countryside

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614 The two accounts differ in the details. According to *War*, the Roman soldiers take four hundred talents, of which Sabinus collects a portion (*War* 2.50: “whatever was not stolen [by the soldiers], Sabinus gathered up”). In *Antiquities*, the 400 talents is Sabinus’ portion of what was stolen, which he took “openly” (εἰς τὸ φανερὸν, *Ant.* 17.264).

615 Not, notes Mason (*War* 2, 32n278), out of concern for Sabinus. “It is telling that he [Sabinus] must dramatize the legion’s possible fate in order to get Varus’ attention; there seems to be no love lost between Varus and Sabinus.”

616 For the reader of *War* it is hard not to see a connection between this episode and the ultimate fate of Jerusalem. There is a rapacious Roman official stirring up unrest, the presence of rebellious elements from outside, and a governor of Syria who comes to intervene. However, in this case the governor successfully defuses the situation and acknowledges the innocence of the inhabitants of Jerusalem. Mason (*War* 2, 3n4) notes that book 2 of *War* opens with a reference to the disorders occasioned by Archelaus’ absence in Rome, though Josephus does not narrate his departure until 2.14. He continues, “That revolt, which involved campaigns in Galilee and Samaria (2.68-69), is featured in the prologue (1.20). It was therefore a major event from Josephus’ perspective, in some respects a precursor to this work’s main theme, the conflict of 66-73.”
is proportionate: he crucifies “the most guilty” (τοὺς δὲ αἰτιωτάτους) and merely imprisons “those who seemed least turbulent” (τοὺς μὲν ἦττον θορυβόδεις φανέντας) (War 2.72-75; Ant. 17.292-25).\(^{617}\)

Thus Josephus’ narratives demonstrate Varus’ admirable qualities by contrasting him with Sabinus. Sabinus is greedy, cowardly, and shows disregard for the lives of the troops under his command. He is not an effective military leader – instead, he is cowed by the numbers and determination of his adversaries, and his helplessness and fear are emphasized by his repeated calls for assistance. He participates in the plundering of the temple, and his departure from Jerusalem is secret and shameful. Varus, on the other hand, shows regard for the safety of his troops and is an effective military leader. He spares Jerusalem any further looting and demonstrates his intention only to harm the guilty.

As with Gabinius, Josephus seems on occasion to be actively protecting Varus’ reputation. On the march down to Jerusalem, his soldiers attack various towns. A force that Varus dispatches into Galilee burns Sepphoris, the base of operations for Judas son of Ezekias, and enslaves its inhabitants. Though Varus intends to spare the region of Samaria because it had not participated in the rebellion, the Arab auxiliaries accompanying him burn and plunder the village where his army is camped and go on to attack other towns. Thus, Josephus relates, “everything was full of fire and slaughter” (πυρὸς καὶ φόνου τὰ πᾶντα μεστὰ ἤν, Ant. 17.290; cf. War 2.70). Varus himself, however, is largely freed from responsibility for these excesses – the only attack he directly orders is on Emmaus, in reprisal for a deadly attack on Roman soldiers. Even

\(^{617}\) War 2.75. Compare Ant. 17.295: τοὺς μὲν ἐκόλοχους ὡς αἰτιωτάτους εἰσὶ δ’ οὖς καὶ ἀφῆκεν.
then he only orders the town burned after the inhabitants have evacuated it (Ant. 17.291; 
War 2.71). Varus eventually sends the disorderly Arab auxiliaries home because of 
their excessive violence – but not until Jerusalem has been retaken.

Josephus’ account may raise valid questions in the mind of the reader. Why did 
Varus fail to stop the Arabs’ aggression in Samaria? Why did he allow them to sack 
Arous, a village belonging to Ptolemy and thus presumably on the side of the Romans 
and Herodians? Why did he wait to dismiss them until after he had accomplished his 
mission? Josephus’s account appears to be a tendentious attempt to saddle the Arabs with 
the blame for the “fire and slaughter” of the Romans’ advance. Relieved of 
responsibility for the slaughter, Varus appears as a model of moderation and clemency.

The Prefects: Coponius to Pontius Pilate

Following the removal of Archelaus (6 C.E.), the Roman prefects of Judea become 
the main representatives of Roman power in Josephus’ narratives, though the governors 
of Syria continue to play a role. Publius Sulpicius Quirinius, the governor of Syria who

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618 Mason points out the parallel to War 5.550-56, where the Arabs’ abuses implicate Titus and his fellow Romans in their “savage brutality and hatred of the Judeans” (War 2, 50n438).

619 See Mason, War 2, 50n434. He also points out, however, that there were members of Herod’s family associated with the rebels as well as with the Romans, a point Josephus does not emphasize but does reveal after the fact (2.78; Mason, op. cit., 53n473).

620 Note as well that the destruction by fire of a portion of the temple, which Josephus attributes solely to Sabinus, is presented as one of the acts of the “powerful king of the West” (presumably Varus) in Testament of Moses 6.9-10.

621 Another testament to his fairness: he permits a delegation of fifty to travel to Rome in order to plead for Jewish autonomy from the Herods (War 2.80; Ant. 17.300), though he himself is friendly to Archelaus and supports his cause (War 2.83; Ant. 17.303). And in Antiquities, he anticipates that there will be a partition of the country (17.303), demonstrating remarkable political foresight.

622 The precise relationship between Judea and Syria at this time is unclear, and Josephus only contributes to the lack of clarity. In War 2.117, Josephus claims that Judea was “marked off” (περιγράφατο) as a province, whereas in Antiquities he represents Judea as an appendage of Syria (προσνεµηθείσης τῇ Ἑλλάδι Σύριας γενοµένην, 18.2). See M. Stern, “The Province of Judea,” in The

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oversaw the transition to direct Roman rule, is hardly mentioned in *War*. In *Antiquities* Josephus underscores Quirinius’ high degree of *dignitas*: as a senator who had advanced through all magistracies to the consulship, “he had few equals in honors.” It goes without saying that though their title was *legati Augusti pro praetore*, all of the governors of Syria were of consular rank. It may be that Josephus’ insists on Quirinius’ rank out of a desire to portray the organization of Judea as an important task carried out by an important person.

After a long digression on the resistance movement that flared up at the time, followed by an even longer digression on the “three philosophies” of the Jews, Josephus

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623 His name appears later in the narrative in conjunction with the activities of Judas “the Galilean” (*War* 2:433, 7:253), where he is called censor (*τιµητής*), but he is absent from *War* 2.118, where Josephus narrates Judas’ call for resistance. Instead, Judas is chronologically linked to Coponius (with *τοῦ τούτου*). Mason suggests that in *War* Josephus inflates the responsibility, and thus the culpability, of the Roman equestrian prefects and procurators of Judea, and downplays the role of their higher-status superiors (*War* 2, 78-79n718).

624 *Ant*. 18.1: ἀξιόματι μέγας σὸν ὀλίγοις, understanding ἀξιόματι as a dative of respect and σὸν ὀλίγοις, with Feldman (note b ad loc.), as part of an expression with μέγας, meaning “among few,” by analogy with ἐν ὀλίγοις, ἀξιόματι could also be translated “offices” (Latin *dignitas*; see LSJ, s.v.); holding the consulship and then the governorship of Syria places him among only a handful of his peers.
adds that Quirinius replaced the high priest Joazar, who had been “overpowered by a popular faction” (καταστασιασθέντα ὑπὸ τῆς πληθύος, Ant. 18:26) with Ananus son of Seth. Josephus’ extremely terse account does little to characterize Quirinius. It is worth noting, however, that Josephus ends his account of the “fourth philosophy” by mentioning Gessius Florus’ role in driving the nation to rebellion. In so doing, Josephus distances the disastrous effects of the fourth philosophy from Quirinius, despite the fact that, according to his narrative, it had its origins in Quirinius’ work as censor.

In the absence of Quirinius, the prefect Coponius is the figure who inaugurates direct Roman rule in Judea in War. Both War and Antiquities note that Coponius was an equestrian and that he was given full authority in Judea. Coponius and his first three successors are colorless figures: War omits the successors altogether, and in Antiquities their tenures serve merely to establish the time frame for the narration of other events. Valerius Gratus does stand out for the frequency with which he replaces the high priest,

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625 According to m. Mid. 1:3, one of the gates in the west wall of the temple enclosure was called “the gate of Kiponus,” “most probably an Aramaized form of Coponius” according to Smallwood. She supposes that the gate was named after him “in recognition of some benefaction” (156-57). Antiquities 18.29-30 suggests another possibility: it was precisely under this governor that Samaritans supposedly took advantage of a tradition of opening the temple gates after midnight to scatter human bones inside the porticoes and outer court (on this translation of ἐν ταῖς στοιχίς καὶ διὰ παντὸς τοῦ ἱεροῦ, see Smallwood 157n52).

626 In Antiquities Coponius is merely said to accompany Quirinius (αὐτῷ συγκαταπέμπεται, Ant. 18:2).

627 War specifies that Coponius had capital authority (μέχρι τοῦ κτείνειν ... ἐξουσίαν, War 2.117). This is Josephus’ way of referring to the ius gladii that set the praesidial procurators (those who functioned as governors of small territories) apart from ordinary procurators. Antiquities has the more vague τῇ ἐπὶ πᾶσιν εξουσίᾳ (Ant. 18.2). On the ius gladii as applied to provincial governors see Peter Garnsey, “The Criminal Jurisdiction of Governors.” JRS 58 (1968): 51-59.

628 The Samaritans’ desecration of the temple occurs under Coponius, and Antiquities narrates the death of Herod’s sister Salome under Marcus Ambibulus (Niese: Αμμίβουλος; mss. Αμμίβουλος, Αμμίβουλος, Αμμίβουλος), the death of Augustus under Annius Rufus, and the appointment of Valerius Gratus after Tiberius’ accession to the Principate.
until he settles on Joseph Caiaphas.\textsuperscript{629} It is likely that Josephus knew nothing about these men other than their years in office, having gleaned the events that occurred during their tenure from other sources.

In contrast, Josephus knows several anecdotes about the fifth prefect of Judea, Pontius Pilatus. In \textit{War} he relates two, and he adds additional information in \textit{Antiquities}. Both of the stories in \textit{War} depict him as a governor who provokes uproar (ταραχή). Josephus introduces him at the beginning of the first story as “Pilate, sent to Judea as procurator by Tiberius”\textsuperscript{630} and immediately relates that he brought standards with images into Jerusalem, which aroused “a great uproar” (µεγίστη ταραχή, \textit{War} 2.170). Once this story is resolved, Josephus relates that “[a]fter these things he provoked another uproar” (ταραχή έτέρα)\textsuperscript{631} by spending funds from the temple treasury on an aqueduct (\textit{War} 2.175).\textsuperscript{632} Josephus’ narratives of the two incidents follow a common sequence. First, Josephus describes the nature of the provocation, the uproar it causes, and the Judeans’ response. Second, he narrates a counter-response by Pilate, which in both cases involves the use of force and the element of surprise. Finally, he relates the outcome. In both

\textsuperscript{629} Traditionally, the high priesthood was hereditary and for life. Herod the Great removed and appointed high priests for political reasons, however, and when Judea became a Roman province the Roman prefects continued that practice. Eusebius (\textit{Hist. Eccl.} 1.10.2-6) erroneously inferred from Gratus’ actions that under the Romans the high priesthood became an annual office – see E. M. Smallwood, “High Priests and Politics in Roman Palestine,” \textit{Journal of Theological Studies} 13 (1962): 14. On these individuals, see James VanderKam, \textit{From Joshua to Caiaphas: High Priests after the Exile} (Minneapolis: Fortress, 2004), 424-26, 426-36 (on Caiaphas).

\textsuperscript{630} Πεµφθεδες δε εις Ιουδαιαν επιτροπος υπο Τιβεριου Πιλατος (\textit{War} 2.169).

\textsuperscript{631} Μετα δε ταυτα ταραχη έτεραν έκινε (\textit{War} 2.175).

\textsuperscript{632} On the nature and cost of such an aqueduct, see Mason, \textit{War} 2, 146-48n1102-3. It is open to question whether, as Mason claims, Josephus would have expected the reader of \textit{War} to recognize that the scope of the project (400 stadia – the figure of 200 stadia in \textit{Antiquities} may be a correction) rivals Rome’s great aqueducts and thus represents a “hubristic adventure” on Pilate’s part. For archeological and numismatic evidence, see Kenneth Lönnqvist, “Pontius Pilate – An Aqueduct Builder? Recent Findings and New Suggestions,” \textit{Klio} 82 (2000): 458-74.
stories the uproar is quieted, but in radically different ways: in the first story, Pilate yields to the protesters; in the second, the protestors yield to Pilate.633

War includes only these two narratives, but they suffice to make a strong impression of the governor. First, Pilate is willing to offend the locals’ religious sensibilities. He knows the iconic standards could be inflammatory — which is why he has them brought into the city at night with the images covered (νόκτωρ κεκαλυµµ/uni1F73νας, War 2.169).634 Pilate’s expectations about the Judean response to his use of temple funds are not clear, though he foresees the uproar in Jerusalem (War 2.176).635 Second, he is unwilling to change his policies when they prove to be offensive. This inflexibility suggests stubbornness as well as willingness to offend. Third, he is willing to enforce his will with violence. In the episode of the aqueduct, that violence extends to deadly battery with clubs. However, there are limits to Pilate’s inflexibility and willingness to use force. He is unwilling to order an attack against an unarmed and unresisting crowd in Caesarea,636 and he orders his soldiers not to use their swords against the crowd in

633 Brian McGing, “Pontius Pilate and the Sources,” CBQ 53 (1991): 430, suggests that Pilate may have learned from the first incident. Rather than allow himself to be limited to only two alternatives, bloodshed or capitulation, he makes provision for the use of non-lethal force to disperse the crowd. However, it is not clear that Josephus expects his readers to draw that conclusion.

634 For descriptions and images of standards, including some covered, see G. Webster, The Roman Imperial Army of the First and Second Centuries A.D. (3rd ed.; London: A & C Black, 1985), 133-50 and plates IX and X.

635 Though Smallwood characterizes the act as a “direct assault on their [the Jews’] religion” (Jews, 162), the exact nature of Pilate’s transgression is unclear. Rabbinic legislation, which must derive from a time when there actually was a temple, provides for the use of temple funds for the needs of the city (m. Sheqalim 2.5, 4.2). Either Pilate exceeded what was allowed or his opponents held a different view than that reflected in the Mishnah. Furthermore, it is not clear that Pilate could have acquired the funds without some level of cooperation on the part of temple officials. Josephus himself is rather vague: whereas in War 2.170 he explains the nature of Pilate’s transgression, in this case he simply says, πρός τοῦτο τοῦ πλήθους ἄγουνάκτησις ἣν, which could be translated, “there was discontent among the masses at this” (War 2.175).

636 Contra McGing Josephus probably did not intend his readers to see in Pilate “a curious mixture of (apparent) provocation, indecision, stubbornness, and finally weakness, a willingness to give in”
Jerusalem. Fourth, he is crafty, seeking ways to gain the advantage through the use of surprise, confusion, and overwhelming force. Finally, he has some capacity to be impressed by people who are even more perseverant than he is. In the first episode, Pilate is “astonished” (ὑπερθαυμάσας, *War* 2.174; cf. *Ant.* 18.59, θαυμάσας) at the protesters’ devotion.637

It is worth asking why Josephus limits his depiction of Pilate in *War* to these two episodes. According to Helen Bond, the two work together to illustrate opposing approaches to conflict with the Romans.638 In the episode of the standards, scrupulous nonviolence wins concessions and averts bloodshed. In the protest over the temple treasury, unruly and disrespectful behavior results in bloodshed.639 Bond is right to see the first narrative as a model for principled opposition to Roman infringements on the law. However, the second narrative does not provide a very clear counterexample. First, the behavior of the crowd in Jerusalem is hardly diametrically opposed to the behavior of the suppliants in Caesarea; the protesters surround Pilate’s tribunal and “cry out against

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637 Mason points out that the word used in *War* 2.174, δεισιδαιμονία, often carries a negative connotation (“superstition”) and is sometimes used by outsiders (along with the Latin equivalent, *superstition*) to characterize the Jews (Plutarch, *Mor.* 169c.; Tacitus, *Hist.* 2.4, 5.8, 13; Cicero, *Flacc.* 67) and thus possibly reflects an attitude of scorn for them (*War* 2, 145n1096). The parallel passage in *Antiquities* does not suggest scorn, however, and it seems more likely that Josephus means Pilate’s amazement to reflect well on the Judeans’ religiosity. Though the word is frequently used pejoratively elsewhere in Josephus (e.g. *Ant.* 12.5-6; 15.277; 19.290; *War* 1.113), in *Antiquities* 10.42 it describes the behavior of King Manasseh after his repentance, and in *War* 2.230 the religious feelings of the Jews after a Roman soldier destroys a Torah scroll. It is frequently used to designate Jewish religious practices in the edicts reproduced in *Antiquities* 14, perhaps as a translation of Latin *superstitio* or *religio*.


639 Josephus promotes the same view of the wisdom of a nonviolent policy in the speech of Agrippa II, *War* 2.350-52.
him’ (κατεβόων), but they do nothing more. Thus Pilate’s forceful response can only appear as an overreaction. Second, in War Pilate’s action is not simply a response to the aggression of the crowd, since Pilate has anticipated the protest and planted his men beforehand. Violently dispersing the protesters seems to have been Pilate’s plan all along. The narrative says more about Pilate’s tendency to meet protests with force than it does about improper ways of dealing with the authorities.

In Antiquities Pilate is first introduced as the successor to Gratus after the former had spent eleven years as prefect (Ant. 18.35). He reappears, introduced as “the governor of Judea” (ὁ τῆς Ἰουδαίας ἦγεμὼν), at the beginning of the narrative about the standards (18.55). Josephus does not emphasize Pilate’s connection with ταραχή as he does in War. Instead, Antiquities claims that he had in mind the dissolution of the Jewish law (ἐπὶ καταλύσει τῶν νομίμων τῶν Ἰουδαϊκῶν ἐφρόνησε, Ant. 18.55), a significant advance from War, which portrays Pilate as indifferent but not actively hostile to it. Antiquities makes explicit that Pilate’s move was a departure from previous policy and that he brought them in “without people’s knowledge” (ἀγνοία τῶν ἀνθρώπων, Ant. 18.56), details that were merely implicit in War. Josephus’ account of the standards seems

640 Cf. Mason, War 2, 138n1051. Other usage of the verb in Josephus suggests that while it carries a connotation of forcefulness, it does not imply violence or insulting behavior (e.g., the complaints of the Jerusalemites to Neapolitanus and Agrippa II, War 2.339).

641 In fact, the aggression of the crowd is more apparent in Antiquities than it is in War. There Josephus says that some of the crowd reviled and insulted Pilate (τινὲς δὲ καὶ λοιδορία χρώμενοι υβρίζον εἰς τὸν ἄνδρα, Ant. 18.60) and continued to do so even after he ordered them to leave (18.61).

642 There seems to me little reason for concluding, as does H. Wansbrough (“Suffered Under Pontius Pilate,” Scripture 18 [1966]: 88), that “Pilate seems rather to have acted with the greatest possible leniency compatible with maintaining public order,” or that Josephus “naively blurts out” that the men exceeded their orders, as if Josephus’ purpose were to vilify Pilate.

643 Again, it is in Antiquities that Pilate’s stratagem is portrayed more purely as a reaction – it is only after the crowd has begun shouting that Pilate arranges for his soldiers to go undercover (Ant. 18.61).
particularly designed to incriminate Pilate, casting aspersions on his motives and stressing his deliberate departure from previous, sensible policy.

Elsewhere, however, Antiquities softens the critique of War in subtle ways. He lessens the emphasis on Pilate’s stubbornness by linking his resistance to removing the offending standards to his concern that such an action would represent an insult to the emperor (Ant. 18.57). In the episode of the aqueduct, Pilate’s response seems less overbearing, given the increased level of hostility displayed by the crowd: not only does the crowd shout out against Pilate, as in War, but some hurl abuse and insults directly at Pilate (λοιδορία χρώμενοι ὑβρίζον, Ant. 18:60). Pilate has his men infiltrate the crowd only after this occurs, and he waits until the crowd has “launched into abuse” (τῶν δὲ ὀρμηκτῶν εἰς τὸ λοιδορεῖν) to signal the attack (Ant. 18.61). Furthermore, the deaths are ascribed to the soldiers’ overzealous and indiscriminate use of their clubs644 and to the fact that some of the Jews try to fight back, though unarmed (Ant. 18.62).645 This makes it clear that Pilate did not intend to use lethal force. Finally, at the end of the account Josephus betrays a lack of sympathy for the protest by calling it a στάσις.646

Two additional narratives in the Antiquities contribute to the portrait of Pilate. In the extant manuscripts of the Antiquities a third incident (Ant. 18.63-64) centers on a certain Jesus, a wise man, miracle worker and teacher. At the very least this passage is riddled with interpolations from later Christian copyists, if it is not entirely an

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644 These soldiers were likely from one of the cohorts of Sebasteni; recruited from among the Gentile inhabitants of Judea, they could be perceived as, and perhaps in fact often were, antagonistic toward the Jewish residents of Judea. Thus the detail of their excessive vigor in dispersing the crowd possesses a degree of verisimilitude. See Stern, “Province of Judea,” 327-29.

645 Niese suggests that in the phrase of δ’ εἰσφέροντο μυλακόν οὐδέν the ωί δ’ either be removed or replaced by οὐδ’ so that the meaning would be that the soldiers, not the Jews, showed no weakness. No change seems necessary, however – Josephus uses the middle of εἰσφέρονται elsewhere to refer to qualities possessed by individuals: cf. the expression θάρσος εἰσφέρομαι in Ant. 18.279 and 19.138.

646 καὶ οὕτω παῦται ἡ στάσις (Ant. 18.62).
interpolation. It mentions Pilate only in passing, as having carried out Jesus’ crucifixion at the encouragement of Judean leaders. In its original form it may have been a notice about the origin of the Χριστιάνοι, of whom Josephus must have heard, and may have said no more than the similar notice in Tacitus (Ann. 15.44). It is placed here simply because it was an event that was known to have happened at the time of Pilate, and it adds little to his characterization. ⁶⁴⁷

The fourth incident in Antiquities concerns the circumstances surrounding the end of Pilate’s tenure as governor (Ant. 18.85-89). It is separated from the others by Josephus’ account of the events in Rome surrounding the temple of Isis (18.65-80) and those leading to the expulsion of the Jews (18.81-84). It is worth noting that Josephus introduces this account by saying, “And about this same time another fearful thing threw the Jews into confusion (ἠθορύβει)” (Ant. 18.65), ⁶⁴⁸ thus opening a window into how he viewed the incident concerning the aqueduct. Similarly, his account of Pilate’s undoing begins, “The Samaritan people also were not exempt from disturbance (θορυβος).” ⁶⁴⁹ The repeated and recursive use of the term θορυβος creates an over-arching interpretive structure for these separate narratives that understands them as accounts of turmoil in disparate places – Jerusalem, Rome, Samaria. Though Pilate is implicated in two of the

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⁶⁴⁷ G. Jossa, “Jews, Romans and Christians: From the Bellum Judaicum to the Antiquitates,” in Sievers and Lembi, argues that “Josephus wants to underline the misrule of Pilate” with this episode (340). However, his interpretation is based on the unverifiable assumption that Josephus’ original narrative portrayed Jesus in a positive manner (although he declines to give his own reconstruction of the original, his ensuing treatment assumes an original fairly close to the current text, with only the obvious interpolations removed), and also on his claim that, along with the narratives of John the Baptist and James and the more sympathetic treatment given to Judas the Galilean in Antiquities, the narrative about Jesus fits into a pattern of highlighting a philosophical opposition to the rule of the high priests, calculated to endear Josephus to those of the Roman elite who held a favorable regard for the Stoic opposition to Domitian in Rome.

⁶⁴⁸ Καὶ ὑπὸ τοῦς ἀντούς χρόνους ἔτερόν τι δεινόν ἠθορύβει τοὺς Ἰουδαίους (Ant. 18.65).

⁶⁴⁹ Οὐκ ἀπήλλακτο δὲ θορύβου καὶ τὸ Σαμαρίτων ἔθνος (Ant. 18.85).
events, the larger narrative structure is concerned not with Pilate as a character but with instances of θόρυβος.

Indeed, Pilate does not enter the final story immediately. The catalyst is a charlatan, not a provocation from Pilate. Pilate’s forceful intervention, leading to a pitched battle in which some of the Samaritans are killed, is in keeping with his previous characterization as a governor who readily uses violence. The Samaritans’ charge of ὑβρίς against Pilate also tallies with his forceful treatment of the crowds in the earlier two episodes, and Vitellius’ decision to send Pilate to the emperor shows he takes the charges seriously. Nevertheless, the Samaritans’ claim that they had gathered in the village only to seek refuge from Pilate’s mistreatment (ἐπὶ διαφυγῆ τῆς Πιλάτου ὑβρεως, 18.88) contradicts Josephus’ earlier account of the incident in which he made it clear that the Samaritans’ gathering was religious in nature and that they were armed.

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650 Josephus does not use a term such as γόης or ἀπατεών as he does elsewhere. Nevertheless, his view of the man is obvious from his description of him as “holding falsehood of little account” (ἐν ὀλίγῳ τὸ ψεῦδος τιθέμενος, 18.85). Furthermore, he links the episode with the two he has described previously, both of which involved deceivers.

651 Prefects of Judea served at the pleasure of the emperor and thus were not technically subordinate to the governor of Syria. However, Vitellius may have had extraordinary authority over matters in the East (Tacitus, Ann. 6.32.3). Even under normal circumstances, the power and status differential between the governors of Syria (viewed as the foremost posting in the empire) and the equestrian governors of Judea, and the fact that it was the threat of the Syrian legions that kept Judea subservient, would have encouraged an informal subordination, regardless of whether the Syrian legates had any formal oversight over their lesser colleagues to the south. Josephus’ remark that Pilate had no choice but to obey reinforces the impression of such an informal power arrangement, since Vitellius’ prerogative to issue such a command is not simply assumed. Cf. Jean-Pierre Lémonon, Pilate et le gouvernement de la Judée: textes et monuments (Paris: Gabalda, 1981): “Il faut, enfin, replacer ces rapports entre les deux gouverneurs voisins dans le cadre des influences à la cour impériale” (71). For more discussion, see Stern, “Province of Judea,” 311-14, Lémonon, op. cit., 60-71.

652 Cf. Bond, Pilate, 73. Samaritans are not “trustworthy characters” in Josephus’ narratives. For a survey of his depictions of the Samaritans, see R. J. Coggins, “The Samaritans in Josephus,” in Josephus, Judaism, and Christianity (ed. Louis Feldman and Gohei Hata; Detroit: Wayne State University Press, 1987), 257-73. Remarkably, Coggins concludes that the present episode “is told by Josephus with almost no sign of anti-Samaritan feeling” (268). Though Coggins is correct to note that the elements of Josephus’ usual polemic against the Samaritans are not in evidence here, the aspects of the story that are prejudicial to the Samaritans, e.g., their participation in an armed gathering and use of false accusations as political cover, are best seen in light of Josephus’ anti-Samaritan feeling elsewhere. This and the likelihood that Josephus
deployment of military forces and his execution of the “ringleaders” (κορυφαιοτάτους) and the most able-bodied\textsuperscript{653} among the fugitives does not differ from the actions of other governors faced with popular prophets, even in cases when their followers are unarmed.\textsuperscript{654} In this incident, therefore, Pilate merely acts the part of a typical governor.\textsuperscript{655} The narrative reinforces the earlier characterization of Pilate as willing to use force, but adds nothing new to the portrait of Pilate established in the first two episodes.

Helen Bond argues that in the Antiquities Pilate conforms to a pattern in which those who trample on the law suffer retribution. However, Josephus shows no interest in sustaining the image of Pilate as an enemy of the law after the incident of the standards. It is arbitrary of Bond to claim that Pilate’s “dominant characterization in the Antiquities derives from the first episode, where he is shown as deliberately acting against the Jewish Law.” Furthermore, Josephus’ story of Pilate does not end with retribution but with

\textsuperscript{653} Such seems to be the meaning of δυνατώτατους in this context. Feldman translates “most influential.”

\textsuperscript{654} In general, Josephus has little sympathy for false prophets and those who create turmoil or unrest. As McGing notes (“Pilate and the Sources,” 420n15), this must be taken into account in order to understand Josephus’ view of the actions of Roman administrators: “[N]o Roman governor dealing sternly with what Josephus sees as troublemakers is going to incur his disfavor on that score alone.” Compare especially Ant. 20.167-72, where Josephus refers to those who followed “impostors and deceivers” (γόητες καὶ ἀπατητῶν ἄνθρωποι) and were subsequently punished by Felix as having “suffered the punishment of their folly” (τῆς ἀφοροζόνης τιμορίας ὑπόσχον, Ant. 20.168). Josephus goes on to relate that Felix sent troops to attack the followers of a false prophet from Egypt, killing 400 and taking 200 prisoners. Nothing is said of the group being armed or of any plan to attack Jerusalem other than by supernatural means. Cf. also Antiquities 20.97-99, in which the procurator Cuspius Fadus orders a surprise cavalry attack against the followers of Theudas, also not said to be armed. Josephus comments, “Fadus did not allow them to profit from their folly” (20.98).

\textsuperscript{655} For a survey of an instance in which Josephus simultaneously narrates various acts of cruelty and attempts to excuse them, see Z. Yavetz’ analysis of Josephus’ treatment of Titus (“Reflections on Titus and Josephus,” Greek, Roman and Byzantine Studies 16 (1975): 415-18). Yavetz he points out, “Cruelty towards barbarians was never considered to be a vice in Rome… parcere subiectis et debellare superbos (Virgil, Aen. 6.853) was a virtue” (418). As a true Roman, Titus punished the rebels without pity but tried to spare the peace-loving population.
Pilate’s escape from a hearing on the accusations against him through the timely death of the princeps.  

In sum, Josephus characterizes Pilate as insensitive but not unreachable, stubborn but not intractable, overbearing but not bloodthirsty, incompetent but not completely ineffective. He can show disrespect and even hostility toward the Judeans’ religious scruples, but he is capable of being impressed by the depth of their religious feeling. He resists when called on to change his policy but can be prevailed upon under the right circumstances. He is ready to use force but tries to avoid using deadly force against unarmed crowds – he does not intend the deaths in Jerusalem, and the Samaritans with which his forces clash are armed.

The most salient aspect of Pilate’s portrait is the frequency with which he is taken by surprise at the consequences of his own policies. The seriousness of the reaction against the standards, the deadly results of his crowd-control measures in Jerusalem, and the Samaritans’ ability to strike back at him through Vitellius all catch him off guard. Though Pilate is successful at containing the damage caused by his blunders – the stories always end with the situation contained – his lack of foresight proves to be his undoing. He is not the kind of hostile, malicious governor Philo paints in Flaccus, but a case study in the importance of prudence and sensitivity to the governor’s success.

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656 Bond, Pilate, 72-76 (quote from page 76).

657 This point is missed by Mason, who writes, “Since the most basic duty of a governor was to maintain order … Josephus’ indictment of Pilate for provoking huge disturbances implies his basic failure” (War 2, 141n1059). Pilate does provoke disturbances, but also finds ways to deal with them. When he must, he backs down; when he is able to, he crushes the opposition. Furthermore, the disturbances Josephus narrates are local in nature – there is no indication of nationwide unrest at this time. The disturbances Pilate provokes do not reflect well on him but do not entail any “basic failure.” Philo’s Flaccus, 138-45, provides an interesting parallel when Philo represents street protests as reflecting not popular sentiment but the money and influence of malicious politicians.
Vires Religiosi: Vitellius and Petronius

In both War and Antiquities Josephus portrays other leaders to compare with Pilate. Antiquities begins with Vitellius, the governor of Syria who engineers Pilate’s departure. Vitellius presents a stark contrast to Pilate. He makes a personal appearance in Jerusalem during the Passover, and whereas Pilate had encountered an angry crowd, Vitellius is received “in magnificent fashion” (μεγαλοπρεπῆς, Ant. 18.90). Later in the narrative, Vitellius shows a respect for the Judeans’ ancestral customs on an issue in which Pilate had shown insensitivity: he agrees to keep iconic standards out of Judea by changing the route his legions march. Whereas Pilate had to be convinced by nonviolent protests that persisted despite his threats of violence, Vitellius responds sympathetically to the entreaties of Judean leaders. Moreover, he leaves his forces and accompanies Herod Antipas to Jerusalem to “sacrifice to God” during an unidentified “ancestral

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658 Lucius Vitellius was the father of the emperor Vitellius and the most successful politician of his day; his three consulships were unparalleled since the time of Marcus Agrippa. According to Suetonius, he received a public funeral and a statue in the Forum commemorating “unswerving devotion to the princeps” (Vit. 3.2). In light of the role his son played in the events of 69, his absence from War is noteworthy.

659 The nature of his intercession has been a source of some confusion. Josephus tells us that he sent out one of his friends, a certain Marcellus, to become ἐπιμελήτης τοῖς Ἰουδαίοις (Ant. 18.89). It is not clear what office Josephus means by this term or what powers of appointment Vitellius had in Judea – prefects of Judea were ordinarily appointed by the emperor. Josephus applies the term ἐπιμελήτης to a governor of Syria (Saturninus, Ant. 17.6), but also to others in positions of responsibility (e.g., those responsible for collecting taxes, Ant. 14.275; leaders among the Essenes, War 2.123, 129, 134). Given the lack of precision in both Josephus and Tacitus, it is probably best to assume that Marcellus’ appointment was informal and temporary. The similarity of his name to that of Marullus, Gaius’ subsequent appointee (Ant. 18.237), raises the suspicion that the two are one and the same; Gaius would have simply confirmed Marcellus in the post. Josephus mentions each name only once, so it is possible that a copyist made an error in one of the two places. However, there is no sign of confusion in the manuscript tradition (save for the unremarkable variant Μάριλλον at 237 in M), and Josephus uses the usual verb ἐκπέμπω to describe Marullus’ appointment. It is also possible that Josephus himself erred. See Schürer 1.383 (yes); Smallwood, “The Date of the Dismissal of Pontius Pilate from Judea,” JJS 5 (1954): 14; and Jews, 174n101 (no). There is also confusion about Marullus’ title, ἰσπάρχης, literally cavalry commander (rendered as magister equitum in the Latin), with suggested emendations including ὅπαρχον (Niese) and ἐπαρχον (Hudson). D. R. Schwartz (Agrippa I, 62-66) argues that there was no prefect of Judea between Pilate’s removal in 37 and Agrippa’s accession in 41: “Apart from the natural assumption that there was a governor, there is no justification for emending his title” (63).
festival (ἐορτῇς πατρίου) of the Jews” (Ant. 18.122), where he is once again welcomed “splendidly” (ἐκπρεπῶς, Ant. 18.123).

In addition to showing respect for local custom and piety toward the local religion, Vitellius acts as a benefactor. On his first visit to Judea he grants a remission of taxes and returns the high priest’s vestments to the custody of the priests, acts that Josephus calls “benefactions to the nation” (ἐργεσίως τοῦ ἔθνους, Ant. 18.95). With the latter benefaction, Josephus again sets up a contrast with Pilate by stating that Vitellius took this initiative “on the basis of our ancestral law” (ἐπὶ τῷ ἡμετέρῳ πατρὶῳ). This characterization of Vitellius’ motive contrasts with Josephus’ claim in Antiquities 18.55 that Pilate intended to undermine the law. Vitellius is as solicitous of Roman law as he is of the Judeans’: when he receives word of Tiberius’ death, he promptly administers an oath of allegiance to Gaius and disbands his army.

Both War and Antiquities portray Vitellius’ successor, Petronius, as another striking contrast to Pilate. Like Pilate, Petronius must negotiate with the Judeans over a religious offense. Like Pilate, he resists at first but is won over by the Jews’ devotion (War 2.193-98; Ant. 18.265, 271). However, whereas Pilate was merely astonished at

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660 This seems to be an abbreviation of the real facts; earlier in Antiquities, Josephus has described how Vitellius needed to write to the emperor about the matter – thus he could not have restored the robes on his first visit to Jerusalem. The actual restoration must have taken place on his second visit. For the problems with Josephus’ chronology here (and a solution), see Smallwood, “The Date of the Dismissal of Pontius Pilate from Judaea,” Journal of Jewish Studies 5 (1954): 12-21.

661 Governors were not allowed to leave their province without permission – to do so could bring a charge of maiestas. Vitellius had Tiberius’ permission to proceed against the Arabs, but a new emperor had the right to implement new policies.

662 Thus Josephus is able to demonstrate his obedience to his emperor and his resolve not to be deterred by the unpopularity of his orders while at the same time showing him to be reasonable and considerate. Like the incident of the standards, Josephus’ portrayal of the Judeans’ response represents his view of the ideal approach to Roman rule – willingness to resist the violation of core values to the point of death, but refusal of armed resistance. And like the response of Pilate, Petronius’ response demonstrates the effectiveness of this approach. Thus Mason is wrong to say that with this incident, “Josephus relentlessly builds a case for the seeming inevitability of war” by evoking a “tension between knowing about Roman
the Jews’ devotion, Petronius displays both astonishment and compassion (θαῦμα καὶ οἰκτός, War 2.198). Moreover, unlike Pilate, Petronius takes no steps to disperse the suppliants by force. On the contrary, when he engages in negotiations with the Judeans in Galilee, he leaves the bulk of his forces behind in Ptolmais (War 2.192-93; 199-201; Ant. 18.269). In fact, whereas the Judeans had expressed to Pilate their willingness to die for the law, in this case it is Petronius who expresses his willingness to risk his own life in order to avoid a bloodbath.

Like Vitellius, Petronius demonstrates piety. In both narratives he invokes God’s help (e.g., War 2.201: τοῦ θεοῦ συνεργοῦντος). However, Antiquities develops this characteristic much more: Petronius’ speech is much more elaborate (18.281), and he accepts a sudden rain-shower as a sign of God’s providence toward the Jews (Ant. 18.284-86, 288). Antiquities also interprets his actions as showing honor (τιμή) toward the temple (Ant. 18.309). Petronius’ courageous action is portrayed as a result not only of piety but also of his commitment to his own moral principles: according to Antiquities he

invincibility and being forced to fight anyway” (War 2, 164n1239). The Judeans are not proposing war here, but nonviolent resistance to the point of death, as the mention of “offering themselves … along with children and wives” makes clear (pace Mason, op. cit., 164-65n1242). (Cf. Philo, Legat. 234-36.) The Judeans’ response to Petronius’ rhetorical question, πολέμησετε … ἀρα Καίσαρ, is a decided “no.”

663 Mason’s comment (War 2, 165n1246) that Petronius’ “pity” (οἰκτός) can be understood as a result of his contempt for the Judeans’ superstition (θησαυρία) and thus that Josephus leaves Petronius’ response “artfully ambiguous” seems off the mark. Josephus wishes his audience to respond positively to the Judeans’ determination; Petronius’ awed reaction encourages such a response. Petronius was “moved” by their fidelity.

664 In War he anticipates two possible conclusions: either Gaius will change his mind, or he will order Petronius executed. In Antiquities there is a third possibility – Gaius will persist in his original plan and Petronius will be obliged to wage war against the Judeans (Ant. 18.278), for “it is well that one invested with such an honorable office by his consent do nothing contrary to his orders” (ὅ καλός ἔχων ἑστὶν τὸν γε τιμῆς τοσαύτης ἐπιτευχότα συγχωρήσει τῇ ἐκείνου οὐδὲν ἐναντίον πράσσειν, 18.279). Perhaps obsequium has risen in value since the 70s C.E.

665 However, the precise referent of θεός is unclear. For various possibilities, see Mason, War 2, 167n1261.
faced the danger not only for the benefit of the Jews (ἐπὶ τῇ τῶν Ἰουδαίων χάριτι) but also “for his own honor” (τιμῇ τῇ αὐτοῦ, Ant. 18.306). 666

Josephus evokes two main concerns in his contrasting portrait of Pilate and Vitellius / Petronius: sensitivity to religious traditions, and the appropriate use of violence. Pilate is insensitive to the Judeans’ religious scruples, and faces popular protests as a result. He resorts to violence and threats in response, a strategy that proves ineffective on one occasion and leads to unintended deaths on another. Vitellius and Petronius, on the other hand, are not only responsive to religious concerns but also demonstrate their own piety. In this way they earn the goodwill of the people. Unlike Pilate, Petronius resists resorting to violence. Though he has armed troops at his disposal he prefers to find a way, within the limits set by his loyalty to Caesar, to avoid needless deaths. This is not to say that the two eschew violence when it is warranted: Vitellius marches to war in Arabia, and Petronius is prepared to enforce Caesar’s command with armed force if another solution cannot be found. But neither turn to violence as a first recourse, as Pilate does.

3.1.3 The Procurators

After the death of Herod Agrippa I, Claudius returned Judea to provincial status and appointed the first of a series of procurators who governed until the outbreak of the war. Josephus characterizes these figures with varying degrees of thoroughness and of specificity.

666 It is instructive to compare Philo’s way of characterizing Petronius with Josephus.’ Whereas Philo uses direct as well as indirect characterization, Josephus delineates Petronius’ character solely through his actions and (in Antiquities especially) his thoughts.
Transitional Figures: Cuspius Fadus, Tiberius Alexander

In *War*, the first two procurators, Cuspius Fadus (c. 44-45 C.E.) and his successor, Tiberius Julius Alexander (c. 46-48), receive only brief mention: they keep the nation at peace by not disturbing any of the “national customs” (μηδὲν ... ἐπιχωρίων ἔθον, 2.220). This characterization is curious, since in *Antiquities* Tiberius Alexander is accused of failing to imitate his father’s piety (εἰσφεια), “for he did not remain in the ancestral traditions,” while Fadus creates controversy by demanding the restoration of the high priest’s robes to Roman custody (*Ant.* 20.6-14). Josephus’ remark about the pair in *War* is more rhetoric than reality, providing an explanation for a fairly uneventful era in Judean history that conforms to Josephus’ notion of enlightened Roman rule.

Josephus does not seem to bear much animus against Fadus. The matter is resolved peacefully and to the Judeans’ satisfaction when Fadus allows them to send an embassy to Claudius. Indeed, the prevailing portrait of Fadus in *Antiquities* is that of an effective military leader. He arrives in Judea in the midst of fighting between Judeans of

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667 ὁ τοῖς γάρ πατρίοις ἐκεῖνοι ἐνέμεινεν οὗτός ἔθεσιν (*Ant.* 20.100). Eric Turner, “Tiberius Julius Alexander,” *JRS* 44 (1954): 54-64, suggests that Josephus omitted the negative evaluation of Alexander from the *War* because at that time he saw him as a potential patron, whereas at the time of writing of the *Antiquities* Alexander was either dead or no longer influential. Feldman objects, however, that we have no evidence of any relationship between Josephus and Alexander at any time; he argues that the statement in *Antiquities* was a result of Josephus’ being more “Jewish-conscious” at the time of writing of the *Antiquities*, wishing to rehabilitate himself in the eyes of those who accused him of being a traitor to the Jewish cause (Feldman, “Josephus Revisited,” 820). However, one need not posit any “special relationship” between Alexander and Josephus, or any hopes of one on Josephus’ part, to suppose that Josephus would have wished to avoid offending one of the most powerful and influential Jews in the Roman Empire at the time *War* was written. Alexander’s career can be traced through the indications in Josephus and through various written remains scattered from Egypt to Syria; for a summary and bibliography see Gregory Sterling, “Tiberius Julius Alexander” in *The Eerdmans Dictionary of Early Judaism* (ed. J. J. Collins and D. C. Harlow; Grand Rapids: Eerdmans, 2010), 1309-1310; and Modrzejewski, *Jews of Egypt*, 185-90.

668 Fadus allows the embassy but demands the children of the notables as hostages. To Martin Goodman, this is evidence that Roman governors understood the importance of the ruling class in any serious revolt – see *The Ruling Class of Judaea: The Origins of the Jewish Revolt Against Rome A.D. 66-70* (Cambridge: Cambridge University Press, 1987), 175.
Peraea and the city of Philadelphia. Though they are his fellow Judeans, Josephus appears to blame the Peraeans: they have resorted to arms “without the consent of their leaders” and without waiting for the proconsul’s judgment, which they should have done “if they supposed they had been wronged by the Philadelphians” (Ant. 20.2-3). He states that the leaders Fadus arrested and punished were in fact to blame for the στάσις. Josephus also notes the arrest and execution of a notorious bandit. As a result of Fadus’ actions, the land is “purged of banditry” ( ἐκαθάρθη … ληστηρίων). In a rare instance of direct characterization, Josephus attributes this to Fadus’ “foresight and concern” (προνοια και φροντίδι, Ant. 20.5). Later, Josephus describes Fadus’ crackdown on Theudas and his followers, saying that “he did not allow them to benefit (δνασθαι) from their foolishness” (Ant. 20.97-99).

Aside from his remark about Alexander’s apostasy, Josephus does little more to characterize him in Antiquities than he had in War. He notes the famine during his tenure (Ant. 20.101), but it is Queen Helen of Adiabene who brings assistance. He also refers to

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669 Φάδος δὲ ὡς εἰς τήν Ἰουδαίαν ἐπίτροπος ἀφίκετο καταλαμβάνει στασιάσαντας τοὺς τῆς Περαίας κατοικοῦντας Ἰουδαίους πρὸς Φιλαδελφηνοὺς (Ant. 20.2).

670 χωρὶς γνώμης τῆς τῶν πρῶτων παρ᾽ αὐτοῖς (Ant. 20.2).

671 τοὺς καὶ τῆς στάσεως αἰτίους (Ant. 20.4).

672 Or “purged of robber bands.”

673 The split image of Fadus in Antiquities may be due to Josephus’ use of multiple sources. According to S. Schwartz, “AJ 20.6-16, the debate about the possession of the high priestly vestments, seems not to come from the same source as 1-5, on Fadus’ suppression of an uprising of Peraean brigands” (Josephus and Judean Politics, 154). The fact that the text explains that the Antonia is a fortress and that the Romans had had the priestly robe in their possession in the past may indicate Josephus’ use of source material here. Josephus may not have known this source when he wrote the War, and thus was able to write that Fadus did not disturb the ancestral customs.
the deaths of Judas’ two sons, James and Simon, whom Alexander orders to be crucified, but this occasions no comment on increased security (20.102). 674

A Storm Center: Cumanus

Josephus’ description of the tenure of Ventidius Cumanus bears a striking resemblance to his Pilate narratives. Pilate’s story began with a pair of incidents touched off by the governor himself; Cumanus’ begins with a pair of incidents touched off by the offensive conduct of a soldier. As with Pilate, one of the incidents ends with satisfaction for the Jews and the other with mass panic and many deaths, though the order is reversed. Like the Pilate narrative in Antiquities, Cumanus’ story ends with an incident involving Samaritans, and like Pilate he must appear before the emperor as a result of their complaints to the governor of Syria. 675

However, Josephus minimizes Cumanus’ role in these events. In the War he introduces Cumanus as the governor “under whom disturbances began and there was again destruction of Judeans,” 676 while in Antiquities he uses a genitive absolute: “Civil strife descended … while Cumanus was managing the affairs of Judea.” 677 Whereas Josephus began his series of narratives about Pilate by accusing him of provoking ταραχή, he merely associates Cumanus with the episodes temporally, not even

674 Josephus uses the passive voice: ἄνηχθησαν (or reading with mss. MWE: ἄνηρέθησαν). Their capture under Alexander seems to contradict what Josephus has just said about conditions under Fadus. But though both men capture and kill rebels and bandits, it is Fadus whom Josephus chooses to compliment, not Alexander.

675 Cf. Coggins, “Samaritans”: “The similarities between this story and that involving Pontius Pilate are striking. There can be no serious doubt that two separate episodes are involved, but it is certainly possible that a common pattern has influenced the two presentations” (269).

676 ἔφ’ οὖθ’ ὅρυβοι τε ἡρξαντο καὶ φθορὰ πάλιν Ἰουδαίων ἔγένετο (War 2.223).

677 Στάσεως δ’ ἐμπεσούσης τῇ τῶν Ἰεροσολυμίτων πόλει Κομανοῦ τὰ κατὰ τὴν Ἰουδαίαν πράγματα διοικοῦντος ἐφθάρθησαν ὑπὸ ταύτης πολλοί τῶν Ἰουδαίων (Ant. 20.105)
mentioning that the outbreaks were caused by Cumanus’ soldiers. The subject of his narratives is not the governor but the conflicts themselves.

Neither of the opening pair of incidents suggests that Cumanus is responsible for the losses on the Jewish side. In the first incident, Cumanus confronts an angry crowd stirred up by the disrespectful action of a Roman soldier. Both War and Antiquities portray the crowd as unruly. In War “the less sober (οἱ ... ἂντον νήφοντες) among the youth and those of the people who were naturally contentious (τὸ φύσει στασιῶδες)” pick a fight by throwing stones (2.225),\(^{678}\) while in Antiquities “some of the bolder ones” (θρασυτέρων) repeatedly insult (ἐβλασφήμουν) Cumanus and accuse him of having “prompted”\(^{679}\) the soldier (20.108). Cumanus’ forceful response results in a fatal stampede, but Antiquities downplays his responsibility by remarking, “Such were the calamities produced by the indecent behavior of one soldier” (20.112 [Feldman, LCL]).\(^{680}\) In the second incident, Cumanus averts any fresh outbreak of unrest by agreeing to punish the offending soldier (War 2.231, Ant. 20.117).

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\(^{678}\) If the reading of mss. PA is correct, Josephus describes the next incident under Cumanus as ἄλλος λῃστρικός θρύβος, “another bandit-related disturbance” (Mason’s translation), thus suggesting that he ranks both incidents as illegitimate acts of violence. Mason prefers the reading of mss. LVRC, λῃστρικός ἄλλος θρύβος, which he translates “another disturbance, of the bandit type,” thus disassociating the second incident from the first (War 2, 187n1421). Mss. M and the Latin omit the word ἄλλος.

\(^{679}\) This is Feldman’s translation of καθήσθαι. The import of καθήμι (send down, let down) is not clear to me. According to LSJ the passive can mean “be put in motion.” Does it mean that Cumanus “prompted” the soldier, or does it simply mean Cumanus was held responsible for the soldier’s conduct as the one who had deployed (sent down) the soldier in the first place? Furthermore, this is the reading of ms. E; other mss. read καθίστασθαι.

\(^{680}\) Mason rather exaggerates the differences between the two portrayals, claiming that that of Antiquities is more exculpatory. The fundamental points are the same: 1) Cumanus responds to unruly behavior with a show of force, and 2) the Judeans take fright and trample each other at the mere presence of additional Roman troops. In context, Cumanus’ motive for summoning extra troops speaks not only of his concern for his own safety but also of his concern that the whole people would be swept up in the aggression of the crowd (πλήθος) if he does not act decisively to quell the disturbance. The blame is explicitly placed on the soldier only in Antiquities, but that does not mean that Josephus saw the situation any differently in War. Hadas-Lebel’s comment that Josephus “steamed with indignation at the massacre
Josephus is more critical of Cumanus in the third narrative, which concerns fighting between Jews and Samaritans touched off by the murder of a Galilean Jew in Samaritan territory. Since the presentations of War and Antiquities differ in some important respects, I will first examine that of War and then summarize the divergences in Antiquities. Josephus makes Cumanus’ responsibility for the violence clear, first by reporting that a mob was forming in Galilee with the intention of fighting the Samaritans, and next by having an embassy of Galilean leaders (οἱ γνώριμοι) warn Cumanus of the mob and explain to him that his presence on the spot and swift punishment of the perpetrators is the only way the crowd can be dispersed without fighting, which would do “irreparable harm” (ἀνήκεστον πάθος, War 2.233). Such a dire warning makes Cumanus’ indifference seem completely unjustified.

Once full-scale violence breaks out, Cumanus does intervene, but not before “brigands and rioters” (τοῦ λῃστρικοῦ δ’ αὐτῶν καὶ στασιώδος) have taken advantage of the unrest to loot and burn Samaritan villages and massacre their inhabitants (War 2.235). Furthermore, even though Cumanus arrests and punishes the perpetrators of these depredations, and even though the magistrates of Jerusalem are ultimately successful in persuading the greater part of the mob from Jerusalem to disperse, “many now turned to

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681 “Many Jews” according to mss. PAM (πολλοί τῶν ἀναβαίνοντων ἱουδαίων ἐπὶ τὴν ἔστην ἀναρρότατα); this reading probably reflects Antiquities 20.118 (see below) – note the singular found in all mss. in War 2.224 and 2.237. The Latin supports the singular reading.

682 πρὸς τούτο πλείστοι μὲν ἐκ τῆς Γαλιλαίας συνέδραμον ὡς πολεμήσοντες τοῖς Σαμαρεῦσιν (War 2.233).

683 According to Josephus, Cumanus decided that their appeal was less important than whatever business he was attending to just then: Κουµανὸς μὲν οὖν ἐν δευτέρῳ τὰς ἔκεινον ἱκεσίας τῶν ἐν χειρὶ πραγμάτων θέμενος ἀπράκτους ἀπέσευσεν τοὺς ἴκέτας (War 2.233).
banditry because of the impunity, and throughout the country there were raids and, by the
bolder ones, uprisings." The warning of the dignitaries proves true – when the need for
immediate intervention and resolution of the initial conflict was ignored, the resulting
violence was impossible to fully contain.

As a result, when the Samaritans complain to Quadratus, the governor of Syria,
about the continuing violence against them, the Judeans place the blame on Cumanus for
letting the fighting get started in the first place (2.239-40). Quadratus’ subsequent
actions suggest that Cumanus had not only failed to respond quickly, but had dealt too
lightly with the perpetrators of violence: he crucifies those Cumanus had imprisoned, and
has an additional eighteen Judeans executed. These extra measures, combined with his
sending Cumanus out of the country, seem to be successful: prior to his departure,
Quadratus visits Jerusalem and finds all peaceful for the feast of unleavened bread.
Claudius apparently agrees with the Judeans’ complaints against Cumanus, for he
banishes him.

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684 έτρόποντο δὲ πολλοί πρὸς ληστεῖαν διὰ τὴν ἁδείαν καὶ κατὰ πᾶσαν τὴν χώραν ἀρσεναί τε ἕσαν
καὶ τῶν ἄνθρωπον ἐπαναστάσεως (War 2.238). Mason remarks that “since Cumanus has acted decisively
against the bandits, with maximum force, and reportedly killed ‘most’ (2.236), there seems to be no
question of an ‘amnesty’ from his side” (War 2, 194n1489). However, Cumanus has attacked only the
troublemakers following Eleazar, allowing the rest of the Jerusalemites to return home. When Quadratus
intercedes, he commands some of the ringleaders from Jerusalem to be punished as well.

685 The Samaritans take advantage of Quadratus’ presence in nearby Tyre, likely for the regular
assizes, to lodge their complaint. Their appearance before him already casts blame on their own governor
for failing to enforce the peace. The testimony of the Judean delegation increases the blame by arguing that
Cumanus could have prevented the violence from breaking out in the first place.

686 Although Josephus says only that these men had participated in the fight (μετεσχηκέναι τῆς
μάχης), the sequel (δόο δ’ ἑτέρους τῶν δυνατοτάτων... ἀνέπεμψεν ἐπί Καίσαρα, War 2.243) makes it clear
that these were prominent people and thus probably among the leaders of the unrest.

687 Josephus does not explicitly link Quadratus’ intervention with the peaceful atmosphere he finds
in Jerusalem, but their proximity in the narrative suggests such a connection.

688 Josephus’ narrative leaves a number of unresolved questions. Cumanus’ failure does not seem
to merit exile. The Samaritans are the victims of indiscriminate mob violence, yet Claudius puts three of
their leaders to death. At the trial, Cumanus is allied with the Samaritans against the Judeans, yet the earlier
The account of the incident in the *Antiquities* includes additional details that clarify some of the later developments in the narrative. The Samaritans’ initial crime is more than a single murder: in *Antiquities* an entire group of Samaritan villagers pick a fight with some Galilean pilgrims and kill many of them. Josephus has the Galileans call on the Jews to take up arms in defense of liberty and against “intolerable abuse.” Cumanus declines to take action because the Samaritans bribe him – this explains the harsh penalties Claudius imposes both on Cumanus and on the Samaritan delegation. On the other hand, *Antiquities* obscures the part played by Cumanus’ lack of initiative. He is slow to respond because he has taken a bribe, not because he thinks he can afford to ignore the matter. Nothing is said about the brigands being emboldened by a sense of impunity. Instead, Josephus simply says that “from then on the whole of Judea was filled with bands of robbers” (*Ant.* 20.124).

In *War* particularly, the first two stories about Cumanus provide a lens that brings out the import of the third story more clearly. In the second story, Cumanus’ swift narrative suggests he failed to act out of indifference, not favoritism. The tribune Celer only appears at the end, yet apparently he has done something to deserve punishment along with the governor. Mason comments, “The audience would presumably find nothing strange in the fact that one of Cumanus’ senior officers would be held responsible with him” (*War* 2, 198n1525). But the method of Celer’s punishment suggests that he had done something particularly despicable, something that was widely enough known to make public humiliation in Jerusalem advantageous.

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689 This observation implies no judgment on the relative historical accuracy of the two versions. Cohen, *Josephus in Galilee and Rome*, points out that *Antiquities*’ account is much more hostile to the Samaritans: it insists that many Galileans were slain, suppresses the reports in *War* about the Galileans’ preparations for war and the killing of many Samaritans in the reprisals, and emphasizes the unjust collusion between Samaritans and Romans (including the offering of a bribe). Cohen attributes this and other anti-Samaritan texts (e.g. *Ant.* 9.290-91, 11.114, 11.346, 12.257) to a “religious-Pharisaic bias” in the later work (149-50).

690 συνάπαντες μάχην πολλοῖς αὐτῶν ἀναφόροισιν (*Ant.* 20.118).

691 Γαλιλαίοι τὸ πλήθος τῶν Ἰουδαίων ἐκείθεν ἐγέρατο ἔφ᾽ ὀπλα θρίλεσαι καὶ τῆς ἔλευθερίας ἀντέχεσθαι δουλείαν γὰρ καὶ καθ᾽ αὐτῆς μὲν πικρὰν ἐλέγων εἶναι τὴν ἔφ᾽ ὄβρει δὲ παντάπασιν ἀφόρισα (Ant. 20.120).

692 χρήμασι πεισθεὶς ὑπὸ τῶν Σαμαρίτων (*Ant.* 20.119).
punishment of a misdeed restored peace; in the first story, swift punishment was lacking, and order was restored only with difficulty and bloodshed. Likewise, Cumanus’ failure to pursue and punish the Samaritan murderers eventuates in great bloodshed, and he (and Quadratus) must resort to considerable violence to restore order. Even then, a sense of impunity has taken root, stimulating more lawlessness and rebellion. Antiquities muddies the concern of War by introducing the issue of corruption and by not making explicit the link between the upsurge of banditry and the “impunity” that Cumanus allows to prevail.

A Double View: Felix

Claudius’ last appointee to Judea is Antonius Felix (52-60). Nero confirms him in his office after Claudius’ death, save for some cities and their territories that he gives over to Agrippa II. War and Antiquities present somewhat different portraits of Felix. In War Felix is an effective military leader, an active combatant of bandits. He captures the bandit Eleazar and many of his associates, bringing an end to their twenty-year career of robbery. In addition, “the number of bandits crucified by him and of common people caught collaborating with them (τῶν ἐπὶ κοινονίας φοροθέντων δημοσίων) whom he

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693 In the mss. of the Antiquities, his name appears as “Claudius Felix,” but in Tacitus and in an inscription (CIL 5 34) he is called Antonius Felix. The epitome reads Πέμπει δὲ καὶ Κλαυδίος Φηλίκα, “Claudius sent Felix,” and that is probably correct. War lacks the nomen altogether. More information about Felix will be provided in chapter 4.

War 2.247 stipulates that Felix was sent out as procurator of Judea as well as of Samaria, Galilee, and Peraea. It is Josephus’ normal practice simply to identify a governor as being sent to Judea. This may help to reconcile Josephus with Tacitus Ann. 12.54, which states that Cumanus governed Galilee, while Felix governed Judea and Samaria, for it may be Josephus’ way of saying that now Felix was put over the whole territory, not just the part he had been charged with before (cf. Feldman, “Josephus Revisited,” 820-21). However, the verb ἐκπέμπω, Josephus’ usual word for gubernatorial appointments, tells against the idea that Josephus has anything different than a regular posting from Rome in mind. Compare War 2.252: after Claudius’ death, Nero “appointed” (i.e. confirmed) Felix rather than “sent him out.” See Smallwood, Jews Under Roman Rule, 266n32; she suggests that Felix was on Quadratus’ staff and was placed in charge of Samaria following the Jewish-Samaritan violence. On the problem, see further M. Aberbach, “The Conflicting Accounts of Josephus and Tacitus Concerning Cumanus’ and Felix’ Terms of Office,” JQR 40 (1949): 1-14.
punished was boundless” (War 2.253), with the result that the country is “purified” (καθαρθείσης, War 2.254). Felix also kills large numbers of “deceivers and impostors” (πλάνοι γὰρ ἀνθρωποι καὶ ἀπατεώνες) who spring up at this time, considering them and their crowds of followers “to be a foundation of revolt” (ἀποστάσεως εἶναι καταβολή, War 2.259-60). In his attack on the Egyptian, Felix is actually assisted by the whole δήμος, demonstrating that the “moral majority” is on the governor’s side.

Thus it is despite Felix’s military assertiveness, not because of any inaction, that the Sicarii arise in Jerusalem at this time (2.254-57) and there is an escalation of opposition and bandit raids (2.264-65). Josephus blames the unrest on the state of the nation, which is like a diseased body in which inflammation can be checked in one part only to break out anew elsewhere (War 2.264). Indeed, Josephus’ entire account of Felix’ tenure reads like a demonstration of this principle. When the countryside is cleansed of bandits, another type (the Sicarii) begin operating in the city (2.254); false prophets are dealt with, only to have the impostors and bandits join forces throughout the countryside (2.264).

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694 Mason points out that this is “charged language in War, the potential remedy for the pollution (μιαίνο, μίσσαι, μισαρός) created by the rebels” and “a considerable, if incidental, compliment to Felix’s abilities as governor” (War 2, 206-207n1600).

695 Josephus himself strongly disapproves of these individuals. They are “a band of evildoers” (στίφος ... πονηρόν) whose hands may be cleaner than those of the Sicarii, but whose intentions are even more impious than theirs and who destroy the well-being of the body politic no less (War 2.258). In War 2.264 he even claims that the deceivers jointed with the bandits to foment revolution.

696 Josephus’ use of the more respectful word δήμος for those prepared to resist the false prophet (2.262, 263), instead of his more usual πλήθος, is surely significant (cf. Mason, War 2, 213n1651, 214n1654).

697 For Josephus’ use of illness as a metaphor for civic dissension in the War, a topos in Greek literature since the fifth century, see Mader, Politics of Historiography, 135-37. Mader cites Aeschylus, Ag. 848; Sophocles, Ant. 1015; Euripides, Herc. fur. 34; Iph. aul. 411; Herodotus 5.28.1; Plato, Resp. 470c; 556e; Demosthenes 2.14; 9.12; 9.50; 18.45. He suggests that “the Thucydidean pathology, in which plague and stasis are treated as homologous phenomena, may have provided a decisive impulse to the νόσος imagery in Josephus” (137).
Josephus also describes Felix’s intervention in fighting between Jews and Gentiles in Caesarea (2.266-70), in which his soldiers kill many Jews and plunder their houses. Josephus refrains from any condemnation of the governor, who set his troops on Jewish partisans. He begins by recounting that it is the Jews “mixed in” to the population of the city who form a faction against the Syrians (2.266). The elders among the Jews evidently do not approve of the violence, but they are unable to stop the “bolder” (θρασύτεροι) members of their community from fighting. Like Pilate in Antiquities (18.61), Felix first orders the crowd to withdraw; only after they refuse does he set his troops on them (2.270). Though Josephus admits Felix’s responsibility for the killing – by sending in his soldiers “he killed many” (ἀναρεῖ συχνος) – he diminishes his responsibility for the looting that follows, using a passive construction: “whose property was then also plundered” (ὅν διαρπάγηναι σωμή καὶ τὰς οὐσίας, War 2.270 [Mason]).

In the Antiquities, the picture is quite different. We are first treated to the story of Felix’s courtship of Drusilla, a married woman for whom he conceives a passion (ἔπιθυμία) because of her beauty (Ant. 20.141-44). The story includes his employment of a self-proclaimed magician (μάγον εἶναι σκηπτόμενον) and a wordplay on his name – he promises to make her “happy,” or “fortunate” (μακαρία). The story concludes with Felix prevailing upon Drusilla “to transgress the ancestral customs” (τὰ πάτρια νόμιμα).

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698 See Mason, War 2, 217n1680. His thorough analysis of the incident and its parallel in Antiquities (215-22) deserves to be read in its entirety.

699 “Form a faction” is Mason’s translation of στασίζω; he gives as an alternative “started a quarrel.” Mason calls Josephus’ account “an impressive example of the even-handedness that Josephus promises in the prologue (1.9)” (War 2, 217n1680). It can equally be understood as an example of the deference Josephus shows to Felix in War.
Like *War*, *Antiquities* describes Felix’s measures against brigands and impostors. However, Felix’s policing has the character of a reaction, whereas in *War* he appeared to take the initiative. In an inversion of the progression in *War*, Josephus first indicates the deteriorating situation in Judea and then adds, “but Felix caught and killed many of these men … every day.” Not only are the exculpatory comments about the illness of the Judean social body absent, but Felix is portrayed as actually undermining the common security. He has the high priest Jonathan assassinated, and it is this murder and the fact that it goes unpunished that emboldens the Sicarii to continue to practice such acts of terrorism in the future (*Ant.* 20.165).\(^{700}\)

Josephus’ account of the falling out between Felix and Jonathan suggests that Felix is guilty of mismanagement (*Ant.* 20.162).\(^{701}\) He is duplicitous – he captures the bandit chief Eleazar under a false promise of amnesty (*Ant.* 20.161). Finally, in the incident at Caesarea Josephus makes Felix the agent of the plundering: he allows his troops to plunder (διαρπάζειν ἐφηκεν, *Ant.* 20.177) and must be begged by the moderate Judeans and “those of the highest reputation” (προχοντες κατ την ἀξιωσιν) to recall his soldiers and spare (φεσασθαι) them (20.178). Josephus’ comment on Felix’s subsequent trial for misconduct confirms that he is no longer interested in shielding Felix from

\(^{700}\) These accusations conform to the information Tacitus provides about Felix’s activities in Samaria during the tenure of Cumanus. According to Tacitus, Felix had charge of Samaria and turned a blind eye to the Samaritans’ raids on Galilee in return for a share of the plunder (*Ann.* 12.54). In the *Histories* (5.9) Tacitus singles out Felix for his cruelty and lust, making him the representative of the harsh treatment meted out by the governors of Judea more generally. About Florus, the only other Roman governor of Judea that he mentions by name, Tacitus says only that it was under him that the war broke out.

\(^{701}\) The story has struck some as incredible. For example, see Smallwood, *Jews Under Roman Rule*, 275, and eadem, “High Priests and Politics”: “[T]he later account may represent malicious gossip which made Felix the author of an event which was to his convenience” (24). For speculation on the real murderer of Jonathan, see Goodman, *Ruling Class*, 145-46. He suggests Ananias ben Nedebaeus as a suspect. On the difficulty of identifying those behind such murders, see Goodman, op. cit., 214. The image of Felix as the recipient of repeated moral exhortation will, of course, crop up elsewhere.
blame: but for the intervention of his brother Pallas, Josephus says, “he certainly would have paid the price for his injustices toward the Judeans.”702 The effective general of *War* has become a dishonest governor guilty of maladministration, assassination, corruption of a member of the royal family, and brutality.

*Rhetorical Tools: Festus and Albinus*

The short-lived governor Festus703 creates a transition from Felix to Albinus in both *War* and *Antiquities* that varies according to the different view that each work has of these two governors. In *War* Festus continues Felix’s aggressive policy against banditry and even seems to get it under control (*War* 2.271), only to have his accomplishment undone when Albinus does not continue his policy but instead accepts ransoms for the release of those captured by his predecessors in office (2.272-73). *War* presents a very critical portrait of Albinus: he “omitted no form of evildoing (κακουργίας Ἰδέαν)” (*War* 2.272), of which Josephus mentions theft, seizure of property, heavy taxation, and accepting bribes (2.274).704 The last accusation receives the most attention. Josephus describes the atmosphere of impunity that prevails because the powerful are able to buy Albinus’ complicity:

702 πάντως ἀν ἔδειχκε τιμωρίαν τῶν εἰς Ἰουδαίους ἀδικημάτων (Ant. 20.182). It is hard to say why the portrait of Felix changes so drastically between *War* and *Antiquities*. S. Schwarz points out that *War* “never reports about the private lives of the rich and famous” (*Josephus and Judean Politics*, 131). This explains the absence of some of the more gossipy details present in *Antiquities*. Furthermore, in *War* Josephus may have omitted criticism of Felix in order to concentrate the blame for the war on the last two governors, Albinus and Florus. A changed political scene at the time of *Antiquities*’ composition may have freed Josephus from earlier caution.

703 Festus replaced Albinus in 60 C.E. and died in 62. For the meager information we have on him, see chapter 4.

704 The fact that many of the charges Josephus levels against Albinus are not repeated in the *Antiquities* (see below) suggests that at least some of his accusations are stock invective that could be applied to any governor.
And each of the worthless fellows, undergirding himself with his own
briadi, just like a chief bandit or a tyrant, rose up over his company and
made full use of his bodyguards for plundering the reasonable folk. So it
happened that those from whom property had been taken kept quiet about
things concerning which they ought to have been indignant, whereas the
unscathed, in their anxiety not to suffer the same way, even flattered the
person who deserved a flogging. *Ant.* 2.276 (Mason, modified).\(^{705}\)

The transition from Festus, a competent governor who keeps crime in check, to
Albinus, an incompetent and corrupt governor who allows matters to spiral out of control,
suits Josephus’ argument that the malfeasance of the procurators who ruled immediately
before the war had much to do with its outbreak.

In *Antiquities*, on the other hand, Josephus describes in detail the banditry that
was occurring when Festus arrived (*Ant.* 20.185-187), insinuating that Felix left the
country in turmoil. There is no word of Festus’ actions against the bandits, though he
does suppress yet another false prophet and his followers (*Ant.* 20.188),\(^{706}\) and there is no
change of policy by Albinus. Instead, Josephus credits Albinus with an initiative against
the Sicarii upon his arrival in Jerusalem in which he displays “zeal and good judgment
(σπουδή καὶ προνοια) in his pacification of the country” (*Ant.* 20.204).

\(^{705}\) See Goodman, *Ruling Class*, 149. The situation seems to be that some of those favoring
revolution, having secured noninterference from Albinus and adherents from the more unruly of the
common people because of their perceived influence with the procurator, incited their followers to plunder
the more moderate of the upper class. On the meaning of οἱ μετριοὶ in Josephus (not a “peace party,”
but simply “respectable citizens”), see Mason, *War* 2, 225n1757.

\(^{706}\) The only additional story involving Festus is the conflict between Agrippa II and the temple
personnel, in which Festus takes the side of Agrippa but allows an appeal to a higher authority (the emperor
Nero) (*Ant.* 20.189-96). In neither *War* nor *Antiquities* does Festus appear to be a very important character.
He is more of a transitional figure. The fact that he died in office early on probably meant that he did not
have much time to make an impression on the populace.
The Albinus of *Antiquities* is not the corrupt thief of *War.* The accusations of misconduct and excessive taxation are absent. The narrative focus shifts to the former high priest Ananias ben Nedebaeus, who plies Albinus with gifts and eventually persuades him to release some of the Sicarii in return for hostages taken from his staff. Thus the Sicarii regain their strength (20.205-10). As in *War*, Albinus ransoms prisoners (20.215), but only those who had been put in prison “for a small and ordinary offense” (ἐκ μικρᾶς καὶ τῆς τυχώσης αἰτίας), not those who clearly deserve the death penalty, and more to gain the goodwill of the people than for money. Nevertheless, Josephus concludes, “Thus the prison was cleared of prisoners and the countryside was filled with bandits.” Though Josephus does not go to the same effort to condemn Albinus as he had in the *War*, his view of Albinus has not fundamentally changed, as the subsequent comparison with Florus (20.252) makes clear.

*The Architect of War: Florus*

Josephus’ characterization of Gessius Florus is of a different order than those of other governors in his historical works. Whereas to this point he has rarely used direct characterization, in both *War* and *Antiquities* he launches a full-scale invective against

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707 Smallwood’s explanation is excessively psychological: “The more detailed account in the *Antiquities* gives a somewhat more favourable impression, suggesting an understandable inability to cope with the rapidly mounting unrest despite early efforts to do so, and finally a despairing submission to a situation which he could not control rather than self-interested cooperation with the forces of evil” (271).

708 The first to be kidnapped is the secretary of Ananias’ son Eleazar, who was captain of the temple guard. The reading of ms. A and the Latin is to be preferred over that of mss. MWE (Ἀνάνιας), since the name Ananias appears in all the mss. in the continuation of the incident (*Ant.* 20.209-10). See Goodman, *Ruling Class*, 146; Schürer, 469n53.

709 Smallwood (*Jews under Roman Rule*, 282n88) points out that Josephus’ description of the effects of the policy seems illogical, for Albinus commands the execution of the serious offenders and only releases those guilty of minor offenses. It is unclear whether the money he receives is to be understood as a bribe or a fine, but clearly Albinus expects this gesture to garner the gratitude of the populace.
Both War and Antiquities introduce him with an invidious comparison to his predecessor, who, beside Florus, appears to be “a paragon of virtue” (ἀγαθώτατον, War 2.277 [Thackeray, Loeb]) or “a benefactor” (Ant. 20.252). Whereas Albinus committed his crimes in secret, Josephus claims, Florus did so openly. Both texts speak of Florus’ plundering (ἀρπαγή) and play up his thoroughgoing rapacity. Both also describe him as “savage,” or “merciless” (ὡμότατος, War 2.278; ἄτεγκτος … πρὸς ἔλεον, Ant. 20.255). War also refers to αἰκία (violence or abuse, 2.277; Mason’s “torture” seems a bit extreme), while the parallel phrase in Antiquities speaks of “unjust punishment” (ἀδίκος κόλασις, Ant. 20.254). War describes his deviousness at some length: “no one poured down more faithlessness on the truth nor devised more deceitful ways of being a villain” (2.278). Both texts also describe corruption and collusion with crime, reporting that Florus granted amnesty to brigands in return for pay (War 2.278; Ant. 20.255).

Antiquities ends here, with the conclusion that Florus brought about the war. War, on the other hand, incorporates Florus in its narrative about the outbreak of the war, relating further details that complement the invective with which Florus is introduced.

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711 As Mason points out, Josephus has not previously characterized Albinus’ misdeeds as covert, particularly in the version in War. This could be a result of War’s condensation of a longer account similar to that of Antiquities (War 2, 226n1770). Or the comparison secret-open could simply be a rhetorical topos. War adds that “in shameful things he was most shameless” (ἐν δὲ τοῖς αἰσχροῖς ἀναιδότατος, 2.278).

712 With hyperbolic statements that contradict each other. According to War, gain from individuals was beneath him – he stripped whole cities (2.278). According to Antiquities, he saw no difference between great gains and small ones, but was open to any opportunity (20.255).

713 οὔτε δὲ πλείον τις ἀπιστίαν τῆς ἀληθείας κατέχειν οὔτε ἐν τῷ πανουργεῖν δολιωτέρας ὀδοὺς ἐπενόησεν.

714 Note the parallel to the idea of a governor trying to slander a people to hide his crimes in Philo, Legatio, 199 (Capito).
Florus is portrayed as a consummate deceiver when the Syrian governor Gallus comes to visit Jerusalem; though the people complain against Florus, he manages to “thoroughly deceive” (ἐξαπατάω) Gallus about his conduct, meanwhile plotting to begin a war that will cover it up (2.282). Florus’ involvement in the conflict in Caesarea demonstrates both corruption and dishonesty: he accepts a bribe from the Jews of Caesarea but does nothing for them (2.287-88). When riots ensue, he arrests the Jewish embassy that comes to complain on a pretext (2.292). Florus’ actions in Jerusalem give Josephus ample occasion to illustrate his rapacity, his dishonesty and his cruelty. He confiscates money from the temple, pretending it is needed for affairs of state (σκηψάμενος εἰς τὰς Καίσαρος χρείας, 2.293). The mockery he receives in response does not “turn him from love of money” (τούτοις οὐκ ἀνετράπη τὴν ψαλαργυρίαν) but only angers him and makes him more determined to make a profit (ἐπὶ τὸ μᾶλλον χρηματίσασθαι παρωργίσθη, War 2.295). He has many “moderate” citizens scourged and crucified, even Roman

715 Ostensibly for removing their laws from Caesarea. The grounds for this charge are unclear, nor is it clear whether it is meant seriously, is a sarcastic gibe, or is merely an invention of Josephus (see Mason, War 2, 238n1889 for some different possibilities). In any case, it seems likely that Josephus expects the reader to view Florus’ arrest of the embassy as illegitimate and the exact opposite of what he should have done.

716 It is unclear what procedure is denoted by πέμψας εἰς τὸν ἱερὸν θησαυρὸν ἐξαιρεῖ … (cf. Mason, War 2, 238n1894); the verb πέμπω seems to put the action at a distance, as if Florus ordered that the money be handed over rather than taking it directly. Note the parallel to Philo’s rhetoric in the comment that Florus “stirred up the war as if he was under contract to do so” ( dildoρ ἡγολογηκὸς ἐκριπζιν τὸν πόλεμον).

717 The form of mockery, begging on Florus’ behalf with a reed basket “as if he were dishonorable and lowly” (καθάπερ ἄκληρῳ καὶ ταλαιπώρῳ) suggests that the perpetrators see through his pretext and believe that he has taken the money for himself.

718 As with Philo’s account of the violence in Alexandria, one suspects we are not getting the whole story here. It may be that some Jews resisted the soldiers violently, and this led to the crucifixions, though Josephus may be right that not all those crucified were really guilty of anything.
citizens of equestrian rank [say something about these people], a thing that “no one had ever done before.”

As Josephus describes Florus’ conduct leading up to the war, he again demonstrates a higher level of rhetorical intensity by analyzing Florus’ actions, his pretended and his real motives, and what would have been the correct course of conduct, a strategy he has not employed with previous governors. When Florus commands that money be taken from the temple treasury, Josephus differentiates between his pretended motive, the needs of Caesar, and his real motive, to stir up war. He further suggests that the mockery in Jerusalem should have caused Florus to reconsider his love of money. When Florus marches on Jerusalem, Josephus argues that he should instead have returned to Caesarea, where he had left matters in disarray (2.296).

When Florus arrives at Jerusalem, Josephus makes it clear that he deliberately acts to provoke a war despite the attempts of the Jerusalem leadership to restore and maintain the peace. His deceptiveness is on full view in this portion of the narrative, as he tries to goad the Jerusalemites into violence and frustrates their intention to mount a proper display of subservience. Later, he adopts a stratagem to ignite a new round of

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719 This remark seems calculated to outrage a Roman readership (cf. Cicero, Verr. 5.62). Josephus is at pains to point out that even though their ancestry was Jewish, their status was Roman (τὸ ἀξίωμα Ρωμαίον ἤν).

720 This approach resembles that of Philo in Flaccus.

721 According to War 2.405, Judea was in arrears in tribute; that may be what motivated Florus to demand money from the temple, but Josephus does not make the connection for the reader, perhaps in order to paint a bleaker picture of Florus. The use of the word ἐργολαβέω (“undertake a contract for work”) may be a sarcastic reference to Florus’ earlier bribe-taking: it is as if he had been paid to harass the Judeans, not to defend them (Mason, War 2, 238n1892). The piercing cries of the population (δῆμος) of Jerusalem provide a counterpoint to Florus’ pretended concern for Caesar’s needs – they invoke the name of Caesar as a higher power who can liberate them from Florus’ tyranny.

722 One can imagine Josephus the apologist at work here, responding to allegations that the Jerusalemites had not given Florus a proper greeting on his arrival. On the other hand, his account is not intrinsically incredible.
violence (2.318-27), then falsely reports (καταψευδόμενος) to Cestius Gallus that the Judeans have rebelled, “providing another occasion (ἐπιβολή) for war” (War 2.333). Florus also shows his cruelty and mercilessness by refusing to accept the leaders’ plea of ignorance of the identity of the mockers and their appeal for peace and forgiveness. Instead, he orders reprisals, which leads to mass panic and a massacre. Florus also behaves corruptly, bribing some of Cestius’ officers to hold back from taking Jerusalem, thus ensuring that the war does not end too quickly (War 2.531). His greed is amply illustrated: upon his arrival at Jerusalem, Josephus notes that by the menace of his army he intends to “strip” (περιδοσή) the city (2.296). Eventually, part of the city is indeed looted when Florus sends his soldiers to plunder the “upper market” (2.305). When fighting breaks out, Florus leads his troops toward the temple. Only the Judeans’ destruction of the porticoes, which leaves him unable to plunder it, “cools his greed”

723 Mss. PAM and the second hand of L read ἐπιβολήν.

724 The leaders’ plea raises the issue of whether they should be considered reliable characters in the narrative. Goodman has suggested that these leaders must have been covering up the involvement of some of their own younger generation, particularly perhaps Eleazar and his circle, for nothing else would explain why they took such a drastic action as to refuse to hand over the offenders. Whatever the historical facts, however, it is likely that Josephus intended the chief priests, aristocrats, and notable citizens to be seen as reliable characters in the narrative. Thus their plea to Florus to forgive rather than to disrupt the re-established peace is to be taken seriously. Florus’ rejection of this plea is one of a chain of deliberately provocative actions he takes in order to touch off a war.

The leaders’ plea raises the issue of conflict management. Part of the art of governing is to know when to be strict and when to be lenient. This, Josephus is suggesting, was an occasion to be lenient, to let the leadership be responsible for the peace that they were obviously trying to maintain.

725 This bribery is the last act of Florus’ that Josephus records. In fact, aside from blaming him for Cestius’ retreat, Josephus seems to lose interest in Florus after his departure from Jerusalem. When Cestius passes through Caesarea, Josephus records no contact with Florus. According to Suetonius (Vesp. 4.5), Florus was killed by the Jews even before Cestius’ arrival. This is almost certainly incorrect; even if the story of Florus’ bribe is fanciful, Josephus would not have passed on such a story if he knew that Florus had already been killed at that point. For a discussion of the alleged and the probable reasons for Cestius’ retreat, see Smallwood, Jews Under Roman Rule, 297.
In what is by now a familiar pattern, Josephus accentuates Florus’ misrule by contrast with another authority figure, in this case the tribune Neopolitanus whom Cestius sends to investigate the claims that the Judeans have revolted. Neopolitanus is assiduous in his mission and demonstrates his confidence in the Judeans and his piety toward their God. Whereas Florus had ignored the pleas of embassies sent to him, Neopolitanus goes out of his way to meet Agrippa II and the Jewish leadership in Jamnia before entering Jerusalem (2.335-38). Whereas Florus had foiled the attempts of the Jerusalemites to greet him properly, they come sixty stadia outside the city to meet Neopolitanus (2.338). Whereas Florus’ behavior had brought about riots, Neopolitanus, accompanied by only one servant, is able to make a tour of the city completely unmolested, demonstrating that the Judeans “were duly subordinate to all other Romans” except Florus “due to his excessive cruelty (ὡμότητος) to them” (2.340). Whereas Florus had wished to plunder the temple, Neopolitanus concludes his visit by worshiping at the temple “from the permitted area” (ὅθεν ἐξῆν, 2.341).

726 This behavior is somewhat inconsistent with the motive Josephus has previously ascribed to Florus. Previously, Florus acted to bring about war in order to cover up past misdeeds. Now Florus’ chief motive seems to be greed, and once that motive is thwarted he is willing to reconcile with the Jerusalemites and leave the city in peace. Florus’ attempt to reach the temple complex has a more obvious motive than that provided by Josephus – to come to the aid of the garrison in the Antonia.

727 Mason (War 2, 259n2108) points out that the superior ms. P differs from the others in omitting τινα from 2.334, leaving αὐτῷ δὲ προσέμει να τῶν ἐναντίων τὸν κατασκεύας τῶν πράγματα καὶ τὰ φρονήματα τῶν Ἰουδαίων πιστῶς ἀναγγέλοντα. While most modern editors follow Niese in omitting the τινα, they translate the Greek as if it were present. Mason suggests, however, that the P reading be taken seriously as the lectio difficilior and translates, “to him [it seemed best] to send out from his companions the one who would investigate the circumstances and credibly report back the intentions of the Judeans,” implying that Cestius chose this particular tribune out of all his ἐναντίοι precisely because he was most likely to give an impartial report. This reading indeed comports with the fact that Cestius’ ἔγεμον ἔχει have favored an immediate march on Jerusalem and explains why Cestius sends a mere tribune instead of one of his legionary legates.
3.3 Conclusions

Techniques of Characterization

Josephus’ method of characterizing Roman governors varies widely in both War and Antiquities. Though he avoids direct characterization more often than not, he does employ it several times, as when he praises Gabinius’ accomplishments, credits Fadus with foresight and thoughtfulness (in Antiquities), or states that Felix was guilty of ἄδικαματα against the Jews of Caesarea (in Antiquities). He makes liberal use of direct characterization in his depiction of Florus, which is sui generis for its invective and the intensity of its rhetoric. In some cases Josephus’ motivation for engaging in direct characterization is fairly clear. For example, in War he emphasizes the corruption and maladministration of Florus and Albinus, in contrast to their predecessors, in order to demonstrate their role in the outbreak of the war. With other governors, such as Gabinius, his motives for direct characterization are not as clear.

Josephus’ view of a governor can emerge quite clearly even when he does not use direct characterization. For example, he refers to the imperial procurator Sabinus’ greed, but otherwise characterizes him only by describing his thoughts and actions. Yet much of what Josephus relates about Sabinus’ attitude, intentions, and actions is highly pejorative. In other cases, Josephus’ avoidance of direct authorial comment leaves his view of a governor somewhat ambiguous (e.g., Pilate, Cumanus). Some of Josephus’ governors are neither heroes nor villains. Josephus may be critical of certain aspects of their character, but he does not go to great lengths to demonize them as he does in other cases.

Josephus often takes advantage of the juxtaposition of individual governors with their successors, their superiors, or with other Roman officials operating in their field of
authority, to make their characteristics more obvious by contrast.\textsuperscript{728} His use of this technique is sometimes obvious, as with Sabinus and Varus or with Florus and Neopolitanus, but sometimes it is more subtle, as with Pilate and Vitellius or with Cumanus and Quadratus. Even a change in policy by a governor’s successor or superior can be an occasion of comparison (e.g., Pompey and Scaurus, Cassius and Antony, Albinus and Festus in \textit{War}). The comparisons sometimes serve to demonstrate the possibility of a \textit{modus vivendi} between Roman authorities and the population of Judea during or after a period of trouble, as a less-polarizing figure demonstrates that relations between Judeans and Romans need not be as strained as they have become.

\textit{Characteristics}

There is a clear correlation between certain kinds of actions and results and the overall view Josephus seems to take of a given governor. Governors whom Josephus views favorably are frequently successful in military undertakings. Gabinius meets with success in Arabia, Sosius retakes Jerusalem, and Varus pacifies the country after the death of Herod the Great. These militarily effective governors always display moderation and clemency toward civilians and defeated enemies. Gabinius allows his foes the chance to surrender, Sosius calls off his men from plundering Jerusalem, and Varus ensures that innocent people are not killed during reprisals.\textsuperscript{729} Josephus imputes military setbacks or failures exclusively to those governors to whom he is hostile; these include Scaurus,


\textsuperscript{729} This theme loses its importance for Josephus when the focus turns to internal peacekeeping – widespread use of crucifixion and slaughter of unarmed people seems to be appropriate when it comes to operations against bandits, rebels and false prophets.
Crassus, Bassus, Sabinus (as a foil for Varus), and Florus. Josephus frequently portrays governors he dislikes as undertaking military ventures for the sake of private profit. Scaurus turns to Judea in the hope of profit, and Florus comes to Jerusalem hoping to “strip the city.”

Governors whom Josephus critiques sometimes appear dishonest, devious, or disingenuous and have recourse to false pretenses, trickery, or bad faith. In Antiquities, Crassus breaks his promise to the temple guardian. Bassus acts in bad faith when he pretends to help Herod regain Jerusalem, and he enlists his general, Silo, in covering up his actions. Pilate employs trickery to outflank protesters. In Antiquities, Felix employs a magician in his attempt to woo Drusilla and negotiates in bad faith with the bandit Eleazar. Florus’ entire governorship is disingenuous – he secretly wants to see a war break out in the territory he is supposed to be controlling, and this is a way of hiding his corruption.

Effective governors also are easily approachable and make an effort to communicate with the population. Vitellius and Petronius provide a contrast to Pilate on this point: where Pilate is stubborn and liable to respond to petitions with force, Vitellius shows himself ready to hear the Judeans’ concerns about military standards, and Petronius leaves his army in order to pursue talks with Judeans in an effort to avoid the necessity of force. Florus, on the other hand, arrests a delegation from Caesarea on a flimsy pretext and meets the supplications of Berenice with no respect or protection.

Though Romans sometimes display piety or respect through their actions toward the temple (see below), they seldom directly express any pious sentiments. Petronius stands out as a Roman governor who expresses piety toward God and confidence in
God’s providence. For the rest, their piety does not go beyond respectful behavior toward the temple. Loyalty to nation or emperor does not figure highly even in Josephus’ portraits of good governors. Again, Petronius is an exception – Josephus is at pains to show that Petronius’ resistance to carrying out Gaius’ plan entails no lack of loyalty. Here Josephus makes sure to confirm the loyalty of a governor he views with favor when that loyalty might be questioned. This may also be the case with Vitellius, who does not hesitate to swear allegiance to Gaius when he learns of Tiberius’ death.

Reform and benefaction do not prove to be important themes for Josephus. He portrays Gabinius as a reformer and a benefactor, and refers to Vitellius’ tax abatement and return of the high priest’s robes as benefactions. He claims that Albinus seemed a benefactor next to Scaurus. Otherwise, Roman governors’ role as benefactors and reformers is given scant attention.

Florus demonstrates many of the characteristics that Josephus critiques in previous governors. He is cruel, dishonest, and greedy, and he is guilty of corruption, robbery, and rendering unjust verdicts. By his inaction he allows violence to break out in Caesarea, and he even tries to provoke violence in Jerusalem. He is ineffective when he attempts to use the military forces under his command to plunder the temple and ends up retreating instead. Josephus’ depiction of Florus is the most tendentious portrait of a governor in his histories and resembles Philo’s portrait of Flaccus in both tenor and style more than do his other portraits of governors.

Issues and Concerns

Josephus’ portraits of governors include some distinct themes that are repeated throughout his historical works. One of the most prominent concerns is the sanctity of the
Jerusalem temple. Favorable portraits of governors often involve some show of respect and devotion toward the temple. Sosius dedicates a crown there, Vitellius leaves his army on the march in order to sacrifice there (in a manner appropriate to a Gentile), and the tribune Neopolitanus, serving as a foil for Florus, displays reverence toward the sanctuary. Petronius expresses his dismay at the risk of sacrilege to the temple. As one might expect, governors who despoil or encroach upon the temple treasury, such as Crassus, Pilate and Florus are never viewed favorably by Josephus. Nor does Josephus ever depict any display of reverence toward the temple by a governor whom he regards unfavorably. Suetonius notes that Augustus’ grandson Gaius did not offer prayers in Jerusalem when he passed by Judea, a slight for which he was praised by his grandfather (Aug. 93). The possibility of such slights in real life made Roman leaders’ pious behavior all the more effective as a means of praise in narrative.

The related concern of respect for Jewish traditions is not as pervasive a theme as concern for the temple, but it does become prominent at certain points. Sensitivity about the violation of traditions first becomes an issue with Pilate. Vitellius’ and Petronius’ respect for Jewish sensitivities about ancestral custom provides a contrast to Pilate’s behavior, and in War Josephus credits the peaceful state of the country under Fadus and

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730 According to Mader (Politics of Historiography, 131n52), “Respect for the sanctity of the Temple is the touchstone in Josephus’ assessment of Jews and Romans.” On the impression made by the visits of Roman dignitaries, see Hadas-Lebel, Jerusalem Against Rome, 52-54; and on reverence for the temple as a confirmation of Roman pietas, ibid., 372-74.

731 However, Pompey presents an egregious exception to the principle: Josephus excuses him for his invasion of the holy of holies, noting that he left the temple treasures untouched and ensured the purification of the temple and resumption of sacrifices οὐδὲνὸς ἡματο ἀνεύθεται ἡλλὰ κἀν τούτῳ ἄξιος ἔμπραξεν τής περὶ αὐτοῦ ἀρέτης (Ant. 14:72; cf. War 1.253, where the commendation is linked not to his treatment of the temple but to his mild treatment of the people – ὀπερ ἦν προσηκόν ἄγαθος στρατηγὸς τον λαὸν εὐνοίᾳ πλέον ἢ δέξι προσηγάγετο). Fadus may also be considered an exception: in Antiquities Josephus portrays his abortive attempt to bring the high-priest’s vestments back under Roman control, yet still praises him for his efforts against bandits.
T. Alexander to their conservative policy toward the Judeans’ ancestral traditions. Violations of Jewish sensibilities again becomes an issue under Cumanus, this time because of the behavior of individual soldiers. After Cumanus, however, banditry and social unrest become the central issues in Judea, and subsequent governors no longer run afoul of the masses due to Jewish sensitivities about the law (unless Florus’ requisition of money from the temple should be viewed in this light).

Law and order is a prominent concern in Josephus’ account of first century Judea. Governors who garner Josephus’ esteem are usually successful at maintaining peace in Judea: Josephus praises Fadus for this achievement, and he describes Festus as effective in *War* (but not so clearly in *Antiquities*). Quadratus restores the peace that Cumanus had allowed to be disrupted. These governors act assertively and aggressively against bandits and other troublemakers. By contrast, Josephus criticizes Cumanus for allowing violence to spread in the countryside through lack of forceful action, and Albinus (particularly in *War*) for his complacency toward bandits and assassins. The worst governors (e.g., Florus) are actually bought off by the bandits. Florus actually encourages the outbreak of violence in Caesarea by leaving the city at a dangerous time. Unrest in the country does not always correlate with an ineffective governor, however. In *War*, conditions grow worse under Felix despite his policies, not because of them. Still, Josephus must state this explicitly, as the normal assumption would be otherwise. Pilate is a mixed case: his policies bring about unrest among the populace on occasion, but he always succeeds in dispelling it.

Corruption is a pervasive concern from the first Roman governor to the last. Scaurus accepts a bribe from Aristobulus, Bassus extorts money from Antigonus. In
Antiquities, Cumanus is bribed by the Samaritans; in War, Albinus receives bribes from the powerful for not interfering with them, and Florus takes a bribe in bad faith from leading Jews in Caesarea. In contrast, governors whom Josephus esteems are never portrayed as accepting money or gifts. Particularly noteworthy is the way Josephus avoids carrying over possible references to bribe-taking by Gabinius from his sources. In the case of Sosius, the corruption of his predecessors (Ventidius and his generals, Silo and Machaerus) serves to emphasize his virtue as a governor who is not bought off by the opposition. In contrast, Felix is the only governor criticized for corruption of a sexual nature, over his relationship with Drusilla. While many governors are criticized for πλεονεξία, only Felix is criticized for ἐπιθυμία.  

Josephus sometimes critiques governors for cruelty or harsh treatment of their province. Most often the issue is excessive use of force in response to civil unrest. In Antiquities (but not in War), Josephus accuses Felix of excessive cruelty toward the Jews in Caesarea, and he clearly considers Florus’ use of force in Jerusalem excessive. Governors whom Josephus looks upon favorably are distanced from the excessive violence accompanying their intervention. Thus Josephus distances Sosius from the effects of the sack of Jerusalem, and Varus from the fire and slaughter accompanying his campaign in Judea. On the other hand, sometimes violence that seems excessive to modern readers does not appear to earn Josephus’ disapproval. He gives signs of

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732 Except when ἐπιθυμία is linked to πλεονεξία, as in the phrases πλεονεξίαν ἐπιθυμίας (Sabinus, Ant. 17:253) and ἐπιθυμία κέρδους (Florus’ soldiers, War 2:305).

733 In contrast, Josephus rarely complains about governors’ taxation of Judea. On two occasions excessive monetary exactions come in for criticism. Josephus narrates the effects of Cassius’ demands in some detail, and in War excessive taxation is among the accusations Josephus makes against Albinus. Florus’ request for money from the temple could be a third example, but Josephus does not say that it is tax-related, and he alleges that whatever the stated purpose, the money was really for Florus’ personal use.
approving the governors’ violent suppression of the false prophets and their followers.
Thus it is difficult to be certain about his attitude toward Pilate’s use of force on an
unruly crowd in Jerusalem or against armed Samaritans gathering in expectation of a
religious revelation.

Josephus’ concerns reflect both the particular context of which he writes and a
broader, more pervasive discourse. Piety toward the temple and respect for the Judeans’
traditions is a dominant issue because the Judeans and Romans had such distinct religious
differences and thus much potential for conflict and misunderstanding. As a result,
ευσεβεία is an important quality in a governor. Other concerns and characteristics
represent more universal themes, however, such as corruption, looting, abuse of power,
and complacency.

View of Rome

Josephus is quite aware of the problem of corruption and malpractice among
Roman governors. Not only does he know that some governors are corrupt, but he also
knows that the Romans themselves recognize the problem: he relates Tiberius’ analogy
between governors and flies, which both become less odious once they have been sated.
This cynical proverb suggests that corruption is endemic to the system, and even a well-
meaning emperor can do nothing more than limit its effect. However, Tiberius’ policy,
though cynical, is benevolent, its purpose to limit abuses. Thus the foibles of governors,
however systematic and endemic, do not represent Rome as a whole, represented by the
emperor, but only the failings of individuals within the system. On the other hand,
Josephus also presents portraits of admirable governors who are both loyal to the emperor
and concerned about the population under their charge (e.g., Petronius). This variety of
representations bears out his contention, placed in the mouth of Agrippa II, that the best response to a bad governor is to wait for a better one. Roman rule is not perfect, but neither is it inevitably abusive.\textsuperscript{734}

At the same time, Josephus shows an interesting similarity to Tacitus in his basic view of Roman preeminence. He sees it as the opposite of freedom. Agrippa’s speech, probably the most egregious case of apologetics for the empire in either work, makes his case based solely on Roman power. He does not pretend that Roman rule does not mean slavery but argues that in not resisting it from the start the Judeans have agreed to its terms and are not within their rights to change their minds. He does not attempt to portray the Romans as benefactors or to preach the benefits of Roman control. Josephus’ portraits of governors show a similar trend – in only a few cases does he portray them as benefactors to the nation. His expectations of governors are first to do no harm (by not interfering with the ancestral customs), and second to defend the moderate citizens against bandits and terrorists.

Josephus’ portrayal of the Roman entry into Judea is interesting in this regard. He portrays Judea as subject to civil strife, a conflict the Romans ended by choosing sides, though not without a period of internecine war and bloodshed including the sack of Jerusalem. In this sense, Josephus portrays the entry of Rome into Judea in a way similar to the way Civilis in Tacitus’ \textit{Histories}, portrays the Romans’ first entry into Gaul. Yet Josephus’ account affirms what is denied by Civilis – that the Romans came because of greed. In reality, Scaurus, the first Roman to enter Judea, is clearly motivated by greed.

\textsuperscript{734} Cf. Moehring, “Joseph ben Matthia and Flavius Josephus,” 898: “Josephus… carefully distinguishes between ‘Rome’ and her true representatives, such as C. Iulius Caesar, Octavian Augustus, Vespasian and Titus, and corrupt or criminal individuals who because of their avarice and ambition endangered the welfare and… even the very existence of the empire.”
and only sees the civil strife in Judea as an opportunity for gain, not as an evil to be remedied.

On the other hand, Josephus does not complain about the ordinary course of Roman rule – he does not bemoan the burden of Roman taxes or the behavior of Roman soldiers and officials, except in certain egregious cases. The focus on these exceptional cases implies that under ordinary circumstances Roman occupation, administration, and taxation is relatively benign. For example, the fact that Albinus is accused of excessive taxation implies that the abuse is specific to him and that the complaint does not apply to his predecessors. The episodes with Pilate and Cumanus imply that the presence of Roman soldiers in Jerusalem, even around the temple itself, is not offensive as long as certain principles are respected and deliberately insulting behavior is avoided. As far as Josephus is concerned, the Romans can be as brutal to the followers of false prophets and fomenters of unrest and inter-ethnic strife as they wish, as long as they are not brutal toward Jewish equestrians and other respectable elites or to the ordinary populace of Jerusalem.

Josephus’ stance seems to be one of acceptance but not enthusiasm. He is fully aware of the extent of Roman power, the impossibility of resistance. He represents the Romans at their best as clement and desirous not to cause undue harm, but not as saviors. He does not buy in to myths of origin that present the Romans as bringers of peace and prosperity to lands subject to internal strife and external threat.735

735 Thus pace Moehring, the words of Nicolas’ speech to Marcus Agrippa (Ant. 16.36, 38) on the blessings of Roman protection cannot simply be accepted as an expression of Josephus’ own position (op. cit., 898-99). Nor is it true that “if the Romans have to take oppressive measures, they do so only because they have been forced to…” (899). Of course Moehring is correct to say that this is the main thrust of Josephus’ portrayal of the Judean War, but this does not accurately describe all instances of Roman “oppressive measures” in Josephus’ histories. Josephus portrays avaricious and exploitative Romans, or Roman offenses to and repression of Judean ancestral customs and autonomy, just as readily as he portrays
The next chapter concerns Luke’s portrayal of Pontius Pilate. Like Josephus’, Luke’s portrait of Pilate is lacking in biographical content – Luke’s sole interest in Pilate is in his role in Jesus’ story. Luke also eschews direct characterization, as Josephus tends to do in his histories. However, despite its sparseness and indirect characterization, Luke’s portrait yields recognizable characteristics and concerns that contribute to a portrait of Pilate that has a definite slant.

virtuous and respectful Romans. In this context Nicolaus’ praise for the Romans for permitting “people in every country to live and prosper while respecting their own ways (τὰ οἰκεῖα τιμῶσιν)” (Ant. 16:36) must be understood, not as Josephus’ characterization of Roman rule as such, but of Roman rule as it can be and should be.
CHAPTER 4

AN AGENT OF ROME IN THE GOSPEL OF LUKE: PONTIUS PILATE

Pontius Pilate stands apart from the other Roman governors featured in Luke-Acts. A key figure in the story of Jesus, Pilate is an important character in all of the

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736 His praenomen is not known. The usual dating of his tenure, 26-36 C.E. (e.g., see Schürer, 1:383; Smallwood, Jews Under Roman Rule, 160; and eadem, “The Date of the Dismissal of Pontius Pilate from Judea,” JJS 5 [1954]: 12-21) is based on Josephus’ report of a ten-year term of service that must have ended shortly before the death of Tiberius in March of 37 (Ant. 18.89) and of an 11-year term served by his predecessor, Valerius Gratus, whom Tiberius appointed soon after his accession (14 C.E.; see Ant. 18.35). However, D. R. Schwartz argues for a term beginning in 19 C.E. in “Pontius Pilate’s Appointment to Office and the Chronology of Josephus’ Antiquities, Books 18-20,” in Studies in the Jewish Background of Christianity (Tübingen: Mohr Siebeck, 1992), 182-201.

His name appears in an inscription discovered in Caesarea in 1961 and initially published by A. Frova: “L’Iscrizione di Ponzio Pilato a Cesarea,” Accademia di Scienze e Lettere, Rendiconti. Classe di Lettere e Scienze, morale e storiche (Milan, 95, 1961), 419-34; French translation by A. Calderini: “L’inscription de Ponce Pilate à Césarée,” Bible et Terre Sainte 57 (1963): 8-14. It reads … STIBERIÉUM / … NTIVSPILATVS / … ECTVSIVDA … E, from which it is possible to restore, “… s Tiberiéum / … Pontius Pilatus / … Praefectus Iudaeae.” A fourth line is wholly lost save for an apex that most likely belonged to a word like “dédit,” “fécit,” or “dedicavit” – numerous proposals have been advanced. The term “Tiberiéum,” otherwise unattested, is taken by some to refer to a temple (or some other structure serving the same purpose) dedicated to Tiberius; alternative suggestions have been made as well. See the literature cited in C. Lehmann and K. Holm, The Greek and Latin Inscriptions of Caesarea Maritima (Joint Expedition to Caesarea Maritima Excavation Reports 5; Boston: ASOR, 2000), 67-70 and plate XXXVI, and especially E. Stauffer, Die Pilatusinschrift von Caesarea Maritima (Erlanger Universitätssreden NF 12; Erlangen: Universitätsbund Erlangen, 1966); Lémonon, Pilate, 31; M. Bernett, Der Kaiserkult in Judäa unter den Herodiern und Römern (Tübingen: Mohr Siebeck, 2007), 209-14; and G. Alföldy, “Pontius Pilatus und das Tiberium von Caesarea Maritima,” SCI 18 (1999): 85-108.


canonical gospels, and Luke derived elements of his portrait of him from the Gospel of Mark and from an ongoing oral narrative tradition to which the elaborations in Matthew and John also bear witness. Thus in representing Pilate, Luke is more obviously in dialogue with an older tradition than is the case with the governors he portrays in Acts.

In addition, whereas in Acts the governors appear only at the point at which they feature in the plot, Pilate’s presence in Luke’s literary work extends far beyond the Passion Narrative. Pilate is already in command of Judea when Jesus begins his ministry (3:1-2), and while Jesus is still preaching in Galilee anonymous sources bring him word from Jerusalem that Pilate has killed some of his countrymen (13:1). Well before Jesus is arrested Luke intimates his adversaries’ plan to bring him on charges before the governor (20:20). In Acts, early Christian leaders recall Pilate’s role in Jesus’ crucifixion in their community prayer (4:27-28) and missionary preaching (3:13, 13:27-28).

This chapter will consider Luke’s portrait of Pilate in light of the portraits found in Matthew, Mark, and John. The analysis will include an examination of Luke’s use of sources and the interests he shows in adapting those sources. The findings here can illuminate the tendencies exhibited in Luke’s portraits of governors in Acts, where Luke’s source material is not available to us. As with the narratives studied in chapters 2 and 3, Luke’s conception of Pilate will be evaluated in terms of techniques of


737 This is not to deny that Luke may have been influenced by traditions unknown to us in his portrayal of the governors in Acts, but simply to affirm that we know much more about the traditions that influenced Luke’s portrait of Pilate.
characterization, characteristics, issues and concerns, and the view of Rome implied by or reinforced by the author’s characterization of Rome’s representative.

Examination of the narrative reveals that Luke’s portrait of Pilate is ambiguous and complex. On the one hand, he can be a sinister figure. The reference to his brutality midway through Luke’s gospel (13:1) enhances the reader’s anticipation of his role in the death of Jesus. Likewise, early in Acts he is pictured as a co-conspirator with Herod Antipas and Jesus’ Judean enemies (4:27-28). On the other hand, in the Passion Narrative itself Luke’s rhetorical designs lead him to present Pilate as a more restrained governor who is not hostile toward Jesus and does not wish to condemn him unjustly. Even in this part of his portrait, however, Luke does not present Pilate as an exemplary governor but as one who is controlled by those he is supposed to rule.

Source- and redaction-critical analyses suggest that Luke depends primarily on Mark’s account of the passion, even though he makes extensive modifications to it. Luke’s redactional interventions, though probably based in part on other (oral) traditions known to him, do allow us a glimpse of Luke’s own interests and concerns. Luke is particularly concerned with the Roman trial, especially the Roman recognition that Jesus is innocent of the accusations against him. He is reluctant to portray Roman brutality toward Jesus and is reticent about the fact that a Roman governor condemned Jesus to death, preferring to emphasize the initiative of Jesus’ Judean opponents. On the other hand, he does not find it necessary to portray the Roman authority treating Jesus with respect or to excuse Pilate for rendering a verdict he knows is unjust.
4.1 Pilate Before the Passion Narrative

4.1.1 Pilate Introduced (Luke 3:1-2)

The Gospel of Luke first mentions Pilate in the synchronism that introduces the ministry of John the Baptist (Luke 3:1-2). Pilate is the first in a list of those in power in the region in the fifteenth year of Tiberius, followed by the tetrarchs Herod (Antipas), Philip, and Lysanius, and the high priests, Annas and Caiaphas.\(^{738}\) The synchronism outlines for the reader the political geography of that place and time: a Roman governor “rules” (ἡγεµονεύων) Judea,\(^{739}\) while the territories to the north and east remain under Roman client kings.\(^{740}\) Herod Antipas is the first of these mentioned; the fact that he is a colleague of Pilate’s will become significant during Jesus’ trial (Luke 23:6-12, 15).\(^{741}\)

The verse tells the reader nothing about Pilate beyond the fact that he was governing Judea at the time of the beginning of John’s (and Jesus’) ministry. However, the reader who knows the story in broad outline will recognize Pilate as the man who will

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\(^{738}\) It is probably an indication of the prestige and influence of Annas that he is remembered as high priest alongside his son-in-law, Caiaphas, the actual holder of the office at the time.

\(^{739}\) Luke uses a general term, the same one he uses in noun form to denote Tiberius’ imperium. In contrast, he uses a specific term (τετρααρχόν) for Herod, Philip, and Lysanius. Helen Bond suggests that the proximity of Pilate’s name to Tiberius’ serves as a reminder that he is the emperor’s representative in Judea (Pilate, 150). On the other hand, the verb ήγεµονεύω emphasizes Pilate’s independent power.

\(^{740}\) Literally “tetrarchs” (Luke uses the correct term), but the distinction is more one of rank and status than of authority (note the association of Antipas with “the kings of the earth” in Acts 4:26-27). Like client kings, the tetrarchs had full authority over internal affairs (at least in theory). They issued their own coins, presided over the courts (with capital jurisdiction), and maintained military forces for purposes of internal security, but were allowed no independent foreign policy. See D. C. Braund, Rome and the Friendly King: The Character of Client Kingship (New York: St. Martin’s Press, 1984), 123-28 (coinage), 91-94, 115-16 (military forces), 66-67 (Roman influence on). Braund treats Herod Antipas and his half-brother Philip as examples of “friendly kings,” despite their lack of the title (to my knowledge he nowhere actually defines the category). On the importance of the title and associated status see Josephus, Antiquities 18.240-44, esp. 243.

ultimately determine Jesus’ earthly fate. Even as Jesus begins his ministry, the stage is already set for his death, for the powers who will collude in his murder (cf. Acts 4:25-28) are already on the scene.

4.1.2 The Killing of the Galileans (Luke 13:1)

Pilate’s name next appears when unidentified informants (τινες) tell Jesus that the governor has killed some Galileans in Jerusalem (Luke 13:1). The use of the verb ἀπαγγέλλω (to announce, to report, to bring tidings) with the phrase “at that very time” (ἐν αὐτῷ τῷ καιρῷ) suggests that within the context of the story the information is news, yet the use of the definite article to refer to these Galileans implies that the audience is expected to know of them already and thus about the incident in question. The lack of any further information about the slaughter is in keeping with this presumed knowledge on the part of the audience.

742 Scholars have proposed a variety of incidents recorded by Josephus. See J. Blinzler, “Die Niedermetzelung von Galiläern durch Pilatus,” NovT 2 (1957): 32-37; and Joseph Fitzmyer, The Gospel According to Luke (AB 26; 2 vols.; New York: Doubleday, 1985), 1006-7. Such speculation is motivated in part by the sense that, in Fitzmyer’s words, “Given Josephus’ knowledge of Pilate’s other overt attacks on Jews in Palestine, it is difficult to think that this incident would have escaped his attention” (1006). Yet though Josephus is comparatively better informed about Pilate’s tenure than he is about those of his contemporaries, he still relates only a few incidents from a tenure of ten years. Thus Blinzler is right to conclude that the incident alluded to here could easily have been either unknown to Josephus or deemed unworthy of comment.

743 That is, the implied author expects the implied reader to know of the incident. It seems unlikely that Luke would really have expected his readers to know about an incident that occurred in Jerusalem 40 years or more earlier. One wonders if Luke himself knew anything about the matter. The saying of Jesus may derive from an earlier source – certain words suggest that the Greek is a rendering from Aramaic. Fitzmyer (Luke, 1007-8) notes, for example, παρά as a comparative in vv. 2 and 4 (= Aramaic or Hebrew min) and ὄρισαντα for sinners in v. 4 (= Aramaic hawayāb). Verse 1 is probably redactional: παρῆσαν, ἐν αὐτῷ τῷ καιρῷ, and ἀπαγγέλλω are typically Lukan. See Hans Klein, Das Lukasevangelium (KEK I/3; Göttingen: Vandenhoeck & Ruprecht, 2006), 473n2. But the dependent clause “whose blood Pilate mixed with their sacrifices” (ὅν τὸ αἷμα Πιλάτος ἐμίξεν μετὰ τῶν θυσιῶν αὐτῶν) may have originally stood in verse 2, in parallel with the clause “upon whom the tower at Siloam fell” etc. (ἐὰν ὁ ἐξεσεὶν ὁ πύργος ἐν τῷ Σιλωάμ κτλ.) in verse 4. Luke would have modified his source, constructing verse 1 as an introduction in order to integrate the saying smoothly into his extended narrative. See G. Schwartz, “Lukas XIII, 1-5: Eine Emendation,” NovT 11 (1969): 121-26.
The expression “whose blood Pilate mixed with their sacrifices” (vasive τὸ αἷμα Πιλάτος ἔμιξεν μετὰ τῶν θυσιῶν αὐτῶν) has been taken literally by some to mean that the Galileans were killed in the very act of making sacrifice. Based on such an understanding, Blinzler argues that the incident must have occurred on the day of preparation for the Passover, the only day in which lay people occupy themselves directly with the slaughter of sacrifices. However, the parallels to the phrase in Jewish writings that Blinzler cites demonstrate that it need not be taken literally.

Blinzler notes three parallels. In Midrash Psalms 7:2 (32a), commenting on 1 Samuel 8-10, R. Samuel ben Nachman (3rd generation Palestinian Amoraim, ca. 280) relates that David swore to mix Abishai’s blood with Saul’s if he harmed him. In Exodus Rabbah 19 (81c), when people have themselves circumcised in order to share in the Passover, the blood of the Passover is mixed with the blood of those freshly circumcised. In the third example, Philo (Spec. Leg. 3.91) explains that murderers are not given the right of asylum in the temple lest the friends of the victim, overcome by rage, should enter and slay the supplicant, so that “blood from the sacrifices would be mixed with the blood of the slain, the purified with the impure” (αἷματι ... ἄνδροφοναν αἷμα θυσιῶν ἀνακραθήσεται τὸ τῶν καθωσιωμένον τοῦ μὴ καθαρῷ). The first example demands that the idiom have a literal sense, the third can be understood either literally or metaphorically, but of the second example Blinzler acknowledges that “von einer

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744 At his time, Blinzler was able to write, “Darin ist sich die Forschung auch weithin einig” (“Niedermetzelung,” 31).


wirklichen Vermischung des Blutes kann hier keine Rede sein” and concludes that the expression merely presumes “dass bei ein und derselben Gelegenheit Blut von verschiedenen Körpern vergossen wird.”

It is not necessary to conclude from these references, as does Blinzler, that the killing must have happened during the actual performance of the sacrifice. We have in the second citation above an example of a rhetorical use of the phrase, used to emphasize the proximity of two events that were really separate. By analogy, the expression in Luke 13:1 can be understood as a hyperbolic way of communicating that the Galileans had gone to Jerusalem to sacrifice and were killed by Pilate on that occasion. One can readily imagine possible scenarios: the Galileans were involved in a disturbance that Pilate’s troops quelled with deadly force, or they were condemned by the governor on suspicion of sedition. Given Josephus’ silence regarding any such slaying, it is preferable to see behind the expression a comparatively mundane event communicated with a “rhetorical flourish” rather than a violent and bloody disruption of the Passover observances.

Whatever series of events are referred to, the “rhetorical flourish” emphasizes Pilate’s responsibility for the slaying and makes it out to be a savage and sacrilegious

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747 This and the preceding quote from Blinzler, “Niedermetzelung,” 29.


749 Derrett (“Galileans,” 103) points out that in Josephus’ War 2.30 Archelaus’ enemy Antipater uses a similar expression to describe to Caesar the results of the attack that Archelaus had ordered on the temple during Passover: ἔληλυθεν μὲν ἐφ’ ἐστήν παρὰ δὲ ταῖς ἱδίαις θυσίαις ὀμῶς ἀπεσφάχθαι. Josephus’ own description of the event seems to have absorbed the rhetoric: Archelaus’ soldiers θύουσιν ἕκαστος ἐξαίρεσις προσπεσοντες διαφθείροισι κτλ (War 2.13). In Antiquities 17:217-18 he is more circumspect.

750 Cf. Paul Winter, On the Trial of Jesus (2nd ed.; Berlin: Walter de Gruyter, 1974), 176n9: “Any desecration of the Temple area in Pilate’s time by the invasion of Roman troops would not have passed unnoticed by Josephus.”
Luke does not distance himself from this strong language by placing it in direct or indirect discourse, which would leave open the possibility that he is only adopting the terms the messengers used in their announcement. Rather, this is his description of the event about which the anonymous messengers informed Jesus. Luke is therefore liable for the terms in which he has done the summarizing. Though he may not have composed the statement and may not have been familiar himself with the event to which it refers, in transmitting the pericope as he does, he takes authorial responsibility for the language.

Luke’s casual reference to Pilate’s brutality without further comment raises questions about how he expected his readers to respond. Did he expect his readers to be shocked by such violence from a provincial governor? Apparently not: he makes no authorial comment on the incident and quickly moves on to Jesus’ response. Such brutal suppression of provincials may have been something Luke expected his audience to be familiar with from other sources or from their own experience. Pilate’s relative obscurity as the equestrian governor of a small province half a century or more before the time of Luke’s writing made him an available target for any kind of disparagement. It is even possible that Luke knew Pilate as his contemporary Josephus knew him: as a governor remembered for his willingness to use force against opponents of his policies. If Luke could count on that kind of audience recognition of the name Pilate, he might have anticipated that his audience would not be unprepared for such a brief and unanticipated reference to Pilate’s violence.

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751 As Bond puts it, Luke’s “gruesome Greek expression… suggests a barbaric slaughtering in the same way that the sacrificial victims themselves have just been killed” (*Pilate*, 151).
The intentions of those bringing the incident to Jesus’ attention have been a subject of debate.  

Whatever the case, given its hostility to Pilate the statement invites a political response, either in condemnation or defense of the governor. Jesus, however, demurs from making such a response; he makes the tragedy an object lesson on the need for repentance. By paralleling Pilate’s atrocity with an accident (the collapse of a tower) and by making the issue the guilt or innocence of the Galileans, not of Pilate, Jesus (and Luke) deftly avoids addressing the political ramifications of the killing. Thus the remainder of the pericope does not help the reader draw any conclusions about Pilate beyond the impression made in 13:1. Luke has chosen to represent Pilate as acting in a brutal and sacrilegious manner but demurs from narrating any moral evaluation by Jesus. However, Jesus’ response does have some implications with political ramifications. By comparing the Galileans’ fate to the fate of victims of an accident, Jesus implies that they were innocent bystanders who were killed simply because they were in the wrong place at the wrong time, not because of any particular crime they had committed. Indeed, the lesson Jesus draws from their deaths depends on the understanding that these Galileans were no more guilty than any other Israelite and had not committed any crime to bring upon themselves the treatment Pilate meted out to them. Thus Jesus’ response implies that the Roman governor killed people who were not guilty of any crime against Rome – or at least no crime that Jesus and his audience would recognize as a sin. This implication confirms what Luke’s audience may have already surmised about Pilate’s brutal and sacrilegious act – that it was unjust.

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752 Possibilities include an attempt to elicit Jesus’ support for the opposition to the Romans, or an attempt to trap him in anti-Roman statements, or simply an interest in theodicy (Blinzler, “Niedermetzelung,” 26).

Jesus’ rhetoric also has theo-political implications. The use of the massacre to call for national repentance suggests that the Romans can function as an instrument of God’s judgment by punishing the wicked. However, the Romans serve God’s justice in the same way as does a falling tower: they mete out God’s justice indiscriminately, not solely to the most deserving. At least in this instance, they are not understood to serve God by doing justice, but because their depredations serve as an instrument of God’s wrath. Luke’s audience may hear Jesus’ warning as a prophecy about the fall of Jerusalem and the destruction of the temple. If so, Luke is interpreting the event much like Josephus did. Indeed, for Luke and his readers the image of Pilate killing those bringing sacrifice may call to mind such scenes as Josephus depicts in War 5.14-18, 6.259.


4.2.1 Prolegomena

A Note on Luke’s Use of Sources

Luke’s use of Mark as a basis for his gospel is widely accepted, and we can surmise that he had Mark at his disposal for his account of Jesus’ trial and death as well. However, Luke departs from Mark more radically here than he does elsewhere. Luke adopts much of Mark’s vocabulary and phrasing elsewhere, whereas in the Passion Narrative he departs widely from it. Luke usually preserves the order of events from

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Mark, inserting blocks of material from his other sources (Q and L) into the Markan framework. Here he alters the order and context of events and enhances the narrative with a large amount of his own material. Some have attributed these departures in whole or in part to Luke’s use of a second written source. Though it is impossible to prove that such a source did not exist, the evidence has not convinced all scholars.

It is beyond the scope of this dissertation to examine Luke’s use of sources for the whole of his passion narrative, but I will be attentive to evidence of Luke’s sources in my analysis of Luke’s version of Jesus’ trial. In my estimation, Luke’s presentation of Jesus’ trial can best be explained as a creative retelling of Mark’s account, based in part on

Note especially the judgment of Jeremias: while Luke is usually faithful to Mark’s order, the Markan material in the crucifixion story (Luke 22) is “durcheinandergewirbelt” (“Perikopen-Umstellungen bei Lukas,” NTS 4 [1958]: 115-19; cited in Taylor, Passion Narrative, viii).


Luke’s particular conceptions and concerns and in part on his knowledge of differing versions of the story of Jesus’ trial and death through the living oral tradition of his own day. Luke composed his additional material in order to meet his own needs, sometimes inspired by traditions known to him, sometimes simply by creative guesswork.

The Scope of the Trial Narrative

Although Luke’s account of Jesus’ trial before Pilate begins when Jesus is brought before the governor (23:1), the Lukan trial narrative is larger in scope – it includes not only the interlude of Jesus’ hearing before Herod (23:8-12) but also the prelude of Jesus’ hearing before the Judean senate prior to the trial (22:66-71). I argue below that, unlike Mark, Luke does not present two entirely separate trials of Jesus, one Jewish and one Roman, but a continuous process with four interrelated parts. The hearing before the Judean senate culminates in charges being brought against Jesus before Pilate; Pilate’s examination leads to a transfer to Herod Antipas, and Herod defers to Pilate’s tribunal for the final decision. Though the hearings before Pilate offer the most material relevant to Pilate’s characterization, the other parts of the trial narrative contribute to understanding Luke’s view of Jesus’ trial. Therefore, the analysis below takes into consideration all four parts of the trial, not just those directly before Pilate.

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759 I employ “senate” (or “council,” for variation) as a translation of Luke’s term πρεσβυτέριον. See further below.

4.2.2 Scene 1: Jesus before the Judean Senate (Luke 22:66-23:1)

Following Jesus’ arrest by the chief priests, temple officers, and councilors (22:47-54) and his overnight detention at the house of the high priest (22:54-65), Luke describes a hearing before the Judean senate (τὸ πρεσβυτέριον τοῦ λαοῦ, 22:66). Luke’s debt to the Markan trial scene is obvious. As in Mark, Jesus is asked if he is the Christ (σὺ εἶ ὁ χριστὸς, 22:67; cf. Mark 14:61), though by the whole council, not just by the high priest. As in Mark, Jesus’ response includes a saying about the Son of Man seated at the right hand of God (Luke 22:69, cf. Mark 14:62). As in Mark, the trial concludes when Jesus’ opponents judge that he has incriminated himself, a conclusion that they express in very similar terms (Luke 22:71, cf. Mark 14:63). Given Luke’s copious use of Mark, the extent to which he reframes Mark’s account is remarkable. In Luke, the trial takes on a wholly different character. It is, in fact, not a trial but an interrogation held in the council chamber (τὸ συνεδριον) at the beginning of the day (Luke 22:66). The council does not hear witnesses but simply

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761 Luke adds an exegetical τοῦ θεοῦ to Mark’s τῆς δυνάμεως.

762 Mark: τί ἔτι χρείαν ἔχουμεν μαρτύρον; ἥκωσατε τῆς βασανισμάς (14:63b-64a); Luke: τί ἔτι ἔχεις περιμέναν τὴν δοθήται τῷ συνεδρίῳ; ἀλλ’ ἐὰν ἦτε ἡκούσαμεν αὐτῆς τοῦ στόματος αὐτοῦ (22:71). Luke alters Mark’s μαρτύρον, “witnesses” to μαρτυρίας, “testimony,” because in his version there have been no witnesses. He also drops Mark’s reference to blasphemy. The focus remains on the political.

763 Though συνεδριον is Luke’s usual term for the Jerusalem council (Acts 4:15; 5:21, 27, 34, 41; 6:12, 15; 22:30; 23:1, 6, 15, 20, 28; 24:20), Luke has Paul use the term πρεσβυτερίον in his speech to the crowd following his arrest in Jerusalem (Acts 22:5). Thus it is unnecessary to posit an earlier source to explain the change from Mark here. Rather, Luke wants to depict Jesus being taken from the house of the high priest to the meeting place of the council. He thus employs the term συνεδρίον to designate the council chamber and must refer to the council itself with a different term (D. R. Catchpole, The Trial of Jesus: A Study in the Gospels and Jewish Historiography from 1770 to the Present Day [Leiden: Brill, 1971], 192). On Luke’s use of συνεδριον as a place, both here and in Acts, see Catchpole loc. cit.; Winter, Trial, 27-28; Matera, “ΠΡΕΣΒΥΤΕΡΙΟΝ,” 520n15).

764 ὡς ἐγένετο ἡμέρα. The phrase is distinctively Lukan, and may represent Luke’s revision of Mark 15:1, Καὶ εὐθὺς προῆ (Green, Death, 69, contra Catchpole, Trial, 186-190). If so, Luke uses Mark’s notice of a second council meeting in the morning as a jumping off point for his own version of the council hearing, altering the Markan list of participants (elders, chief priests, and scribes) to “senate, both chief
examines Jesus directly. Luke has removed from Mark the accusation that Jesus spoke against the temple (14:57-59) and the accusation of blasphemy (14:63). As a result, in Luke’s version the council only addresses accusations relevant to the charges they will bring against Jesus before the governor.

Thus the function of the hearing is not to convict Jesus of a crime, but to get him on record as making a Messianic claim in order to accuse him before the governor. As soon as the council members believe Jesus has incriminated himself, they take him to the Roman tribunal (22:71–23:1). The council does not issue a verdict of death, as in Mark. The Markan conclusion to the trial, “and they all condemned him as deserving death” (οἱ δὲ πάντες κατέκριναν αὐτὸν ἐνοχὸν εἶναι θανάτου, Mark 14:64), has been replaced by “and the whole multitude of them got up and took him to Pilate” (Luke 23:1). Thus Jesus is not bound, and Luke does not use the Markan παράδωκαν – that would have been inappropriate here, since the council members are not handing Jesus into Pilate’s custody as someone already condemned by them but are bringing Jesus before priests and scribes.” See further below. Matera points out that the process of holding a prisoner overnight to await an early morning gathering of the council conforms to Luke’s conception elsewhere, e.g., Acts 4:3-5, 5:18-21, 22:30 (“ΠΡΕΣΒΥΤΕΡΙΟΝ,” 524).


767 The chapter division at 23:1 obscures the smooth transition between council hearing and deposition before Pilate. Luke places Mark’s account of Jesus’ mistreatment by his Jewish captors before the hearing, so that it does not interrupt the flow from council chamber to bema or give the impression of any verdict having been rendered. See Erica Heusler, Kapitalprozesse im lukanischen Doppelwerk. Die Verfahren gegen Jesus und Paulus in exegetischer und rechthistorischer Analyse (NTA.NF 38; Munster: Aschendorff, 2000), 46.
the governor to press charges against him. They act, not as a local court appealing to the governor for a confirmation of their verdict, but as a group of delatores bringing the accused before a tribunal to answer to their charges.


In addition, Luke has extensively reworked the dialogue between Jesus and the council. In Mark, Jesus openly confesses to being ὁ χριστὸς ὁ υἱὸς τοῦ εὐλογητοῦ with the words ἐγὼ εἰμι (14:61-2). Luke’s Jesus is much more circumspect: he refuses to

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768 ἐγαγον αὐτὸν ἐπὶ τὸν Πιλᾶτον. Luke also uses the word ἐγαγον to describe Paul’s being brought on charges before Gallio (Acts 18:12).

769 For a similar analysis, see Tyson, “Lukan Version,” 254-55; and idem, The Death of Jesus in Luke-Acts (Colombia: University of South Carolina Press, 1986), 127-29. Paul Walaskay misses this point when he argues that Luke sets out to present a Jewish trial without any semblance of legitimacy in order to make a contrast with the Roman trial – see “The Trial and the Death of Jesus in the Gospel of Luke,” JBL 94 (1975): 83. Heusler argues even further that Luke conceives the council hearing as a part of the Roman trial (Kapitalprozesse, 45-46), but if that is the case it is hard to see why the interrogation only addresses one of the charges that will be brought to Pilate.

For an opposing view, see Catchpole, Trial, 202; he argues that the terms employed (τὸ πρεσβυτέριον τοῦ λαοῦ, τὸ συνέδριον αὐτῶν), the reference to testimony (μαρτυρία), and the statements in Luke 23:51 (Joseph had not agreed τῇ βουλή καὶ τῇ πράξει αὐτῶν) and Acts 13:27 (κρίναντες) all suggest a formal trial. Though some of these terms suggest a formal meeting of the council, none require a formal trial. As we have seen, Luke uses μαρτυρία to replace Mark’s reference to witnesses, since the only testimony the senate has heard has been from Jesus himself. It is certainly not true that “Acts 13.27 κρίναντες plainly shows that Luke believed that a verdict had been passed on Jesus,” since the next phrase reads μηδεμίαν αὐτῶν θανάτου εὑρόντες (Act 13:28); cf. Matera, “ΠΡΕΣΒΥΤΕΡΙΟΝ,” 519n10.

Jerome Neyrey, noting that the Jewish council “is fuller and more representative than in Mark’s account” and that Luke has removed “irregular” elements such as the night proceeding and the suborned witnesses, insists that “the procedure in Luke’s narrative is legal,” adding that “it suits Luke’s purpose to describe a solemn, valid, and formal trial of Jesus by Israel”; see The Passion According to Luke: A Redaction Study of Luke’s Soteriology (New York: Paulist, 1985), 71. Had this been Luke’s purpose, he surely would have reported a verdict. Neyrey is correct that Luke’s fuller and more representative gathering suits Luke’s purpose of implicating all of Israel in Jesus’ death, but that does not require Luke to have depicted the procedure as an actual trial.

770 See Bond, Pilate, 140-41. This feature of Luke explains his omission of much of the material from Mark 14:55-64.
answer the question. Luke partially preserves Jesus’ prophecy about the Son of Man (Luke 22:69, cf. Mark 14:62), but without the preceding affirmation of his identity as χριστός it is not as obvious that this prophecy is meant to be self-referential.

This impression of obscurity is reinforced when the council must ask for clarification: “So, then, you are the son of God?” (σὺ οὖν εἶ ὁ υἱὸς τοῦ θεοῦ; Luke 22:70). In Mark’s version, the high priest had immediately torn his garments, disclaimed any further need for witnesses, and accused Jesus of blaspheming in the hearing of all present (Mark 14:63-64). In Luke there is no such reaction, and further questioning is required because Jesus has not clearly incriminated himself. Once again Jesus is evasive. He responds to the question not with Mark’s “I am” but with the ambiguous “You say that I am” (ὑμεῖς λέγετε ὅτι ἐγώ εἰμι).

Luke leaves out the reference to coming with the clouds (it does appear in 21:27=Mark 13:26). A prophecy of the parousia has been transformed into a prophecy about Jesus’ ascension and session at the right hand of God. In other words, Luke has removed from the prophecy what is future from the point of view of the author and audience; Jesus only predicts what has already occurred by the time of writing (ascension depicted in Acts 1:9, session witnessed to by Stephen, Acts 7:55-56). Note, however, that Jesus’ return from heaven is foreseen by the angels in Acts 1:10-11. The introductory ὁ ποῦ τοῦ νῦν is a frequent Lukan phrase (5x in Luke and once more in Acts) (Soards, Passion, 95).

The change from “Son of Man” to “Son of God” suggests that the former title does not compute for the council members – a further indication that there is no clear claim to messianic status here. Luke has made Mark’s two-part question, σὺ εἶ ὁ χριστός ὁ υἱὸς τοῦ εὐλογητοῦ; (14:61) into two separate questions (Soards, Passion, 85). He has shifted part of the Markan answer (ἐγώ εἰμι) to after the second question, preceded by the crucial υμεῖς λέγετε ὅτι. In its place he has inserted an elaborate refusal to answer.

In this, Luke agrees with Matthew’s σὺ εἶπας (Matt 27:42). The copying of this phrase from the Roman trial into the Jewish may not have been Luke’s invention. Cf. Soards, Passion, 104. In a textual variant of Mark 14:62, ms. Θ and other Caesarean mss. (and Origin) combine the two: σὺ εἶπας ὅτι ἐγώ εἰμί (Taylor, Passion, 82).
this as an affirmative, the expression need not be so understood – Pilate does not interpret the parallel locution “You say [it]” (σὸ λέγεις) as a confession (Luke 23:3-4). Thus in Luke Jesus has not unambiguously claimed before the Judean council to be the Messiah or the Son of God or even the Son of Man.

Some scholars have argued that Luke’s departures from Mark’s account of the trial before the Judean council demonstrate that he had access to a more primitive source. However, aside from Jesus’ words in Luke 22:67b-68, the material does not

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775 On σὸ λέγεις, see BDF para. 441.3. There is a range of opinions among scholars as to how to understand it. Some judge it “a guarded affirmative statement” (Marshall, Luke, 847), perhaps with the caveat that “the words are those of the accusers, not his own” (e.g., Donald Senior, The Passion of Jesus in the Gospel of Luke [The Passion Series 3; Wilmington: Glazier, 1989], 110-11). Bickerman (“Utilitas,” 196) calls it “amphibolique” (subject to two different interpretations); Rabbinic parallels suggest to J. Irmscher that “Beide Formeln haben eine Bejahung zum Inhalt; diese Bejahung is jedoch keine uneingeschränkte und bedingungslose, vielmehr bleibt es dem Gesprächspartner, der deshalb nachdrücklich angesprochen wird, überlassen, sie in ihren Hintergründen und möglichen Auswirkungen zu deuten;” see “σὸ λέγεις (Mk. 15,2 – Mt. 27,11 – Lk 23,3),” Studii Clasice 2 (1960): 158. Morton Smith, “Notes on Goodspeed’s ‘Problems of New Testament Translation,” JBL 64 (1945): 506-10, thinks the parallel in y. Kil’ayim 9:4 etc. is “no more than superficially similar” and cites instead t. Kelim 1:6, where, however, commentators have come to diametrically opposed conclusions as to its meaning. Thus the meaning of σὸ λέγεις must be explained by the context in the Gospels (509-10). In this regard, Smith points out that ambiguity is essential to Jesus’ use of σὸ λέγεις before Pilate, because a clear affirmative would be an admission of maiestas (508). Whatever the legal situation, it is clear that Pilate would not be able to say “I find no basis for an accusation” if Jesus had just answered the question “Are you the king of the Jews” with a clear affirmative.

776 This conclusion runs against the claims of those who claim that “are you the Messiah” and “are you the son of God” are two different questions to which Jesus gives two different answers (e.g., Walschay, “Trial,” 82). What Luke’s perception of the relationship of the two terms may be is immaterial to the present discussion, since Jesus gives an affirmative answer to neither.

777 E.g., Sloyan, Jesus on Trial, 72. For other arguments in favor of an earlier source in this scene, see Taylor, Passion, 80-84. Winter wants to attribute 22:66-71 to a post-Lukan editor (Trial, 193).

778 ἐὰν ὤμην εἶπο, οὐ μὴ πιστεύσητε; ἐὰν δὲ ἐρωτήσω, οὐ μὴ ἔποικριθήτε. As the only element in Luke’s version of the Sanhedrin trial that does not have a counterpart in Mark, the presumption should be on the side of Lukan composition or use of oral tradition, not a written source. Marshall (Luke, 849) notes that the language is not Lukan – Luke tends to avoid ἐὰν, does not use οὐ μὴ in his own composition, and uses the verb πιστεύω sparingly (9 times, compared with 14 in Mark). However, the saying may be inspired by Jeremiah 45:15 (LXX; MT 38:15): ἐὰν ἄναγγελον σοι, οὐ γεί θανάτῳ με θανατώσῃς; καὶ ἐὰν συμβουλεύσω σοι οὐ μὴ ὑποκόψῃς μου. That would account for the first two of these three departures from typical Lukan style. Luke would have altered the saying to avoid the suggestion that the council could put Jesus to death. Also note correspondences with language from Luke 20:1-8, the question about Jesus’ authority: ἐρωτήσω ὃμας κύριο γόλον, καὶ ἐπιτύμι μοι (Luke 20:3), and ἐὰν εἴπωμεν... ἤρετ· διὰ τί οὐκ ἔπιστεύσατε αὐτό; (Luke 20:5).
Some of Luke’s modifications, such as the change to

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\text{λέγετε (22:70), which is paralleled in Matthew (27:42), or the Jeremiah-inspired response in 22:67b-68, may reflect variant traditions known to the author.}
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Some have claimed that Acts 13:27-28 stands as evidence that Luke knew a version of the passion in which Jesus was not condemned by the Sanhedrin. However,

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779 Also note the striking similarity between Mark’s brief notice of the council convening in the morning (Mk 15.1a) and Luke’s description of the beginning of the council hearing (22:66): Mark: Καὶ εὐθὺς πρὸς συμβούλιον ποιήσαντες οἱ ἀρχιερεῖς μετὰ τῶν πρεσβυτέρων καὶ γραμματέων καὶ ὄλων τὸ συνεδρίον. Luke: Καὶ ὥσιν ἐγένετο ἡμέρα, συνήχθη τὸ πρεσβυτέριον τοῦ λαοῦ, ἀρχιερεῖς τε καὶ γραμματεῖς, καὶ ἀπήγαγον αὐτὸν εἰς τὸ συνεδρίον αὐτῶν. Pace Catchpole (Trial, 190-91), the fact that Luke intends something different than Mark makes it all the more striking that he uses the same words. Luke prefers the term νομικὸς to γραμματεῖς, so his use of the latter here may derive from the Markan text (Taylor, Passion, 81), though not necessarily – in 23:10 Luke adds the term to Mark 15:3.

780 Cf. the conclusion of Soards, Passion: “Luke reworked Mark 14.53-15.1 using an independent tradition [behind Luke 22:67b-68] and composing other lines of this unit” (103). Many have noted the parallels between the question and answer in Luke 22:67-68 and in John 10:24b-25a (εἰ σῷ εἶ ὁ χριστὸς εἰπὲ ἡμῖν παρρησία. ἀπεκρίθη αὐτοῖς ὁ Ιησοῦς· εἶπον ἡμῖν καὶ οὐ πιστεύετε…) (Marshall, Luke, 847; Klein, “Die lukanisch-johanneische Passionstradition,” ZNW 67 (1976): 155-86; Catchpole, Trial, 194-96 and see 194n2 for older scholarship). Klein argues that both Mark and Luke developed from an older Grundschrift with affinity to John 10:24-36, the form of the question and answer being preserved more closely in Luke and the resulting charge of blasphemy preserved in Mark. Despite the striking similarities both in the form of the question and in the reference to belief in the response, the motif is so generic that I am wary of concluding too much from this. The second part of Jesus’ answer has no parallel in John and is more easily explicable on the basis of LXX Jer. Soards suggests a tradition known to both Luke and John (81). Cf. Matt 26:63: ἐξορκίζω σε… ἵνα ἡμῖν εἴης εἰ σῷ εἶ ὁ χριστὸς ὁ υἱὸς τοῦ θεοῦ. Against supposed commonalities between Luke 22:66-71 and John, see Soards, Passion, 79. Catchpole (op. cit., 193-200) advances a different argument – that the Christology in 22:66-71 is non-Lukan (it “depicts a scheme in which the identification of messiah and Son of God has not yet taken place,” 200). He argues that Luke’s account reflects a pre-Markan source, not redaction of Mark itself. This rests on the dubious assumptions that 1) separation of the titles involves differentiating between them, and 2) Jesus evades the first and confesses the second – I have argued above that both answers are evasive.

781 See esp. Acts 13:28: καὶ μηδὲμιᾶν αὐτῶν ὁ διάκονος εὐρόντες ἠτέλασεν Πιλάτον ἀναρέθηναι αὐτῶν (Green, Death, 76). The passage is confused, however: first the residents of Jerusalem and their leaders are said to have fulfilled the sayings of the prophets by condemning Jesus (κρίναντες ἐπάληθος), then they are said to have found no cause for death, then to have asked Pilate to kill him. It is simplest to understand the text in terms of Luke’s conception of Jesus’ trial and death as revealed in his Passion Narrative. “Condemn” means ask Pilate to have him killed, and “having found no cause for death” means that Jesus’ opponents did not really have any just cause to do so, just as Pilate himself perceived. According to J. E. Allen, Acts 13:28 alludes to the fact that the Sanhedrin asked Pilate to have Jesus killed because they had failed to convict him due to lack of evidence (“Why Pilate,” in E. Bammel, ed., The Trial of Jesus: Cambridge Studies in Honour of C. F. D. Moule [Studies in Biblical Theology Second Series 13;
the absence of a sentence from the Sanhedrin reflects Luke’s own conception of the role of the Judean council in Jesus’ trial, as attested elsewhere. Luke alters Jesus’ prophecy about his death in Mark 10:33-34 (Luke 18:31-33) to reflect this conception: though he rewrites the prophecy, he reproduces its content very closely except that he omits the Markan reference to the high priests and scribes condemning Jesus to death (10:33), substituting a statement about the fulfillment of prophecy (καὶ τελεσθεται πάντα τὰ γεγραμμένα διὰ τῶν προφητῶν κτλ., Luke 18:31). Luke’s version of the episode of the question about taxes (Mark 12:13-17) reflects the same conception: Luke refers to delatores (ἐγκαθέτους) sent by the scribes and chief priests to incite Jesus to an ill-advised display of parrhesia “so that they might seize upon his answer (ἐπιλάβονται αὐτοῦ λόγου), in order to hand him over to the jurisdiction and authority (τῇ ἀρχῇ καὶ τῇ ἐξουσίᾳ) of the governor” (Luke 20:20; cf. Mark 12:13). The idea that the council meeting served as a preliminary to bringing charges before the governor seems to have been part of Luke’s own conception of the sequence of Jesus’ trial.782

Thus Luke’s modifications to Mark do not demonstrate his use of another written source. Rather, they reflect his interests as a redactor. First, Luke has eliminated material from Mark that would clearly substantiate the charge that Jesus has represented himself as the Messiah and king, a charge the Judean leaders will make before Pilate (see below). He does not want Jesus making messianic claims immediately before his Roman trial.

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782 According to the summary in Luke 24:20, the chief priests and rulers “gave him over… to a death sentence” (παρέδωκαν αὐτὸν… εἰς κρίμα θανάτου (Luke 24:20); cf. κρίναν in Acts 13:27-28. Does this assume a verdict from the council? Not likely: the verse goes on to say “and they crucified him” (καὶ ἐσταύρωσαν αὐτῶν). In both cases the agents are the Romans, but their role goes unmentioned in order to emphasize the responsibility of the Judeans.
Second, Luke has eliminated accusations not pertinent to the Roman trial and any hint of a verdict – a testimony to his sole interest in the Roman proceedings.  

By representing the council meeting as a mere hearing preliminary to a trial before the governor, he conforms Jesus’ trial more closely to the trials of Paul, in which the court is Roman and the prosecutors Jewish.

4.2.3 Scene 2: Jesus before Pilate (Luke 23:2-7)

In his version of the Roman trial, Luke alters Mark in order to delineate more clearly the elements of the cognitio procedure used by Roman governors in the provinces. Whereas in Mark’s version Pilate begins to question Jesus as if he already knows about his case, Luke adds the prosecution’s statement of their accusations against him. Next, in keeping with his role in the cognitio procedure, Pilate examines the

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783 Bickerman, commenting on the respective jurisdiction of Roman governors and local councils, writes: “La tendence générale inclinait en tout cas à reserver au tribunal du gouverneur la juridiction capitale. Il est notable que jamais aucun chrétien, que je sache, ne subit le supplice sur l’ordre des juges municipaux,” despite the fact that “les chrétiens n’étaient nullement privilégiés” (“Utilitas,” 188-89). As Bickerman points out, in many cases the governors depended on the local magistrates to arrest malefactors and hand them over for punishment. The case of Jesus ben Ananus (Josephus, War, 6.300-309) provides an excellent example: ο/uni1F30 άργοντες ... ἀνάγουσιν αὐτόν ἐπὶ τὸν παρὰ Ἑλληνίκος ἐπαργον (6.303).


785 accusatio or nominis delatio, the formal statement of charges; for this and cognate terms, see Mommesen, Strafrecht, 381-86. The same process is evident in the Roman trials in Acts: charges are brought (Acts 16:20-21, 18:13), sometimes accompanied by a longer account of the defendant’s specific
accused (23:3); though his “examination” is cursory, he later dignifies it with the verb ἀνακρίνω (23:14). Finally, following the interruption created by Pilate’s attempt to transfer the case to another court, he announces his verdict (23:13-16).

Luke seemingly envisions a public hearing, probably part of Pilate’s schedule as he holds his regular assizes in Jerusalem – a setting familiar to most provincials. Thus when Pilate states his initial assessment of the case (Luke 23:4), he addresses not only the chief priests but also “the crowds” (τούς ὀχλους), previously unmentioned but presumably present as spectators or passersby. The setting of an assize court also explains why the Judean council meets early in the morning – they wish to formulate their charges and bring Jesus before Pilate well within the time set aside for hearing cases. Thus Luke depicts Pilate holding a regular and familiar court hearing, employing the usual process of cognitio extra ordinem. This is Roman justice in operation.

*The Charges (23:2)*

Luke reports three specific charges leveled against Jesus. Though structured as parallel phrases linked by καί, they can be viewed as a unit: one general claim, the

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786 A hallmark of the various forms of cognitio was that the presiding magistrate took over the responsibility of interrogating the defendant and witnesses (if any).

787 In place of ἐπηρώτησαν A D L W Q Y f1,13 Û read ἐπηρώτησαν; cf. Mk 15:2.

788 Assizes (conventus) were typically held annually in the largest population centers of the province. The regular provincial courts were of course held in Caesarea, the provincial capitol. See Anthony Marshall, “Governors on the Move,” *Phoenix* 20 (1966), 231-46; and G. P. Burton, “Proconsuls, Assizes, and the Administration of Justice under the Empire,” *JRS* 65 (1975): 92-106. Brent Kinman quite reasonably suggests that Roman governors would have regularly held assizes in Jerusalem at Passover (“Pilate’s Assize and the Timing of Jesus’ Trial,” *TynBul* 42 [1991]: 282-95).

789 Note, for example, Plutarch, *An. corp.* 501 E-F, where a speaker complains about the crowd around the tribunal and marketplace having come for litigation, which inflames Asia “at yearly intervals” – suggesting the setting is an annual assize (cited in Burton, “Assizes,” 98).
accusation of leading the people astray, is followed by two specific examples, advocating tax resistance and claiming kingship.\footnote{G. Schneider, “The Political Charge Against Jesus (Luke 23:2),” (trans. D. R. Catchpole) in \textit{Jesus and the Politics of His Day} (ed. E. Bammel and C. F. D. Moule; Cambridge: Cambridge University Press, 1984), 403-14.}

Luke has the council members shape their charges to suit the context of a Roman tribunal.\footnote{Some commentators view the obvious contrast between the charges raised at the Sanhedrin and those raised before Pilate as another tip to the reader that these charges are unjust. This contrast conforms to a repeated pattern in Acts in which political charges against Christians are found to be really motivated by religious disputes within the Jewish community. See Senior, \textit{Passion}, 107; Tyson, \textit{Death of Jesus}, 129-33; Marshall, \textit{Luke}, 852.} In their council chambers, they asked Jesus if he was the Messiah (22:67) and the Son of God (22:70). In the Roman court, however, they accuse Jesus of “subverting” (διαστρέφοντα) the people,\footnote{\textit{διαστρέφοντα} τὸ ἔθνος ἡμῶν. Some manuscripts (e.g., A W 33) omit ἡμῶν; the Old Latin and some mss. of the Vulgate follow Marcion (via Epiphanius) in adding, καὶ καταλόγον τὸν νόμον καὶ τοὺς προφήτας.} explain the political significance of the title “Messiah/Christ” for Pilate’s benefit (λέγοντα ἐαυτὸν χριστὸν βασιλέα ἐστιν),\footnote{With many interpreters (e.g., Marshall, \textit{Luke}, 853), I understand χριστὸν βασιλέα as an apposition of the two terms, with βασιλέα explaining or emphasizing the import of χριστὸν to Pilate. In Mark it is Pilate himself who first explicitly evokes the political dimension of the charges (βασιλέας τὸν Ιουδαίων, Mk 15:2), which heretofore have been only been phrased with the terms “Messiah” and “son of the Blessed One” (ὁ χριστὸς ὁ υἱὸς τοῦ εὐλογητοῦ, Mk 14:61) (Heusler, \textit{Kapitalprozesse}, 54).} and add the charge of advocating tax resistance. Although taken out of context the verb διαστρέφω could mean “to lead astray” in a religious sense, in a Roman court it constitutes an accusation of inciting sedition.\footnote{On what could be considered sedition (covered under various laws on vis), see O. F. Robinson, \textit{The Criminal Law of Ancient Rome} (Baltimore: Johns Hopkins University Press, 1995), 78-80.} The charge of tax resistance (κωλύοντα
φόρους Καίσαρι διδόναι) touches a sensitive area, since there had been and probably still were individuals and groups (part of the so-called “Fourth Philosophy”) who made such noncompliance a religious issue. Finally, to make oneself a king is to usurp a prerogative that Caesar reserved for himself. Like tax resistance, claims to kingship from popular leaders were a part of Judea’s recent history. Luke shows himself aware of this aspect of Judea’s history in Acts. Thus both of the specific charges not only accuse Jesus of a crime but also associate him with known anti-Roman elements in Judea. These are serious charges from a Roman standpoint.

However, Luke has prepared his readers to recognize the charges as fallacious. Luke 20:20-26 explicitly states that Jesus’ opponents had not been able to convict him of

795 Some mss. κολύμνοντα read φόρους διδόναι Καίσαρι or Καίσαρι φόρους διδόναι. Marcion (quoted in Epiphanius) adds καὶ ἀποστρόφοντα τὰς γυναῖκας καὶ τὸ τάκνα, an interpolation that made its way into seven Old Latin mss. and several mss of the Vulgate (Metzger, Textual Commentary, 152).

796 Braund points out the care with which Archelaus sought Augustus’ approval of his succession, and the accusations that he acted like a king before Caesar had rendered his judgment on Herod’s will. He also notes Augustus’ anger at Aretas’ seizure of the Nabatean throne without his permission. “The emperor claimed the right to control the succession among the kings: it is only against this background that we can understand the privilege which Augustus granted to Herod, that he could appoint his own successor” (Friendly King, 26).

797 Acts 5:36-37, 21:38Theudas, the Egyptian, Judas, etc. On Luke’s knowledge of these characters (and perhaps also of Josephus), see S. Mason, Josephus and the New Testament, 251-93.

798 Cf. Ahn, Reign of God: “Altogether, the three charges support one another, presenting Jesus as the leader of resistance against Rome” (181). The leaders pretend to act as guardians of Rome’s interests but in reality only want to remove a political opponent (180-81).

799 In this I differ from D. Schmidt, “Luke’s ‘Innocent’ Jesus: A Scriptural Apologetic,” in Political Issues in Luke-Acts’ (ed. R. Cassidy and P. Scharper; Maryknoll, N.Y.: Orbis, 1983), 111-21, who concludes that Luke has provided evidence that there is some legitimate basis for the charges against Jesus, and that the accusations are more “misrepresentations” than falsehoods (cf. Warren Carter, Pontius Pilate: Portraits of a Roman Governor [Collegeville, Minn.: Liturgical Press, 2003], 117 and n13). There is a certain amount of truth to this argument. Jesus is not leading the people “astray,” but he is leading them away from their leaders. Jesus did not forbid paying tribute to Caesar, but he did invoke the claims of God, precisely the issue the fourth philosophy raised. Jesus did not claim to be a king, but he was a king, and others called him that (and he seems to approve of the crowd of his disciples giving him that title in Luke 19:37-40). Nevertheless, Luke has the leaders phrase their charges in such a way that their falsehood is patent. Jesus is indeed innocent of the charges as they are formulated here. On the irony of the truth within the false charges, see Senior, Passion, 108-11.
teaching against payment of the tax. Luke added to his Markan source the comment that Jesus’ enemies’ hopes of getting him to say something incriminating in public (ἐναντίον τοῦ λαοῦ) were dashed (20:26). Nor has Luke depicted Jesus claiming to be the Messiah or a king, though others certainly make this claim on his behalf. Indeed, as previously noted, Luke diverges from Mark in his account of the Sanhedrin trial in order to avoid having Jesus claim to be the Christ. Since the specific charges do not hold up, the general charge of “subverting the people” rings hollow. Thus Pilate must judge Jesus on charges that Luke’s ideal reader knows are misleading and false.

Although scholars have differed on the question, the charges are most likely Luke’s own composition. The language is “consistent with Lukan redaction” and the

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800 Cf. Conzelmann, Theology, 78; Senior, Passion, 109. The real meaning of Jesus’ reply is irrelevant for this point; Luke makes it clear that the authorities wanted to find a cause to accuse him before the governor (ὶνα ἐπιλάβονται αὐτοῦ λόγον, ὡστε παραδοῦναι αὐτόν etc., Luke 20:20) and could not do it based on what he said (οὔκ ἐγραματευόμενον ἐπιλαβέσθαι αὐτοῦ ἰδιότης, Luke 20:26). Ahn, Reign of God, suggests that coupled with the question about authority and the parable Jesus tells against the scribes and priests immediately before, this pericope makes an implicit critique of the Judean authorities by showing that they are really dependent on Rome, not God, for their authority (94-100).

801 As Tyson notes (Death of Jesus, 126), “One is struck by the fact that, although the reader of Luke is given information about Jesus’ status, there is never an occasion on which Jesus himself affirms that he is the Messiah, allows his followers to announce it, or confirms the opinion of anyone who confesses it.” The closest Jesus comes to making this claim in Luke is when he appears to make the words of Isaiah “he [the Lord] has anointed me” apply to himself (Luke 4:18, 4:21). In Luke 19:37-40 Jesus does allow a large group of his disciples to call him a king, despite protests from the Pharisees. However, Jesus never unambiguously claims either title (χριστός or βασιλεύς) for himself, as he is here charged with doing. Thus in Luke’s story world, though Jesus is in fact “the Christ, a king,” the charge that he claims to be the Christ is false (ibid., 132). Some exegetes propose that the reader is supposed to recognize that the charges are a distortion of the truth because Jesus’ kingship is not a political one (e.g., Radl, “Sonderüberlieferungen,” 133-34). I do not think Luke-Acts makes the nature of Jesus’ kingship that clear.

802 Cassidy, Jesus, argues that the charge does carry some weight (7). However, Luke could hardly have expected his (Christian) readers to agree that Jesus had in any way “led the people astray.” Luke’s gospel has predisposed the reader to see the Judean leadership as the ones leading the people astray.

803 Among those proposing that the charges originate from a special source are Winter, Trial, 27; and Grundmann, Lukas, 421.

804 Thus J. Green, Death of Jesus, 78 – cf. Radl, “Sonderüberlieferungen,” 133. However, Green thinks that the emphasis on political charges shared with John may indicate an earlier common tradition, which Luke may have embellished. On the Lukan language in 23:1-5 generally, see Schneider, “Political Charge,” 409-12.
content reflects Luke’s concerns elsewhere. The first and third of the accusations are similar to charges made against Jesus’ followers in Acts. Paul is charged with leading people astray in Acts 16:21 and 18:13,\textsuperscript{805} Paul and Silas with saying there is another king in Acts 17:7.\textsuperscript{806} The second charge draws from the earlier controversy about taxes (Luke 20:19-26), where Luke explicitly states that the Jewish leaders were seeking a cause for an accusation before the Roman governor (20:20).\textsuperscript{807} The third charge provides the basis for Pilate’s first question to Jesus, which Luke reproduces from the Markan version of the Roman trial (Mark 15:2). By delineating the charges against Jesus, Luke prepares for what in Mark is an abrupt and unexplained question and also establishes continuity with the hearing before the council. Thus Luke had both the means and the motive for composing the specific charges himself.

\textit{Pilate’s Examination (23:3-4)}

Pilate’s question addresses the most serious of the charges, Jesus’ supposed pretensions to royalty, and invites him to either confirm or deny it. The seemingly simple question presents Jesus with the choice of either publically denying his claim to kingship – thereby discrediting himself if he is in fact a messianic claimant – or making himself guilty of the charge with Pilate as a witness. When Jesus eludes the choice by neither


\textsuperscript{806} The statement of charges in Acts 17:6-7 has a threefold structure that mirrors the charges here: turning the world upside down, acting against Caesar’s laws, saying there is another king (Radl, “Sonderüberlieferungen,” 133).

\textsuperscript{807} Cf. Radl, “Sonderüberlieferungen”; “Daß Lukas in dieser Perikope schon auf die Anklage vor Pilatus vorausblickt, beweist der rein redaktionelle Zusatz in ihrem Einleitungssvers 20,20…” (133).
confirming nor denying his kingship.\textsuperscript{808} Pilate is forced to act based not on clear evidence but on his own assessment of the case. His response is unequivocal: “I find nothing criminal in this man” (οὐδὲν εὐρίσκω αἰτίαν ἐν τῷ ἀνθρώπῳ τούτῳ, Luke 23:4).

Curiously enough, Luke gives the reader little insight into Pilate’s motivation for this pronouncement. He omits Mark’s comment that Pilate perceived that the council had brought Jesus to him out of jealousy (15:10). He does not explain why Pilate spends so little time questioning Jesus or why he is satisfied with his response, σῶ λέγεις, which does not constitute a direct answer.\textsuperscript{809} Pilate does not seem to take the accusations at all seriously, which leads Bond to conclude that “it is an odd portrait of a Roman governor which emerges. He [Pilate] appears to have dismissed serious political accusations and is surprisingly unwilling to try the case properly.”\textsuperscript{810}

Luke does not give the reader enough information to judge whether such cavalier behavior is justified (i.e., Pilate saw through the charges, as in Mark) or unjustified (i.e., Pilate did not want to try the case properly). Luke only seems interested in Pilate’s verdict of “not guilty,” not in how he arrived at it.\textsuperscript{811} As Brown puts it, according to

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\textsuperscript{808} In verse 23:3 Luke is very close to Mark 15:2. J. M. Creed sees this as an Achilles’ heel to claims of a pre-Lukan source behind 23:1-5, since without the Markan insertion the source would have Pilate dismissing the charges without examining Jesus (“The Supposed ‘Proto-Lukan’ Narrative of the Trial before Pilate: A Rejoinder,” \textit{Expository Times} 46 [1934-1935]: 379). However, Taylor argues that the “gap” in the original narrative is precisely the reason for the insertion (\textit{Passion}, 86-87).

\textsuperscript{809} Some assume (e.g., Grundmann, \textit{Lukas}, 422; Ernst Bammel, “The Trial Before Pilate,” in \textit{Jesus and the Politics of His Day}, [ed. E. Bammel and C. F. D. Moule; Cambridge: Cambridge University Press, 1984], 424n62) that Pilate understood Jesus’ answer as a negative. Brown (\textit{Death}, 742) argues that such an assumption is unnecessary; he adduces the case of the prophet Jesus bar Ananias, who was released as harmless by the procurator Albinus despite his failure to cooperate during his interrogation (\textit{War} 6.305). Others argue that Luke assumes that Pilate recognizes the non-political nature of Jesus’ claim to kingship (Schneider, “Political Charge,” 413n21, citing Conzelmann, \textit{Mitte}, 78 in support). I find no support in the text for this idea.

\textsuperscript{810} Bond, \textit{Pilate}, 153.

\textsuperscript{811} According to Martin Dibelius, Pilate’s response simply reflects Luke’s need to have Pilate declare three times that Jesus is not guilty: “…ein Blick auf die ganze Komposition der Szene bei Lukas
“Lukian logic… Jesus is transparently innocent to anyone whose eyes are not closed by prejudice” – including the criminal hanging beside him (23:41) and the centurion (23:47) at the cross.\(^{812}\)

This first exchange between Pilate and Jesus establishes that Pilate is not particularly hostile to Jesus. If anything, he seems prejudiced in his favor and disinclined to believe his adversaries.\(^{813}\) Whereas Jesus’ opponents interpreted the expression ὑμεῖς λέγετε as an affirmative, Pilate does not seem to interpret σὺ λέγεις as a confession.\(^{814}\) And despite the ambiguity of Jesus’ reply, Pilate does not question him further or charge him with contumacia, but simply dismisses the charges against him. For reasons for which Luke’s audience is not made privy, he does not see Jesus as a menace or a malefactor, and he shows no interest in pursuing the matter further.

Exegetes have pointed out that Pilate’s reaction to Jesus differs in Luke and John from what is recorded by Mark (and taken up by Matthew). While in Mark and Matthew Pilate’s response is amazement (θαυμάζειν, Mk 15:5, Mt 27:14), John agrees with Luke in having Pilate declare Jesus not guilty after the initial interrogation. Both gospels use

\(^{812}\) Brown, Death, 742.

\(^{813}\) Contra August Strobel, Die Stunde der Wahrheit: Untersuchungen zum Strafverfahren gegen Jesus (WUNT 21; Tübingen: Mohr Siebeck, 1980), Pilate’s desire to dismiss the case cannot be interpreted as self-interest (a “vorsichtigen Vorgehen,” 99), since there is no clear advantage to him in dismissing the case and no clear disadvantage in condemning Jesus – Luke never hints that condemning Jesus created any political or legal problems for Pilate, in contrast to some cases in Acts.

\(^{814}\) Cf. Tyson, Death of Jesus, 127. Tyson states, “The ambiguity of Jesus’ response in both cases offers Luke an opportunity to contrast Jewish and Roman justice. Throughout the trial narratives Luke stresses the goodwill of Pilate and the malevolence of the Jewish leaders.” Only the second claim is accurate (see below).
versions of the phrase οὐδεμίαν αἰτίαν εὐρίσκω ἐν αὐτῷ (John 19:4),\textsuperscript{815} and in both the phrase recurs three times within the narrative.\textsuperscript{816}

Some scholars have taken this shared threefold use of a similar phrase as evidence of a common pre-gospel source. But the threefold repetition of the phrase so prominent in Luke is more understated in John,\textsuperscript{817} where the back-and-forth dialogue between Pilate, Jesus, and the people continues on past the third repetition for another ten verses (7-16). The similar wording may derive from John’s use of Luke, or may be evidence that the phrase οὐδεμίαν αἰτίαν εὐρίσκω ἐν αὐτῷ became a firm part of the passion tradition at some point. Pilate’s protestations of Jesus’ innocence, including that in Luke 23:15 (οὐδὲν ἄξιον θανάτου ἔστιν πεπραγμένον αὐτῷ), mirror the Roman verdict on Paul (Acts 23:29; 25:25, Agrippa and Bernice in 26:31, Paul’s summary in 28:18). Thus, whatever their ultimate origin, these phrases are quite at home in their Lukan context, and we do not require the hypothesis of a source document to explain their presence here.

Transfer of Jurisdiction

Jesus’ opponents will not let the matter drop so easily, however. They make only the general claim of disruption: Pilate has not believed the specific accusations, and evidently they cannot reply to Pilate’s skepticism by providing any evidence, so they fall

\textsuperscript{815} In John the words are almost the same each time – αἰτίαν is placed at the end of the phrase in 18:37 and 19:6, and in 19:6 οὐδεμίαν becomes οὐ. Luke, on the other hand, varies the formula: the placement of αἰτίαν is different each time, the present becomes aorist in the second two recurrences, and τῷ ἀνθρώπῳ τούτῳ is used in place of αὐτῷ in the first two. In 23:14 the phrase ὃν κατηγορεῖτε κατ᾽ αὐτὸν is attached to αἰτίαν, and in 23:22 αἰτίαν θανάτου is used in place of simple αἰτίαν.


\textsuperscript{817} One might even challenge the idea that Luke has only three declarations of not guilty. He follows up the second, ἵδιον ἐγὼ ἐνστόμιον ὑμῶν ἀνακρίνας οὐθέν εὑρόν ἐν τῷ ἀνθρώπῳ τούτῳ αὐτίον κτλ. (23:14) with the further statement, ἵδιον οὐδέν ἄξιον θανάτου ἕστιν πεπραγμένον αὐτῷ (23:15) – thus the second declaration actually consists of two distinct affirmations of the lack of a crime.
back on generalities. It is now only the pressure they can bring to bear, not evidence or legal arguments, that will convict Jesus.®Luke’s description of their persistence (οἱ δὲ ἐπὶ σχῦν, 23:5) echoes his description of the conclusion of the trial, in which he signals their victory by stating that their voices overpowered all opposition (κατίσχυον αὐτοῖς, 23:23). From here on the trial will be purely a contest of wills and a test of Pilate’s willingness to withstand political pressure. The allegations of tax resistance and of messianic claims disappear, only to surface again on the lips of onlookers and on the titulus on the cross, once Jesus’ opponents have had their way (Luke 23:35-38).®

Like the initial charges, the further charge of “stirring up the people” (ἀνασείεi τὸν λαὸν) is similar to charges made against Christians in Acts (24:5 and particularly 17:6), suggesting Lukan composition.® The use of ἀνασείω in a different context in Mark 15:11 may have put the word in Luke’s mind.®

Initially, however, Pilate responds to the persistence of the prosecutors by transferring Jesus to another court. Pilate’s motives for sending Jesus to Herod have been

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® It may be that Luke has in mind a situation similar to that in Acts, where Paul’s opponents press many charges but without proof.

® This renders problematic the statement that Luke “reported in his Gospel that Jesus… was accused before the Roman procurator Pilate for claiming to be the King of the Jews and was condemned to crucifixion for that treason” (Kim, Christ and Caesar, 76). If Pilate himself rejects the charges, and if the prosecution does not press them further but only insists that Jesus is a troublemaker, is it correct to say that Jesus was crucified for treason? The titulus on the cross is evidence that this was indeed the case, but the trial narrative itself suggests that Pilate finally condemned Jesus, not for a specific charge such as maiestas, but on vague, unspecified charges – which he had latitude to do as provincial governor employing cognitio extra ordinem. Of course, maiestas itself was not a particularly specific charge, and it became less and less so as time went on.


® The chief priests stir up the crowd (οἱ δὲ ἄρχωνες ἀνέσειαν τὸν ὄχλον) to ask for Barabbas. Radl, “Sonderüberlieferungen,” 132.
much discussed. Luke conveys no motive beyond Pilate’s discovery that Jesus was ἐκ τῆς ἐξουσίας Ἰρώνου. Yet Pilate had every right to try Jesus in the forum delicti commissi. Some have suggested that Pilate wished to divest himself of a difficult case. Nothing in the text confirms such an impression, but nothing contradicts it either. Pilate’s action has also been understood as a request for an expert opinion, an ἀνάκρισις, partly on the model of Paul’s hearing before Agrippa II and Bernice in Acts. But Pilate’s reaction to Jesus’ return suggests that he expected Herod to dispose of Jesus if he found him guilty. Thus the more relevant model is that invoked by Bickerman, the ability of the governor to delegate cases to another judge (Latin remittere, Greek ἀναπέμπω, the


823 Mommsen, Strafrecht, proposed that a preference for trials in the forum domicilii in the early Principate was replaced by a preference for forum delicti later on. Theophylactus (12th century) explains Pilate’s decision in this way (ad Luc. 23.6, PG 123, 1093, cited by Bickerman, “Utilitas,” 205). Most agree with Sherwin-White (Law, 28-31) that Mommsen has the order reversed: forum domicilii became prevalent later (e.g. Bickerman, op. cit., 205-6, Hoehner, “Antipas,” 86-87). In any case, it seems never to have been more than an option – see Dig. 48.3.11 (Celsus): illud a quibusdam observari solet, ut, cum cognovit et constituit, remittat illum cum elogio ad eum, qui provinciae praeest, unde is homo est, quod ex causa faciendum est (it is customary for some, when he has heard and decided, to send the defendant back with a report to the governor of the province from which the man came, which can be done if there is a reason) assuming that constituit means accepting the charges, not deciding the case itself; Paulus (Dig. 1.18.3) stresses the fact that criminal jurisdiction is an exception to the usual rule that governors have authority only over residents of their own province; Jos. War 3.541 is sometimes cited as a case in point – these are prisoners of war, however, and Vespasian’s gesture of handing those from Agrippa’s territory over to his authority seems to be voluntary. The question of the exact legal situation in the early first century is moot; such legal niceties were for citizens and the provincial elites, not for people like Jesus.


825 See Brown, Death, 766-8. Heusler argues that here and in Acts 25 Luke conceives of a four-part trial process. The technical term ἀναπέμπω, though not used in a precise way, functions to give Herod’s participation “amtlichen Charakter” (Kapitalprozesse, 107). But the use of the phrase ἐκ τῆς ἐξουσίας Ἰρώνου ἐστίν (23:7), far from reinforcing that impression, as Heusler claims, suggests that Herod’s authority is separate from and independent of Pilate’s. Furthermore, the fact that Pilate can interpret Jesus’ return as a sign that Herod found him not guilty suggests that had Herod found Jesus guilty, he would have acted on his own authority to punish him. The contempt and abuse Jesus suffers and the disorder of the proceedings (questions from the judge come before accusations by the prosecution) hardly suggest that Luke conceives of this scene as part of an orderly Roman trial process (contra Heusler, 106-10).
very word Luke uses here). In his reconstruction it is Pilate who carries out the \( \text{ἀνάκρισις} \), now understood as a preliminary investigation; he accepts the complaint after some resistance and delegates the case to Herod. Since Jesus refuses to cooperate, Herod cannot make up his mind, so he defers to his superior for the final judgment. However, Herod was not a deputy but the ruler of a neighboring region. Nor could governors delegate capital cases to their subordinates as they could other kinds of cases. The transfer must be understood as occurring between two rulers of equal authority but different jurisdictions, not as between superior and agent.

This last observation, coupled with the information Luke actually provides about the transfer, suggests another motive. Luke notes that after Jesus’ hearing before Herod, the governor and the king became reconciled to each other. Encouraged by this remark, we can recognize the diplomatic effectiveness of Pilate’s gesture. Pilate seizes on this opportunity to demonstrate respect for Herod’s independent \( \text{ἐξουσία} \) by remanding to him a resident of his territory accused of sedition. In turn, Herod defers to Pilate’s authority as the individual charged with administering justice and keeping the peace in Jerusalem during the Passover. In the process, both men honor each other and demonstrate their respect for each other’s authority, a gesture that soothes old wounds and strengthens political bonds. Jesus is simply the object of an elaborate exchange of courtesies between the two men. I contend that Luke’s readers, being more sensitive to the role of honor and more aware of the gap between the true and the pretended power distribution between

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826 Bickerman, “Utilitas crucis,” 206. However, \( \text{ἀνακρίματο} \) can be used for a variety of types of prisoner transfer. On the term, see Blinzler, *Prozess*, 287n11.


Roman and local authorities and therefore the potential for giving offense by overstepping traditional boundaries and courtesies, would have understood the dynamics of the exchange more easily than modern interpreters.⁸²⁹

Such a reading of the exchange tempers any impression of benevolence that Pilate’s lack of hostility toward Jesus may have created. Though Pilate himself does not see that Jesus has done anything wrong and is resistant to condemn him purely in response to political pressure, he is not above using Jesus to cultivate the goodwill of a political colleague. Furthermore, his gesture of sending Jesus to trial before Herod presupposes that Herod might have reason to convict Jesus of which Pilate is unaware.⁸³⁰

4.2.4 Scene 3: Jesus before Herod (Luke 23:8-12)

The addition of Jesus’ appearance before Herod into the Passion Narrative allows Luke to do two things. First, he shifts the site of the mocking of Jesus from the Roman praetorium (Mark 15:16-20) to Herod’s court. Second, he evokes the impression that a range of powers are leagued against Jesus. Jesus is opposed not only by the chief priests but also by the “kings and rulers of the world,” the Pilates and the Herods of this world. He must contend not only with the hostility of the Judean senators and the crowds behind them, not only with the insouciance and disregard of the Roman governor, but also with the scorn and contempt of the Judean royalty. That picture is painted most fully in Acts 4:25-30; the scenes here prepare for it.

⁸²⁹ Note for example Justin, Dial. 1.103.4: ὃ καὶ Πιλάτος χαριζόμενος δεδεμένον τὸν Ἰησοῦν ἔπεμψε (cited by Hoehner, “Antipas,” 88).

⁸³⁰ There is no indication in the text that Pilate expects Herod to find Jesus innocent, as suggested by Hoehner (“Antipas,” 89-90). Hoehner makes this claim on the basis of speculation about Pilate’s expectations (that Antipas would not be convinced by the accusers; that if he knew Jesus to be an agitator he would have dealt with him already) and motivations (Pilate would have lost face if Antipas had convicted Jesus, thus he cannot have anticipated this happening).
The displacement of the mocking scene has struck some interpreters as a move to exonerate the Romans. It is indeed the case that the transfer effectively removes from Luke’s account any record of beating and abuse Jesus received in Roman custody besides the crucifixion itself (and they are distanced from that as well). However, Luke does portray Roman soldiers mocking Jesus and his supposed pretention to royal status while he hangs on the cross. The suppression of Mark’s report of Jesus’ mistreatment by Roman soldiers aids his cause of delineating a regular Roman court procedure, which is unable to produce any conviction of wrongdoing in Jesus’ case and fails to deliver justice only because the governor is influenced by political pressure and popular sentiment. Having Roman soldiers beat and abuse Jesus would have marred this impression of impartial and regular proceedings.

Luke’s description of Jesus’ interrogation by Herod is the most striking of his additions to the trial narrative and has elicited many questions about its origin. Several things speak against Luke’s use of a written source here. First, the writing is Lukan. The scene contains many words characteristic of Lukan redaction, and some typically Lukan phrases. There are also echoes of other Lukan texts – for example, Herod’s attitude toward Jesus in 23:8 (θέλων ἰδεῖν αὐτόν διὰ τὸ ἀκούσειν περὶ αὐτοῦ) recalls his response to Jesus in Luke 9:9 (τίς δὲ ἐστιν οὗτος περὶ οὗ ἀκούω τοιαύτα; καὶ ἐξήτευ ἰδεῖν

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832 Nevertheless, it is clear from what follows that despite having no knowledge of any wrongdoing, Pilate is willing to have Jesus beaten, a treatment both harsh and humiliating.


834 Or, with A Ἡ ἢ γὰρ θέλων ἔξ ἰκανοῦ (some others ἔξ ἰκανοῦ χρόνου) ἴδεῖν. A W Y lat sy⁰⁰ insert πολλὰ before (f¹³ after) περὶ αὐτοῦ.
αὐτὸν), although there the notice that Herod had already killed the Baptist makes the verb ἰδεῖν rather sinister, whereas here he merely hopes to see a sign.  

Second, Luke places Markan material here that he does not use in the trial before Pilate. In Mark, Pilate questions Jesus twice; to the first question Jesus answers σὺ λέγεις, and to the second he refuses to answer (οὐκέτι οὐδὲν ἀπεκρίθη, Mark 15:5). In Luke, Pilate questions Jesus only once and receives the first response; it is Herod who questions Jesus the second time and receives the second response (αὐτὸς δὲ οὐδὲν ἀπεκρίνατο αὐτῷ, Luke 23:9b). As in Mark, Jesus’ silence is connected with vehement accusations from Jesus’ adversaries (Mark 15:3, Luke 23:10). The mockery of Jesus by Herod and his soldiers (Luke 23:11) is a summarization of Mark 15:16-20. The notice that Herod and Pilate became friends (Luke 23:12) is the only truly original element in the passage.

If Luke did not utilize a source for his account of Jesus before Herod, where did the story come from? Dibelius argued that through the kind of messianic interpretation of Psalm 2 witnessed to in Acts 4:27-28, Luke’s community had arrived at the conviction

835 Like Herod, the crowd seeks a sign in 11:16 (σημεῖον εξ οὐρανοῦ ἐξήτουν παρ’ αὐτῶν); Jesus disappoints them as well (11:29-30).

836 Cf. Klein, “Passionstradition,” 367-68. As Klein remarks, the exegete who ascribes Luke 23:5-12 to a pre-Lukan source must explain why, apart from v. 12, the source contains nothing beyond material Mark already has in his Pilate scene.

837 a reads οὐκ ἀπεκρίνατο αὐτῷ; D conflates the two: οὐκ ἀπεκρίνατο αὐτῷ οὐδὲν; cf. also Jesus’ silence in Mark’s version of the Sanhedrin hearing: δὲ ἐσπέρα καὶ οὐκ ἀπεκρίνατο οὐδὲν (14:61).


839 A more comprehensive analysis of the trial before Herod, along similar lines, is available in Neyrey, Passion, 77-79.

840 Klein (“Passionstradition,” 369) argues that Luke himself is responsible for v. 12: “…darf man für eine historierende Notiz wie v. 12 das Interesse des Historikers Lukas vermuten.”
(“Überzeugung”) that Herod Antipas was involved in Jesus’ death alongside Pilate. Luke gave narrative shape to this conviction by borrowing three motifs from Mark – the accusation of the chief priests and scribes, Jesus’ silence, and the mocking of Jesus. Dibelius concludes, “…dieses Material hat der Erzähler offenbar deshalb benutzt, weil er nichts Originales von der Sache zu sagen hatte.”

It has been objected that Luke does not mention Psalm 2 here and that Herod’s role in Acts 4:27-28 is more adversarial than it is in Luke 23:6-12. Yet such objections are not fatal to Dibelius’ argument. First, according to Dibelius’ theory Luke would have known not only the interpretation of the psalm but also the general conviction to which it had given rise: that Herod was involved in Jesus’ trial and death. Luke’s narration of the hearing before Herod simply reflects this understanding. A reference to the scripture from which the conviction originated is unnecessary.

Secondly, Herod’s role in Luke 23:6-12 is more adversarial than is sometimes claimed. He is not a witness to Jesus’ innocence; he delivers no verdict, and his action of putting splendid clothing on Jesus suggests that he wishes to mock Jesus’ pretensions to royalty. Pilate interprets Herod’s action of returning Jesus to him as an admission that

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841 Dibelius, “Herodes und Pilatus,” 121-26; quote from 122.

842 See Green, Death of Jesus, 81-82.

843 Brown (Death, 760-86; cf. Frank Matera, “Luke 23, 1-25: Jesus before Pilate, Herod, and Israel” in L’Évangile de Luc (ed. F. Neirynck; BETL 32; rev. ed.; Leuven: Peeters, 1989), 545, Soards, “Jesus Before Herod,” 349-63) has argued that the ἐσθήτα λαμπρά are associated with innocence. It is true that in Luke’s only other use of the phrase it denotes the dazzling clothes of an angel (Acts 10:30). But James 2:2-3 uses it to denote the splendid clothing of a wealthy person, and this general sense should be read here in the absence of contextual cues indicating something more specific, especially given the association with the tradition of the mocking known to Luke from Mark. It is Herod’s act of returning Jesus, not what Jesus is wearing, that Pilate interprets as proof that Herod has not found him guilty of any crime. It may be that Luke is influenced here by his image of Herod Agrippa I as one who wears splendid clothing. The idea that the garment is a toga candida (Karris, Luke, 86-87, citing Paul Joüon, “Luc 23,11: esthēta lampran,” RSR 26 (1936): 80-85) surpasses the evidence of the text. Following this suggestion, J. Massyngbaerde Ford, My Enemy is my Guest: Jesus and Violence in Luke (Maryknoll, N.Y.: Orbis, 1984), 127, suggests that Luke “may have had a revolutionary candidate in mind,” citing the white clothing worn
he has found no wrongdoing, but the narrative itself does not ascribe such a motive to Herod, and a politically savvy reader can imagine that different motives were involved (see above). Thus the portrayal of Herod in Luke 23:1-6 does not contradict the idea in Acts 4:27-28 that Herod was among those who opposed Jesus.

Dibelius’ theory, then, is plausible. However, the tradition of Herod’s involvement need not have originated from an interpretation of Psalm 2. Such an idea could have developed as a spontaneous outgrowth of the history remembered by Luke’s community. Luke’s narrative attests to memories of the Herodian family’s involvement in the persecution and trials of the first generation of Christians (Agrippa I, Acts 12:1-18; Agrippa II, Acts 25:23–26:32), and Herod Antipas’ hostility toward Jesus was already enshrined in the gospel tradition Luke received from Mark (6:14-16; cf. Luke 9:7-9; 13:31-33). The idea of Herodian involvement in Jesus’ trial could have developed by analogy with these other traditions. Furthermore, since Luke has composed the scene before Herod entirely out of material from the rest of the Passion Narrative or from earlier in his gospel, it is entirely possible that he himself originated the idea of a trial before Herod, perhaps in order to create a parallel with Paul’s hearing before Agrippa II and Bernice.  

844 Brown, Death, 71, 767. In this case, the interpretation of Psalm 2 in Acts 4:27-28 would also originate with Luke. Walaskay also sees this as a possibility: “Luke would not allow Jesus to be treated less fairly than his apostle, so he is also made to appear before a Herodian” (43; cf. Matera “Jesus before Pilate” 545-46). But as Green points out, the silent, humiliated Jesus does not make a very good parallel to the eloquent, outspoken Paul speaking before Agrippa II (Death, 82).
4.2.5 Scene 4: Jesus Before Pilate Again (23:13-21)

**Pilate’s Verdict (23:13-16)**

After Herod returns Jesus to Pilate, Pilate summons the chief priests, the rulers, and the people and announces his decision in the case.\(^\text{845}\) Neyrey points out that Pilate’s summary of the trial to this point and his verdict encompass every stage of the *cognitio extra ordinem*: arrest (προσηνέγκατε\(^\text{846}\) μοι τὸν ἀνθρωπὸν τοῦτον), charges (ὡς ἀποστρέφοντα τὸν λαὸν, καὶ ἰδοὺ, Luke 23:14), examination (ἐγὼ ἐνόπιον ὑμῶν ἀνακρίνας), verdict (οὐθέν\(^\text{847}\) εὑρὸν ἐν τῷ ἀνθρώπῳ τούτῳ αἴτιον ὃν κατηγορεῖτε κατ᾽ αὐτὸν\(^\text{848}\) … ὁ δὲς ἀξιόν θανάτου ἐστὶν πεπραγμένον αὐτῷ\(^\text{849}\)), and sentence (παιδεύσας οὖν αὐτὸν ἀπολύσω), leading him to conclude, “Luke has taken considerable pains to present Jesus’ hearings before Pilate as forensic trials, legally correct in all aspects, and readily recognizable as such.”\(^\text{850}\) Admittedly, the standards for what constituted “legally correct” procedure for a Roman provincial governor trying a non-citizen *extra ordinem*

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\(^{\text{845}}\) In the usual procedure the magistrate recites the judgment (set out in writing) with the parties concerned present. For this stage of the *cognitio*, see Buckland, *Law*, 669. It is doubtful that such niceties were observed in cases of provincial troublemakers, but Luke’s careful listing of the participants and Pilate’s review of the process suggest a certain formality. The cast of characters that make up the opposition to Jesus varies: the chief priests are always a component, accompanied by the scribes (22.66, 23.10), the crowds (τοὺς ὄχλους, 23.4, though their alignment is not clear), and here the rulers and the people (τοὺς ἄρχοντας καὶ τὸν λαὸν).

\(^{\text{846}}\) D reads κατηνέγκατε.

\(^{\text{847}}\) The reading of A D L W Q Y \(f^\text{13}\); Ψ reads οὐδέν.

\(^{\text{848}}\) Some mss, including a A L Q 070 \(f^\text{1}\), omit κατά; D omits ὃν κατηγορεῖτε κατ᾽ αὐτῷ.

\(^{\text{849}}\) αὐτῷ is a dative of agent – perhaps the only one in NT Greek; its use with the perfect passive is characteristic of classical Greek (Marshall, *Luke*, 859; Taylor, *Passion*, 87) The mss D N G \(f^\text{13}\) and a few others insert ἐν before αὐτῷ.

\(^{\text{850}}\) Neyrey, 81; my list is somewhat different than his. For Luke’s use of standard legal terminology here, see also Marshall, *Luke*, 859.
were not very restrictive. Nevertheless, it is likely that Luke wished to portray an examination properly carried out, coming to the proper conclusion (no grounds for conviction).

Despite the contempt that Herod has shown for Jesus, Pilate interprets Herod’s gesture of returning Jesus to his tribunal as support for his position that there are no grounds for a capital sentence. His favorable interpretation of Herod’s action reinforces his favorable response to Jesus’ ambiguous declaration, once again demonstrating that he bears no malice or suspicion toward Jesus. He does not seem to want to believe him guilty. He orders that Jesus be beaten and released, a familiar enough procedure in such a case.

Some exegetes have understood Pilate’s decision to have Jesus “chastised” (παιδεύω) as an attempt to satisfy the crowd or as a compromise offer. Such a reading is unduly influenced by the Gospel of John. The first time Pilate announces that he will have Jesus beaten, he is announcing his verdict to those he has summoned to hear it. Jesus’ adversaries have not yet had a chance to respond to the verdict, so Pilate’s

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852 άνέπεμψεν γάρ αὐτὸν πρὸς ἡμᾶς; A D W X D Y f¹ Û, supported by the Vulgate and part of the Old Latin tradition and Syriac Harklensis, read άνέπεμψα ύμᾶς γάρ πρὸς αὐτόν; f³ and a few others, supported by some mss of the Vulgate and a marginal reading of the Syriac Harklensis read άνέπεμψε γάρ αὐτὸν πρὸς ύμᾶς; Metzger calls these either “banal” or “nonsensical”; “the best attested reading is also the most appropriate in the context” (Textual Commentary, 153).

853 Strictly speaking, παιδεύω refers to release “with a warning” (cum admonuerim) and need not include corporal punishment; however, Luke’s audience would have been familiar enough with the practice of admonitory beatings for humiliores to understand this meaning (Sherwin-White, Roman Law, 27-28). Cf. the treatment of Peter and the other apostles by the Sanhedrin in Acts 5:40; there too the beating is an alternative to the death penalty (5:33).

854 E.g., Green, Luke, 807: “Read in the context of his own declarations of innocence, Pilate’s attempt to have Jesus flogged can be read as nothing less than a bid to assuage the Jewish people.” Cf. Légasse, Procès, 383.
suggestion of a beating cannot be a reaction to the crowd’s dissatisfaction. The second time Pilate mentions the beating, he is simply repeating his earlier verdict. Thus, whereas John describes a heavy beating designed to draw blood from Jesus and satisfaction from his enemies, Luke describes a milder judicial punishment announced as part of the verdict.\footnote{Sherwin-White, \textit{Roman Law}, 27-28. This raises the question whether the word should really be translated “have him flogged” (NRSV, NJB, NAB and others).}

In Luke, then, the beating does not represent a device to mollify Jesus’ opponents, carried out by a governor who feels constrained to use such devices. Rather, the suggestion of a beating is a testimony to Pilate’s attitude toward Jesus: although he sees no reason to hand down a death sentence in Jesus’ case and does not want to humor Jesus’ adversaries, he does not object to giving him a beating as a potential troublemaker who could benefit from a stern warning.\footnote{See Sherwin-White, “The Trial of Christ,” in \textit{History and Chronology in the New Testament} (SPCK Theological Collections 6; London: SPCK, 1965), 104 regarding “the custom that Roman governors had, when faced by tiresome delinquents whom they did not take seriously, of dismissing them with a warning and a light beating.” Cf. Dig. 48.2.6 (Ulpian) on the proconsul’s prerogative to administer extrajudicial beatings for light offenses, and Dig. 48.19.28 (Callistratus) on appropriate punishment for rabble-rousers: “if they have done nothing more nor have been warned/punished by the governor previously, they are to be given a beating with rods”; \textit{si amplius nil admiserint nec ante sint a praeside admoniti, fustibus caesi dimittuntur}. On beating as a non-capital punishment see Peter Garnsey, \textit{Social Status and Legal Privilege in the Roman Empire} (Oxford: Oxford University Press, 1970), 136-41.}

Pilate does not show a great deal of respect for Jesus – at least, he does not find him too respectable for the humiliation of a public beating.\footnote{See Garnsey, \textit{Legal Privilege}, 138-139. “All forms of corporal punishment were held to be degrading” – traditionally, it was considered appropriate for slaves and non-citizens. A poor man could be sentenced to beating in lieu of a fine that he would not be able to pay.} This in turn suggests that his resistance to condemning Jesus is due, not to any particular respect or esteem for Jesus, but to a reluctance to condemn someone without adequate cause.
Aside from Pilate’s announcement that he will let Jesus off with a beating, this segment simply reiterates what has occurred in the Roman trial so far and thus is likely a Lukan composition.\textsuperscript{858} The beating has a very different function than in John and is never actually accomplished, so a common origin is unlikely.\textsuperscript{859} It is more likely that Luke created the detail to fill out his own conception of the trial. The casual judicial beating of Christians is a prominent feature in Acts (5:40; 16:22-3; 22:24).

\textit{A Collective Response (23:18-19)}

Whereas in the first segment of the trial it was not clear where the crowds stood,\textsuperscript{860} Luke now depicts a vociferous objection to Pilate’s suggestion by all and sundry: “but all together began to shout out” (Ἄνέκραγον δὲ παμπληθεὶ, Luke 23:18).\textsuperscript{861}

In Luke’s conception, the people of Israel and their leaders, both priestly and secular, are all united against Jesus.\textsuperscript{862} Pilate is now faced with a different situation – the people have

\textsuperscript{858} Typical of Luke are 1) συγκαλέω (7 of 8 NT occurrences), 2) ἄρχοντες for Jewish leaders and λαὸς for the people, and 3) πράσσω (6x in Luke, including 22:23 and 23:41 (2x), and a further 12x in Acts; never in Matt or Mark).

\textsuperscript{859} Contra Green, \textit{Death}; he sees the compromise scourging in John as a “repetition of the motif found in Luke” and thus indicative that the idea is pre-Lukan (84).

\textsuperscript{860} Despite their presence in 23:4, there is no need to incorporate them into the “they” of 23:5 (οἱ δὲ ἐπίστρεφον κτλ.); this “they” addresses Pilate insisting on Jesus’ guilt and thus is best construed as the council speaking though their representatives. Nor should a crowd be understood in the phrase ἀπαν τὸ πλήθος αὐτῶν (23:1), which refers to the whole membership of the Judean council.

\textsuperscript{861} Some manuscripts read ἄνεκραζαν, “shouted out;” e.g. A W Q Y f¹¹³ Ú c.

\textsuperscript{862} In Mark’s version of the trial, the Barabbas episode marks the moment when the crowd becomes involved in the narrative. Up until this point only the chief priests and the council have been mentioned as accusing Jesus, but it is the crowd (ὄχλος) that demands the release of a prisoner, and it is with an eye toward pleasing the crowd that Pilate ultimately condemns Jesus. This crowd is evidently vulnerable to manipulation, for Jesus’ opponents are able to incite the crowd into demanding what they themselves desire (15:11). In Luke’s version, on the other hand, it is “the people” (τὸν λαὸν), not a haphazard crowd, who join the chief priests and rulers in calling for Jesus’ death. Though until this point in Luke’s gospel “the people” have been sympathetic to Jesus, even to the point of affording him protection from his enemies (e.g. Luke 19:48; 20:19; 21:38; 22:22), Luke now wishes to depict a group comprehensive of all Israel as implicated in Jesus’ death. From this point on in Luke’s narrative, it is this representative group, referred to with third person plural pronouns and verbs, with which Pilate debates. All
been roused against Jesus, and the complaints of the Judean power holders are now reinforced by the antagonism of the people.  

Luke offers no explanation for the people’s demand for the release of Barabbas. In Mark, the customary release of a prisoner becomes a means by which Pilate seeks to accomplish Jesus’ release, giving the (false) impression that Pilate had to resort to such maneuvers in order to free Jesus. In Luke, on the other hand, Pilate never asks the crowd to choose between Jesus and Barabbas. Pilate has already declared his intent to release Jesus with no more than a beating – to suggest at this juncture that Jesus of them together call out for Jesus’ death, and there is no need for manipulation or “rabble-rousing” by the leaders. For perceptive comments on the relation between the people and their leaders in Luke’s narratively constructed theology, see David Tiede, “Contending with God: The Death of Jesus and the Trial of Israel in Luke-Acts,” in The Future of Early Christianity: Essays in Honor of Helmut Koester, ed. B. Pearson (Minneapolis: Fortress, 1991), 305-8.

On the transfer of “the people” from sympathy for Jesus to collaboration with his enemies, see Ahn, Reign of God, 169-75, against R. Cassidy, “Luke’s Audience, the Chief Priests, and the Motive for Jesus’ Death,” in Political Issues in Luke-Acts,” 146-67, who argues that the people do not join the cries for Jesus’ death in the Lukan trial scene. Cassidy is correct that “Luke does not specifically indicate who joins in this clamor for Jesus’ death and it need not be supposed that the people actually did so” (152). However, in the absence of other markers, their presence in the list of those summoned to hear the verdict suggests their inclusion in the undefined “they.” Furthermore, the verb “shout out” (ἀνακράζω) is an appropriate one for a large crowd as is the expression “away with him!” (ἀπέ τοῦτον). Acts 4:27, 7:51-2, 13:27 show that Luke assumes the general guilt of the people of Israel in Jesus’ crucifixion.

Luke’s change of Mark’s indirect τοῦ Βαραββᾶν ἀπολόγησιν αὐτοίς into direct speech is atypical of him and agrees with Matthew and John. The demand ἀπέ τοῦτον resembles John 19:15 but also Acts 8:33; 21:36; and 22:22. Green (Death of Jesus, 84) argues that the lack of logic suggests Luke’s use of an alternative source. But it is not clear to me how the hypothesis of an alternate source can explain Luke’s omission of clarifying information that he would have had available in Mark.

I assume, with the editors of NA27, that verse 17 is not original. Its widespread absence in a variety of early manuscripts, including f35 A B K L T (and the Sahidic and part of the Bohairic traditions) and the variations in its position in others suggest that it is a later gloss based on Mk 15:6 and Mt 27:15 (Metzger, Textual Commentary, 153; Green, 84).

Verse 17 (Ἀνάγκην δὲ εἶχεν ἀπολόγησιν αὐτοίς κατὰ ἐσφήν ἐνα) is found in A W f4. The Vulgate (one ms. excepted) and part of the Old Latin tradition, and the Syriac Peshitta and Harklensis. Variations are Ἀνάγκην δὲ εἶχεν κατὰ ἐσφήν ἀπολόγησιν αὐτοίς ἐνα (Q Y D and the oldest Syriac mss. share this reading but place the verse after v. 19) and Ἀνάγκην δὲ εἶχεν κατὰ ἐσφήν ἀπολόγησιν ἐνα αὐτοίς (marginal reading in 892). A number of Bohairic mss. also contain a variant.

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be released as an act of clemency would be absurd. Thus Luke curtails the Barabbas episode to the point that the cries of the crowd for Barabbas lose all significance. Only the juxtaposition of Jesus and Barabbas at the end of the narrative shows that Luke is aware of Barabbas as a substitute for Jesus.

Mark depicts Barabbas as one of a number of revolutionaries who had committed murder (15:7). Luke singles him out and emphasizes that he had been jailed for στάσις, with the charge of murder added at the end of the sentence (“because of an uprising which had occurred in the city, and for murder,” Luke 23:19). He thus makes it clear that the people are not calling for Jesus’ execution out of any concern for maintaining the pax Romana – they are glad to have the violent revolutionary Barabbas released.

Pilate Resists (23:20-22)

In his account of the continuation of the dialogue between Pilate and the crowd, Luke follows Mark closely but with some noteworthy changes. He omits Pilate’s question, in response to the demand for Barabbas, what he should do with “the King of the Jews” (Mark 15:12). Just as Pilate has not asked the crowd who they want released, he does not ask them what to do with Jesus.

In Luke, Pilate has made up his mind about Jesus from the beginning. There is no doubt, no questioning, no hint that perhaps the crowd might advocate the better course.

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865 On this point, see Matera, “Jesus Before Pilate,” 550. The presence or absence of the explanatory note in v. 17 is irrelevant to this analysis. In neither case does Pilate offer to release Jesus as an act of clemency.

866 Even here, all the reader need construe is that Luke highlights the injustice of Pilate’s pardoning a guilty man while at the same time condemning an innocent man. However, the reader already familiar with a Markan version of the passion story would be inclined to supply the Markan context. Cf. Acts 3:14 - ὑμεῖς δὲ τὸν ἄγιον καὶ δίκαιον ἠρνήσασθε καὶ ἡττήσασθε ἄνδρα φονέα χαρισθῆναι ὑμῖν.

867 διὰ στάσιν τινὰ γενομένην ἐν τῇ πόλει καὶ φόνον, 23:19.
Whereas in Mark, Pilate repeatedly refers to Jesus as “the King of the Jews” (15:9, 12), the title vanishes from Luke after the first exchange between the governor and the accused. Pilate perceives already at that point that the charge that Jesus has claimed to be the King of the Jews is groundless, and he does not use the term thereafter. His verdict is simply a confirmation of his initial impression that Jesus has done nothing that merits a death sentence.

But now, with the crowd loudly objecting to his verdict, Pilate “calls out to them again” (πάλιν ... προσεφώνησεν αὐτοῖς). Luke does not record the substance of Pilate’s words, but his adverb πάλιν points back to Pilate’s previous address, his announcement of the verdict. The cognitio is complete, and Pilate has announced his decision. But faced with forceful opposition, he does not proceed to order its implementation. Instead, he addresses the crowd once more, apparently in an attempt to justify his decision and win their approval.

Luke notes that Pilate addressed the crowd, “wishing to release Jesus” (θέλων ἀπολύσαι τὸν Ἰησοῦν). This constitutes the only direct reference to Pilate’s inner thoughts and motives in Luke’s entire trial narrative, and it only confirms what the narrative itself has already strongly implied. Pilate has repeatedly rejected the demands for Jesus’ condemnation. He found the charges brought by the council invalid. When the accusers persisted, he transferred Jesus to another court. He interpreted Jesus’ return as a...
sign that Herod also had found no cause for a conviction. His desire to release Jesus, though unexplained, has been patent.

Indeed, Luke’s note that Pilate wanted to release Jesus actually alerts the reader that the narrative is about to change direction. What Pilate wants to do and what he finally will do may not be the same thing. What Pilate wants to do somehow requires him to address the crowd once more. An uninformed reader could even get the impression that Pilate cannot release Jesus if the crowd disapproves. However, first-century readers with experience of Roman rule in the provinces would be under no such misconception. If the governor hesitates to carry out his verdict due to objections from the crowd, it is not from any lack of power or legal authority but because he does not wish to arouse the people’s displeasure.

Following his verdict, Pilate addresses the crowd not only πάλιν but also τρίτον (23:22). Luke preserves Mark’s question, τι γὰρ ἐποίησεν κακόν; (τι γὰρ κακόν ἐποίησεν οὗτος; Luke 23:22), but then has Pilate repeat his verdict and his intent to release Jesus. Now, however, the reader is aware that Pilate may not follow up on his intent. He has shown that he is influenced by the crowd, and his statement of the verdict is no longer the statement of a man in authority who speaks and it comes to pass. Coming as it does after a question to the crowd, it now takes on the cast of an argument, not an announcement. The repetition of the verdict, through the very fact that it had to be repeated, gives it less authority than it had before.

\[870\] Cf. Acts 28:19, where Paul’s account of his trials in Caesarea gives the same impression.
Scholars speak of Pilate’s threefold declaration of Jesus’ innocence. While it is true that Pilate asserts three times that he sees no case against Jesus (23:4, 14, 22), the narrative in 23:13-27 particularly emphasizes Pilate’s three addresses to the crowd before his tribunal: the initial announcement of the verdict (23:13), the repetition (πάλιν) of the address (23:20), and the third speech (πρίτον) arguing the case (τί γὰρ κακὸν ἔσοχεν οὗτος;) and reiterating the initial verdict. Each time, the word that indicates repetition is fronted (πάλιν δὲ ὁ Πιλᾶτος ... ὅ δὲ πρίτον εἶπεν ...). The narrative thus emphasizes Pilate’s intention to release Jesus, his repeated insistence on sticking to his original verdict, and his reluctance to satisfy the accusers’ demands. Even more than Jesus’ innocence, Luke stresses the reluctance of the Roman authority to take any action against him. Thus he demonstrates in the strongest possible terms that the Roman governor bore no suspicions toward Jesus and had no interest in condemning him.

*Jesus’ Accusers Prevail*

Pilate is caught between two contradictory motivations. His reluctance to condemn Jesus has been evident from the beginning, and the evidence has accumulated to the point of a direct statement of the fact from Luke. On the other hand, Pilate’s continued dialogue with the crowd, even after he has announced his verdict, and his need to repeat his verdict a second time, begin to suggest another motivating force – Pilate’s reluctance to displease his subjects. In the conclusion of Luke’s trial scene, the latter

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872 Cf. Légasse, *Procès*, 377-78. It is inappropriate (but difficult to avoid) to speak of “attempts to release Jesus” (or for Légasse, “trois tentatives”) in this context. The authority to acquit or convict (jurisdiction) rested solely with Pilate as governor, and thus he was able to release Jesus whenever he wished.
motivation wins out, and the voices of the crowd prove to be stronger than Pilate’s resolve to stick to his original decision.

Luke’s characterization of the crowd’s tenacity, “they kept insisting” (using an imperfect verb, ἐπέκειντο, for repeated action over a period of time), and his description of their “loud voices” (φωναὶ μεγάλαι) suggest a contest of wills between the governor and the crowd around his tribunal (Luke 23:23). It is a contest the governor loses:


While Pilate has twice announced his verdict, the final decision in the case is revealed when Luke records that “their voices prevailed.” Pilate gives a ruling (ἐπέκρινεν), but only after the result has been made clear by the statement “their voices prevailed,” and what he rules is described by the phrase “that their demand be granted” (γενέσθαι τὸ αἰτήμα αὐτῶν). At the critical moment Pilate disappears as an agent, only to reemerge as the custodian of the prosecution’s demands. Thus Luke emphasizes the

873 καὶ κατίσχον αἱ φωναὶ αὐτῶν. The imperfect (κατίσχον) perhaps communicates a state of affairs rather than something that occurs at a precise moment in time: “their voices were stronger.”

An impressive group of manuscripts – A D W Q Y 0250 f.13 M (c f) sy bo – add καὶ τῶν ἀρχιερών (ms. 1424 goes one better: καὶ τῶν ἀρχιερών καὶ τῶν ἀρχιερών). However, its absence in other early witnesses suggests that early copyists appended the extra genitives for added specification (Metzger, Textual Commentary, 153).

874 Compare Mark, Ὅ δὲ Πιλάτος… 15:15.

875 The verb, a hapax in the NT, can refer to a formal sentence (see Bond, Pilate, 158 n. 84; cf. Walaskay, “Trial,” 91-92, who nonetheless insists, “Luke did not consider this to have been a completed trial”). Cf. Légarès, Procès: “Le verbe… n’implique pas par lui-même une sentence judiciaire, mais bien un acte d’autorité…” (387, emphasis added). He gives 2 Macc. 4:47 and Josephus JW 6.416 as examples of the former, 3 Macc. 4:2 and Josephus, AJ 14.192 as examples of the latter. (Green (Death of Jesus, 86) points out that both uses of ἐπικρίνω in the LXX (2 Macc 4:47 and 3 Macc 4:2) relate to a miscarriage of justice.) According to Bammel (“Trial Before Pilate,” 429) however, the word “does not describe the giving of sentence, but rather a decision, rightly or wrongly taken within a larger procedural context.” This seems overly particular: given the context, it is simpler to understand ἐπικρίνων as denoting that Pilate gave then sentence of crucifixion, a sentence which Luke glosses with the phrase “their demand.”

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agency of Jesus’ opponents and deemphasizes Pilate’s own agency. Pilate’s impotence is made clear by the fact that he twice repeats his verdict, but the verdict is not carried out – instead the will of the crowd prevails. Luke continues to emphasize the initiative of the Judeans in the final decision by replacing Mark’s “he handed Jesus over to be flogged and crucified” \(\piα\rho\epsilon\delta\omega\kappa\varepsilon\nu\ \tau\omicron\nu\ \iota\varsigma\sigma\sigma\omicron\ou\nu\ \varphi\rho\alpha\gamma\epsilon\ll\lambda\omega\sigma\varsigma\varsigma\zeta\ i\nu\alpha\ \sigma\tau\alpha\upsilon\rho\omicron\omega\theta\eta\nu\), Mark 15:15) with “he handed Jesus over to their will” \(\tau\omicron\nu\ \delta\epsilon\iota\varsigma\sigma\sigma\omicron\nu\ \pi\alpha\rho\epsilon\delta\omega\kappa\varepsilon\nu\ \tau\omicron\iota\ \theta\epsilon\ell\acute{\mu}\mu\alpha\tau\iota\ \\alpha\omicron\tau\omicron\nu\), Luke 23:25).\[^{876}\] It is clear that Pilate orders Jesus’ crucifixion solely because the Judeans want it.\[^{877}\]

Luke further emphasizes the injustice of Pilate’s ruling by juxtaposing Jesus’ fate with that of Barabbas. He refers to Barabbas, not by name, but as “the one shut up in prison because of revolt and murder, whom they asked for” (Luke 23:25),\[^{878}\] thus reinforcing for the reader that Barabbas was a revolutionary charged with murder and emphasizing that the people and their leaders had specifically asked for his release. This contrast between Jesus, an innocent man delivered to crucifixion, and Barabbas, a violent

\[^{876}\] In this way Luke avoids stating directly that Pilate condemned Jesus to death – he will not mar the impression of Jesus’ innocence by quoting the Roman verdict against him. Luke’s Christian audience knows the passion story: they will understand that “he ruled that their demand be granted” means “he ruled that Jesus be crucified.” Note that Luke has just narrated the crowd’s demand, in the form of an imperative directed at Pilate: “Crucify, crucify him!” (Luke 23:21). Thus there is no justification for claiming that in Luke’s version Pilate does not actually sentence Jesus (e.g. Tyson, Death of Jesus, 136-37). Likewise, the Lukan audience is well equipped to recognize that “he handed Jesus over to their will” means “he handed Jesus over (to his soldiers) for crucifixion, as they wanted.” Thus it is not precisely true, as Walaskey states, that “Luke has consciously omitted the Roman pre-crucifixion scourging” (”Trial,” 90). Luke has replaced the Markan death sentence with the circumlocution \(\iota\varsigma\sigma\sigma\omicron\nu\ \pi\alpha\rho\epsilon\delta\omega\kappa\varepsilon\nu\ \tau\omicron\iota\ \theta\epsilon\ell\acute{\mu}\mu\alpha\tau\iota\ \\alpha\omicron\tau\omicron\nu\); the reference to flagellatio has vanished along with it.

Luke also does not say directly who led Jesus out to be crucified (v. 26). Again, a reader familiar with the passion story understands that it is Roman soldiers who crucify Jesus, but Luke does not say this directly. It is unlikely that Luke intended his readers to understand that Jews did the crucifying. For one, if Jesus’ prophecy in vv. 28-31 refers to the events of 70 C.E., then Jesus’ expression in v. 31 only makes sense if those who are “doing these things” \(\tau\alpha\upsilon\alpha\tau\iota\ \pi\omicron\upsilon\ou\varsigma\) are Romans.

\[^{877}\] A summary Luke later places in the mouth of Peter mirrors this view of the trial: “You handed over and repudiated \(\iota\rho\nu\varsigma\sigma\alpha\sigma\tau\iota\) \(\iota\varsigma\sigma\sigma\omicron\nu\) before Pilate, though he had decided to release him” (Acts 3:13).

\[^{878}\] \(\tau\omicron\nu\ \delta\iota\alpha\ \sigma\tau\acute{\alpha}\iota\nu\ \kappa\iota\ \phi\omicron\omicron\nu\ \beta\epsilon\beta\lambda\lambda\mu\acute{\epsilon}\mu\nu\nu\ \epsilon\iota\varsigma\ \phi\omicron\alpha\lambda\acute{\alpha} \iota\nu\ \acute{\iota}\omicron\tau\sigma\omicron\nu\) \(\omicron\nu\ \acute{\iota}\omicron\tau\sigma\omicron\nu\).
revolutionary and murderer released, is obviously important to Luke, for he adds this information, which the reader already knows, to Mark’s account. This repetition, at the very end of the trial account, serves to seal in the reader’s mind the injustice of the proceedings, and the fact that the decision had nothing to do with the interests of Rome.

Pilate’s reason for giving in to Jesus’ enemies is not entirely clear. Luke omits Mark’s explanation that Pilate wanted to “give satisfaction” (τὸ ἴκανὸν ποιῆσαι) to the crowd (Mark 15:15). Nor does he say, as does Matthew, that Pilate feared a riot (Matthew 27:24). Instead, he leaves his audience to infer why the crowd prevailed on Pilate to change his verdict. The reference to loud voices and the connotation of power and strength carried by the verb κατισχῶ suggest that Pilate may have been intimidated by the vociferous opposition. On the other hand, Pilate’s susceptibility to the influence of the crowd can equally be understood as motivated by a desire to cultivate the goodwill of his subjects and the reluctance to jeopardize that goodwill by making a decision that appears to be deeply unpopular. Luke does not provide enough information to pinpoint Pilate’s motivation precisely.

In the concluding section of the Roman trial, Luke continues to reflect Mark closely. The few differences are most likely due to Luke’s own redaction. Some of his

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879 Nor, as John suggests, that he did not want to seem disloyal to Caesar (19:12). On the differing nuances of the gospel accounts, see Bond, *Pilate*, 94-193. Of the four canonical gospels, Matthew most clearly exculpates Pilate: not only does he report that Pilate feared a riot, but also suggests that Pilate was powerless to save Jesus, represents him as washing his hands, and has the Judeans explicitly accept the guilt for Jesus’ death.

880 Bickerman ("Utilitas Crucis," 209) gives a number of examples of crowds imposing or trying to impose their will on judges, but they are all from Christian martyr acts and thus may be suspected of having been influenced by the gospel passion narratives. These references do suggest, however, that such a phenomenon was not wholly unfamiliar to ancient readers. Also cf. *Dig*. 49.1.12, *Dig*. 48.8.16 and *Cod. Just*. 9.37.12.
alterations to Mark are characteristic of his style.881 Others, such as the addition of “and their voices prevailed” and the change from “he handed Jesus over to be flogged and crucified” (Mark 15:15) to “he handed Jesus over to their will” (Luke 23:25) fit a definite pattern – emphasizing the initiative of the Judeans in Jesus’ condemnation and minimizing that of Pilate – and thus can readily be attributed to Luke’s own intentions as a redactor.

4.2.6 Conclusions from the Passion Narrative

Luke as a Redactor of Mark

In his account of Jesus’ trial, Luke introduces significant changes to his main source, Mark. As argued above, these changes are best understood as the result of his own redactional interests and his use of oral traditions rather than use of a second written source. Therefore, not only can Luke’s account be read as a piece of the larger construct “the portrayal of Roman governors in Luke-Acts,” but the differences between Luke’s account and Mark’s actually provide clues about the real author’s perspective and interests.882 Looking at Luke’s redaction of Mark’s trial scenes as a whole reveals several salient tendencies.

First, Luke displays more interest in the Roman trial and less interest in the Judean proceedings than does Mark. Mark’s night trial before the Sanhedrin has become a short hearing first thing in the morning, merely a preparation for accusing Jesus before

881 See Jeremias, Sprache, 304. For example, the rendering of Mark’s direct discourse, στα/uni1F7Bρωσον α/uni1F50τ/uni1F79ν (15:14) into indirect discourse, α/uni1F30το/uni1F7Bµενοι α/uni1F50τ/uni1F78ν σταυρωθ/uni1FC6ναι (Luke 23:23), is consistent with Luke’s usual practice; κατισχ/uni1F7Bω is also used in Luke 21:36, and otherwise only in Mt. 16:18.

882 That is to say, the glimpse we are given into the process of composition behind the text also allows us to get behind the inscribed author projected by the text and make guesses about the thoughts and intentions of the real author. Evidence of the author’s intention beyond the text itself allows us to comment on more than just the inscribed author.
Pilate’s tribunal. There are no witnesses, as in Mark, and there is no dramatic affirmation of Jesus’ messianic status. The subject of blasphemy does not arise. In turn, Luke gives the Roman hearing much more attention than does Mark and renders trial procedure in more detail, including the precise charges on which Jesus is tried. Luke’s interest and concern in the trial scene is clearly focused on Jesus’ interaction with the Roman authorities.

Second, Luke shows a kind of deference toward the Roman tribunal that Mark does not. He removes elements from Mark that could give the impression that Jesus treated Pilate disrespectfully at his trial: Jesus’ refusal to answer, Pilate’s amazement at his refusal to defend himself, and his baffled question, “Aren’t you going to say anything in reply? Look how much they accuse you!” (Mark 15:4), which only serves to underscore how out of place Jesus’ silence is. In Luke, Jesus never refuses to answer Pilate’s questions – he is silent in Herod’s court, not in Pilate’s. Pilate shows no amazement at Jesus’ ambiguous reply to his question, and seemingly needs no further questions to conclude that the accusations against Jesus have no merit.

Third, Luke makes an effort to dissociate the Roman tribunal from the mistreatment and condemnation of Jesus. He eliminates Mark’s depiction of the brutality of the Roman soldiers toward Jesus. Instead, it is Herod’s soldiers who mock Jesus. By having Pilate announce a verdict midway through the trial narrative, Luke underscores that the Roman governor, after examination, is prepared to release Jesus. Thus Luke makes it quite clear that without the intervention of the high priests, rulers, and people crucifixion would not have been the outcome of the trial. Furthermore, Luke avoids

\[\text{οὐκ ἀποκρίνη οὐδέν; Ἰὸς πόσα σου κατηγοροῦσιν.}\]
saying directly that Pilate condemned Jesus to the cross. The reader must infer this from Luke’s circumlocution, which places the emphasis on the initiative of the people and their leaders.

Fourth, Luke emphasizes Pilate’s belief in Jesus’ innocence and his resistance to the demands for a death penalty. While Mark eventually reveals that Pilate perceives that the charges against Jesus are really motivated by jealousy (Mark 15:10), at first he says nothing about Pilate’s assessment of the case, remarking only his amazement at Jesus’ refusal to cooperate. In Luke, on the other hand, Pilate quickly announces that the charges do not hold up. In Mark, Pilate’s later statements to the crowd can be construed as resistance to their wishes but equally as mocking them about “your King” (15:9, 12). In Luke, Pilate does not repeat the charge that Jesus claims the title of king, and Luke highlights Pilate’s threefold resistance to the opposition’s demands for crucifixion, including twice statements of his intent to release Jesus with a beating.

Finally, Luke’s redaction emphasizes Jesus’ innocence in a number of ways. He suppresses Jesus’ “confession” of his messianic (and thus royal) status before the Jerusalem council. Instead, he demonstrates the disingenuousness of Jesus’ opponents by showing the council interpreting an ambiguous reply (“ἡμεῖς λέγετε”) as a confession (Luke 22:70-71). He further demonstrates their dishonesty by outlining their charges against Jesus before the Romans, charges he has prepared his audience to see as false or at least unsubstantiated and that the governor does not appear to find convincing.

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884 The Jewish leaders do not repeat the charge either, but they connect Jesus’ stirring up the people to his teaching (23:5). Thus the messianic question falls entirely into the background (Bond, Pilate, 146). Only after Jesus has been condemned to death is the initial charge repeated, on the titulus on the cross (23:38).
Luke also emphasizes Jesus’ innocence by underscoring the injustice of Pilate’s final decision and the pivotal role that the pressure of the crowds played in it. In Mark Pilate gives no verdict until he hands Jesus over to be crucified at the end of the narrative. A reader could imagine that Pilate, though suspicious of the motives of Jesus’ accusers, is forming a verdict sensitive to *acclamatio populi*. In Luke, on the other hand, Pilate voices his skepticism about Jesus’ guilt at the beginning of the trial, pronounces midway through the trial his decision that Jesus should be beaten and released, and repeats his finding and his verdict yet again after the crowd objects (Luke 23:22). Thus Luke makes it clear that Pilate, in response to the demands of the crowd, actually changes a verdict that he has already announced. In case of any lingering doubt about the injustice of the proceedings, Luke concludes his narrative of the Roman trial by contrasting the condemnation of Jesus with the release of a man who had been thrown in prison for rebellion and murder.

*The Characterization of Pilate*

Luke’s alterations and additions to Mark’s account have an impact on the portrait of Pilate that emerges from the narrative and suggest some things about the author. First, Luke shows little interest in Pilate’s motivations. He omits two statements from Mark

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885 On the possible role of *acclamatio populi* in Jesus’ trial, see Brown, *Death*, 720-22; Strobel, *Stunde*, 124-29; Lémonon, *Pilate*, 96. Justinian’s code opposes it (9.47.12). A pertinent example can be found in Josephus, *Antiquities* 17.157-64: Herod lets a crowd in the amphitheater in Jericho decide the fate of forty young men implicated in tearing down the golden eagle from the temple. Although in this case it is not a question of whether the men are guilty of the deed (they have confessed), but whether or not they should be punished, the political utility of Herod’s gesture is suggestive.

886 Neyrey (*Passion*, 77) holds that Pilate already pronounces a verdict in 23:4. It is not clear that Luke intends this as a formal verdict, however, because Pilate does not say what should be done with the defendant.

887 On the importance of injustice to Luke’s presentation of the trial proceedings see Ahn, *Passion Narrative*, 182-86. Strangely, he does not mention Barabbas in this connection.
that reveal Pilate’s perceptions or explain his actions: Pilate’s perception that Jesus’ opponents were acting out of jealousy, and the remark that he condemned Jesus in order to please the crowd. Thus he provides no explanation for Pilate’s immediate exoneration of Jesus or for his final concession to Jesus’ opponents.

On the other hand, Luke clarifies, as Mark does not, that Pilate wanted to release Jesus. In Mark, Pilate’s debate with the crowd can be read as merely cynical. Luke not only demonstrates Pilate’s desire to release Jesus – by narrating his quick conclusion that Jesus is not guilty, his interpretation of Herod’s gesture as a “not guilty” verdict, and his resistance to changing his initial verdict – but also states it directly. There can be no confusion or lack of clarity about the Roman authority’s real intentions toward Jesus. In the eyes of the Roman governor Jesus has done nothing to deserve crucifixion, and therefore the governor does not wish to condemn him.

As a result, Pilate seems a more benign figure in Luke than the Pilate of Mark. Luke supplies a Pilate who is prejudiced in favor of Jesus from the start and never wavers from his position that Jesus is not guilty of any serious crime – not even when he condemns Jesus to the cross, for Luke makes it clear that this is just a matter of giving the populace their way. Luke’s Pilate seems reluctant to crucify an innocent man – at least, that is the most obvious explanation of his resistance to the crowd. Luke’s tendency to distance the Romans from the mistreatment of Jesus also leads to a Pilate who seems less harsh than Mark’s: he does not order Jesus flogged and crucified (the reader must infer this); he is not associated with beating and mistreatment of Jesus following the verdict; he

888 Lémonon suggests another possibility, however: Pilate resists being “manipulated” by Jews. “La plus ancienne tradition ne présente pas un gouverneur qui cède à la peur ou qui défend scrupuleusement l’accusé, mais un homme qui ne veut pas être manoeuvré par les Juifs” (Pilate, 189). Whatever its historical plausibility, I submit that this is not the first motive that would occur to a reader of Luke-Acts.
does not mock Jesus by using the title “King of the Jews” during the trial. Luke shows no interest in maintaining the violent and bloody portrait of Pilate he evoked in 13:1.

Nevertheless, Luke’s Pilate shows no particular respect for Jesus. He does not believe that Jesus merits crucifixion, but he does not shy away from commanding a judicial beating. He does not treat Jesus as a “respectable” person who should be exempt from such treatment. Pilate seems to assume that Jesus is the type who could benefit from a sound beating.

Furthermore, Luke shows that the desires of Jesus’ opponents ultimately weigh more heavily with Pilate than whatever scruples against an unjust conviction he might have. Pilate is reluctant to crucify an innocent man, but not unwilling. Luke does not explain exactly what circumstances outweigh Pilate’s reluctance. If he does not claim, as Mark does, that Pilate made his ruling to pander to the crowd, neither does he divulge any exculpatory circumstances, as do Matthew and John.\textsuperscript{889} Luke portrays Pilate as confronted by the persistent opposition of a whole people and their leaders but does not explain why “their voices prevailed.” Luke’s portrait of Pilate in the trial scene is ambivalent.

This ambivalence makes Pilate a round character, not a flat one; that is, he does not simply act according to type but deals with conflicting impulses. However, Pilate is an impenetrable character. Luke does not seem interested in explaining Pilate’s motives or providing a psychological portrait. He makes no effort to explain his final decision. It is left to the reader to decide whether Pilate was too weak and indecisive to stick to his

\textsuperscript{889} Of all the canonical gospels, Matthew seems most interested in exonerating Pilate. He implies that Pilate was forced to his decision to avoid a riot (27:26), has Pilate ceremonially wash his hands of the affair, and has the crowd openly assume the responsibility. John’s apologia for Pilate is much more muted: he implies that Jesus’ adversaries forced Pilate’s hand by calling his loyalty to the emperor into question.
principles against the pressure of the crowd or simply too callous and calculating to insist on a decision that proves to be so unpopular. It is enough for Luke that Pilate satisfy his rhetorical and narratival needs; he shows no concern to explain why he acts as he does.

Though Luke gives us little understanding of Pilate’s personality or motives, his actions characterize him as a governor who is ruled by, rather than ruling, his people. Like Philo’s Flaccus, he is influenced by popular sentiment to act in a way that he himself knows is unjust. Like Flaccus, his initial behavior demonstrates that he knows the right course of action, but this makes his eventual abandonment of it seem all the more blameworthy. Luke does not explicitly criticize Pilate, but his emphasis on the injustice both of the final verdict and of the process by which it was reached can only reflect poorly on the judge.

4.3 Pilate After the Passion Narrative

Pilate’s cooperation with Jesus’ enemies, however reluctant, makes it possible for Luke to list Pilate among the participants in a general conspiracy against Jesus in Acts

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890 Some interpreters have seen Pilate as weak, indecisive, vacillating, and so on (cf., e.g., Bond, Pilate, 158-59; Senior, Passion, 118). According to Carter (Pilate, 102) this is the most common reading (though he gives no examples). Matthew’s version does hint at Pilate’s weakness, sense of impotence, and fear of the crowd (ιδὼν δὲ Πιλάτος ὅτι οὐδὲν Ὑφελεί ἄλλα μᾶλλον θόρυβος γίνεται, Matt. 27:24). Luke, however, does not provide the reader with such information.

891 For the latter interpretation, see Lémonon (Pilate, 202): “En fait, pour Pilate, c’est une affaire entre Juifs que ne peut l’intéresser que dans la mesure où elle risque de susciter des troubles en ce temps de fête.” One cannot reach this conclusion from Luke’s version, however: Unlike Matthew (27:26, quoted above) Luke has made no reference to any threat of unrest from the people opposed to Jesus.

892 Carter’s statement is on target: “The fact remains that Luke shows Pilate condemning Jesus to death. If a weak governor can do that, if governors can be pressured into such capricious actions, how frightening is that for Jesus’ disciples! Any follower of Jesus could be subject to the same whims of gubernatorial weakness at any time!” The last thing early Christians wanted governors to do was to be swayed by the hostility of their opponents.

Why did nations (ἔθνη) rage, and peoples (λαοί) imagine vain things? The kings of the earth took their stand, and the rulers (ἄρχοντες) gathered together (συνήχθησαν ἐπὶ τὸ αὐτὸ) against the Lord and against his anointed one (τοῦ χριστοῦ αὐτοῦ).

Acts 4:27-28 supplies the interpretation:

For in truth, there gathered (συνήχθησαν) in this city, against your holy child Jesus, whom you anointed (ὁν ἐχρισας), Herod and also Pontius Pilate, with nations (σὸν ἔθνεσαν) and peoples of Israel (λαοὶς Ἰσραήλ), to do what your hand and counsel had foreordained to take place.

The order “Herod and also Pilate” associates Herod with the “kings,” βασιλεῖς τῆς γῆς, and Pilate with the “rulers” (ἄρχοντες) who acted against God and his anointed one. The interpretation also associates “peoples” (λαοί) with Israel. Presumably ἔθνη still represents the Gentiles. Luke thus represents Pilate, along with the Gentiles in general, as joining Israel and the Herodian monarchy in active hostility toward Jesus. As previously noted, Luke’s comment on the détente between Herod and Pilate foreshadows this portrayal of the two rulers as in league with the rest of Jesus’ enemies.

In giving in to the demand for a death sentence, Pilate moved away from the position of a sympathetic outsider who perceived the hollowness of the charges against Jesus and did not wish to see him unjustly punished, toward a position of complicity with

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893 The result is a chiastic structure: Herod (a “king” over Israel) – Pilate (a ruler from the nations) – nations – Israel. Herod Antipas does not fit the profile as well as some of the other Herods, but early Christians did not always distinguish clearly.

894 This verse suggests that, far from being a celebration of the power of Jesus to reconcile enemies (Fitzmyer, Luke, 1480; followed by Matera, Passion Narratives, 178; Karris, Artist and Theologian, 85), the rapprochement between Herod and Pilate should be read in a more sinister way. According to David Moessner (“Listening Posts,” 148), the synchronisms in Luke-Acts reinforce this view of the formation of a general conspiracy against Jesus: “Luke would have us hear, from the very frontispiece of the beginning, that the whole inhabited world of Jews and Gentiles… will collaborate to put Jesus to death.”
Jesus’ enemies. Here he has moved even farther: from a position of complicity with to a position of inclusion among Jesus’ enemies. Later in Acts, Luke will again evoke Pilate the sympathetic outsider in summaries that identify the Jews as the main or only actors in Jesus’ crucifixion and present Pilate as a passive instrument of their plans (Acts 13:27-28; cf. Acts 3:13).\footnote{Cf. Luke 24:20 – the Judean leaders “handed [Jesus] over to a death sentence and crucified him” (παρέδωκαν αὐτὸν… εἰς κρίμα θανάτου καὶ ἔσταροςαν αὐτὸν). Only the phrase παρέδωκαν εἰς κρίμα θανάτου hints that the death sentence was imposed by someone else. The Judean leaders are represented as the sole agents of the crucifixion.} Here in Acts 4:27-28, however, Pilate takes his place in the array of forces aligned against Jesus in the critical hour “to do what [God’s] hand and [God’s] plan had foreordained” (Acts 4:28).\footnote{On the role of God’s plan (βουλή) in these verses see David Moessner, “The ‘Script’ of the Scriptures in Acts: Suffering as God’s ‘Plan’ (βουλή) for the World for the ‘Release of Sins,’” in \textit{History, Literature, and Society in the Book of Acts} (ed. B. Witherington, III; Cambridge: Cambridge University Press, 1996), 229-30. Moessner notes that the prayer is placed between two accounts of persecution of the early community and of their attempts to call Israel to repent and turn to God’s plan (note especially, δεῖ σωθῆναι ἡμᾶς, 4:12, and πειθαρχεῖν δεῖ τοῦ μᾶλλον ἢ ἀνθρώποις, 5:29).} His cooperation with Jesus’ enemies, in violation of his own sense of justice, has opened the way for Luke to depict him as an active part of a conspiracy against Jesus.\footnote{It may be significant that the context of Acts 4:27-28 is a prayer within the community (where Jesus’ innocence did not need to be argued), while such texts as Acts 2:23; 3:15; 7:52; and 13:27-28 belong to sermons preached to Judeans and diaspora Jews.} These verses in Acts also look forward to the portrayal of Roman governors in that book. Here near the beginning of Acts, both the nations and Israel, both Gentile rulers and Jewish kings, are construed as hostile to Jesus. Acts 4:27-28 strikes a note that reminds the reader of what Jesus had predicted in Luke’s gospel: “…they will arrest you and persecute you; they will hand you over to synagogues and prisons, and you will be brought before kings and governors because of my name” (21:12).\footnote{Note that fourfold structure mirrors Psalm 2 and its interpretation: Jewish synagogues and kings (the Herods), Roman prisons and governors. This speaks against those who argue that governors are depicted here merely as neutral arbitrators between Christians and their opponents. They do indeed play the...}
Acts establishes the expectation that Pilate will not be the last governor who will be in a position to judge (and condemn) the Christian movement. The narratives involving Roman governors in Acts unfold within this context.

4.4 Conclusions

Techniques of Characterization

Luke’s portrait of Pilate is accomplished almost entirely through indirect characterization. He does not make his audience privy to Pilate’s thoughts and motives. The sole exception occurs in 23:20 when Luke reveals that Pilate wanted to release Jesus. Otherwise the audience judges Pilate’s character by his words and deeds. Likewise, Luke does not tell his audience what to think of Pilate. The strongest indication of an authorial judgment comes in Acts 4:27-28, where Pilate is ranked among Jesus’ opponents as one of the forces leagued against Jesus. However, Luke’s words elsewhere undermine this judgment: rather than as a full conspirator, he is portrayed as a subordinate figure, complicit with, but not the driving force behind, Jesus’ death and even putting up some resistance to this role.

Though comparison is not a prevalent aspect of Luke’s characterization of Pilate, it does play a role. First, Pilate’s response to the phrase συ λέγεις contrasts with the council’s response to the phrase υμεῖς λέγετε ὅτι ἐγὼ εἰμί. Whereas the council takes it as an affirmation, Pilate does not. Pilate’s interpretation of an ambiguous phrase shows a prejudice against Jesus’ guilt, whereas the council’s interpretation shows a prejudice for Jesus’ guilt, as do their accusations before Pilate. Next to the openly hostile, biased, and role of arbitrator in reality (and in the imagination of the early Christian reader of the text), but the expectation is that they will condemn (unjustly, of course) the Christians – thus the reference to prisons. They are hardly neutral arbitrators.
manipulative council, Pilate appears impartial, even magnanimous in his refusal to accept the phrase as self-incrimination. Second, Herod provides a foil for Pilate. Although Pilate does not show any particular respect for Jesus, he does not mock and despise him as do Herod and his soldiers. The form taken by Herod’s mockery suggests that he gives some credence to the charge that Jesus claims to be a king. In comparison, Pilate’s expressed interpretation of Herod’s motivation for returning Jesus to his tribunal suggests a prejudice against Jesus’ guilt.

**Characteristics**

In Luke 13, Luke holds Pilate responsible for brutal and sacrilegious treatment of Galileans who had come to Jerusalem to sacrifice. The text leaves the impression of a harsh governor, prone to violence and without respect for justice or religious scruples, an impression not incompatible with Josephus’ portrait of Pilate as a governor who relies on force to quell opposition to his policies. Yet Luke does not maintain the impression in the trial scene. He distances Pilate and the Romans in general from harsh treatment of Jesus. Instead he evokes a Pilate who is not hostile to Jesus and who does not assume his guilt, a Pilate who has some concern for the proper administration of justice. At the same time, the trial scene also demonstrates that political and popular pressure is a greater motivator to Pilate than his concerns for justice.

The Pilate of the trial also shows some similarity to Josephus’ Pilate. He is stubborn and unwilling to back down from a decision, but there is a point at which he will relent. The difference is that in Luke, Pilate does not attempt to use force to impose his will on the people. He yields to the demands of the protestors without any attempt to enforce his initial decision with soldiers or threats. There is no trace of the violent Pilate
implied in Luke 13:1. Instead, there is a Pilate who would rather yield to opposition than face conflict and unpopularity.

Despite the differences, there is some continuity between Luke’s presentation of Pilate in 13:1 and his presentation of Pilate in the trial scene. In the earlier incident, Luke showed no concern to shield Pilate from the unflattering impression of him left by the report from Jerusalem but also no interest in pursuing the matter further. Likewise, although Luke does his best to dissociate the Roman tribunal (and thus the Roman governor) from the abuse, mistreatment, and crucifixion suffered by Jesus, he does not shield Pilate from the unflattering impression of him left by the conclusion of the trial. But he does not take steps to demonize him either.

Similarly, in Acts 4:27-28, Luke casts Pilate as a conspirator along with Herod, the people of Israel, and the Gentiles in general. However, he makes no effort to maintain this image: elsewhere in Acts Pilate is represented as an instrument in the hands of others, merely carrying out their purposes rather than acting on his own initiative.

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899 Ahn also notices the inconsistency of the two portraits (Passion Narrative, 186). He calls Pilate “a dynamic rather than a static character” (n111). Cf. Sloyan, Jesus on Trial, 21.

900 Warren Carter has suggested a diametrically opposed interpretation of Luke’s Pilate. To Carter, Pilate emerges from Luke’s narrative as “arrogant in his displays of power.” “He is arrogant in his facile dismissal of the ‘nobody’ Jesus as posing no threat to Rome, and arrogant in his unwillingness to listen to the complaints of his allies, the Jerusalem elite, against Jesus” (Carter, Pilate, 104-5; Cf. Green, Luke, 797-813). Carter’s interpretation hinges on the reader’s ability and willingness to see Jesus as neither innocent nor harmless. Pilate’s arrogance blinds him to the fact that Jesus really does pose “a significant threat and is guilty as charged.” The Jerusalem leadership does perceive this threat, and Jesus’ “extensive popular support,” and thus Pilate is foolish to dismiss their claims (105). This runs counter to the view argued above, that Luke presents the charges against Jesus in such a way that the reader can see they are false. Furthermore it goes against the grain of Luke’s narrative: if this is only meant to demonstrate Pilate’s arrogant blindness, why does Luke bother to repeat it three times? Finally, it is hard to see such a question as “τί γάρ κακόν ἐποίησεν οὖντος;” as an expression of arrogance.

901 This contra Walaskay (“Trial,” 87), who claims, “Luke has done his best to show the innocence of both Pilate and the one standing before him.” I find no attempt in the text to shield Pilate from the implications of his final decision.
In sum, Luke shows no commitment to either a favorable or an unfavorable portrait of Pilate. The portrait that emerges derives from his sources and from his narrative-rhetorical needs. He omits material from Mark that clarifies Pilate’s thoughts and intentions. The only direct information he provides about Pilate’s intentions confirms what is fairly clear from the narrative in any case. When it suits his needs to have Pilate declare Jesus’ innocence and resist condemning him unjustly, he does so without further explanation, thus attributing to Pilate a praiseworthy concern for justice. When it suits his purpose to have Pilate give in to the crowd, he does so without any attempt to explain or excuse his behavior, thus attributing to Pilate a blameworthy willingness to sacrifice justice. When his material dictates, he represents Pilate as a full conspirator leagued against Jesus. Elsewhere, however, he is content to portray Pilate as an instrument in the hands of Jesus’ enemies, not himself necessarily hostile.

Issues and Concerns

Luke 13:1 raises the concern of violence and harsh treatment from governors. Pilate slaughters people who had come to Jerusalem to sacrifice, people who were no more guilty than anyone else in Israel. Luke’s passion narrative also engages with this concern when it shows Pilate condemning an innocent man to be crucified. On the other hand, the concern is less prevalent there, since the demand for Jesus’ death comes not from Pilate, who would prefer to release him, but from provincials. Pilate’s intention to have Jesus beaten, though it may seem brutal and unjust to modern ears, was not exceptional for the time. It does not underscore Pilate’s brutality but simply indicates that Pilate feels no particular esteem for Jesus.
Judicial bias due to favoritism is an overriding concern in Luke’s passion account. The governor is swayed from acting fairly by vocal and influential factions of the population. The result is a violation of proper judicial procedure (Pilate reverses his previous verdict when pressured to do so) and a grave act of injustice. In fact, Barabbas’ release simultaneously with Jesus’ condemnation suggests that justice has totally broken down. Not only are the innocent condemned at the will of the crowd, but the guilty go free. Proper judicial procedure and justice in decision-making are thus also concerns raised by the narrative.

View of Rome

As a representative of Rome, Pilate presents Luke with a problem. He condemned Jesus to death – does this represent Rome’s view of Jesus? Luke could have dealt with the problem by rhetorically separating Pilate from Rome, depicting him as a wayward governor whose behavior does not represent Roman ideals and is not sanctioned by the emperor. Instead, he chooses to make Pilate a witness to Jesus’ innocence. In order to do so he must attribute to Pilate a desire to render a fair judgment. Pilate becomes the foil for Jesus’ enemies, insisting on Jesus’ innocence while they insist on his guilt.

The unambiguous declarations of Jesus’ innocence that Luke places in the mouth of Pilate, reinforced by his threefold resistance to the Judeans’ demands for condemnation, imply that Luke placed quite a bit of value on the attitude of a Roman governor toward Jesus. Luke goes to some lengths to demonstrate that a Roman judge saw no merit in the charges against Jesus and had no interest in condemning him. Luke’s alterations to Mark’s passion narrative that place the emphasis on the Roman trial and
assimilate the Sanhedrin proceeding to it also suggest that the issue of Rome’s stance toward Jesus was of central importance to him.

It is saying too much, however, to argue that Luke portrays Pilate as “balanced and judicious” or displays an admiring view of Roman trial procedure. Luke reduces Pilate’s interaction with Jesus to one question. This is hardly a full investigation about which one could say anything, either affirming or critical. Likewise, Luke gives no explanation for why Pilate does not take the accusations seriously and thus says nothing for or against Pilate’s judicial acumen. He is completely uninterested in demonstrating the excellence either of the trial procedure or of the judge by showing how it is that the court comes to the right decision. Nor can the procedure reinforce an impression of “the legality and security of the state, which guarantee personal protection.” In fact, the opposite is true – Luke’s emphasis on the injustice of the final result, an emphasis in which the initial Roman verdict of “not guilty” plays an important part, undermines any confidence the narrative may have heretofore encouraged that the innocent will receive either justice or protection from the Roman authority.

The most that can be said for Pilate, and for the trial process itself, is that they reach what the reader knows is the right conclusion. What is important for Luke is that the Roman court acknowledge that there is no basis for a death sentence against Jesus. In so doing, he suggests that a Roman governor exercising cognitio can reach a correct

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902 The phrase is Sloyan’s (*Jesus on Trial*, 21), made about the gospels in general.


905 Therefore, *pace* Bond (*Pilate*, 142), Pilate cannot be seen as a representative of Roman law. In fact, Luke shows little interest in depicting a smoothly working Roman legal process. Luke sketches the bare outlines of a trial here, and the various stages of Paul’s trial are all abortive.
judgment concerning Jesus (and by extension his followers). But he also shows that just because a Roman provincial tribunal can reach a correct judgment does not mean that it will act justly.

Thus, while Luke shows great interest in Rome’s attitude toward Jesus and his followers, his characterization of Pilate does not convey enthusiasm for Roman power. As Conzelmann has suggested, Luke’s synchronisms place Jesus on the world stage by lining him up with the people in power in his time. However, with the mention of Pilate, the informed reader is immediately aware that some of these powers will be implicated in Jesus’ death. Thus the synchronism does not so much place Jesus in the company of these august figures as place them against him. They are at best indifferent, at worst hostile, to Jesus. Pilate may recognize Jesus’ innocence, but in the end that does not keep him from condemning him. In Acts, he is portrayed as an opponent of Jesus (4:27-28) or at best as an instrument in the hands of Jesus’ enemies (3:13, 13:27-28).

The short notice in Luke 13:1 evokes the worst excesses of Roman rule, which can be harsh, oppressive and unjust. The Roman trial places the governor in a more advantageous light, showing a Roman official who is concerned that his verdict be fair and impartial. However, this initial impression is tempered when the opposite occurs, and the governor gives a verdict that is unjust and influenced by popular sentiment and powerful provincials. Pilate’s behavior demonstrates both what Rome could be and how it sometimes fails to meet that standard. In sum, Pilate evokes but ultimately fails to represent a Rome that insists on principled fidelity to law and justice. Instead, he represents a Rome that, for all its noble intentions, is frequently compromised.
Nevertheless, Luke’s view, though reserved, is not invariably critical. Luke’s deliberate suppression of Mark’s depiction of Pilate’s sarcasm and his soldiers’ brutality suggests that, whatever his real attitude and real experience with Roman justice, he did not want to portray a Roman governor or a Roman tribunal as patently brutal and high-handed toward Jesus. Although he could not avoid the fact that a Roman governor unjustly condemned Jesus to death, he distanced Pilate from the decision, removed Mark’s accusation that Pilate condemned Jesus to please the crowd, and emphasized the role played by the Judean people and leadership. Likewise, Luke apparently did not wish for Jesus to seem disrespectful toward a Roman governor at a Roman tribunal. However, these complementary tendencies are not without limit. Pilate does not display any particular deference toward Jesus, and he orders that Jesus receive a public beating. Nor does Jesus display any particular deference toward Pilate: he still has little to say to the court.

With the example of Pilate, and particularly with the statement of Acts 4:27-28, Acts begins on a rather pessimistic note toward the Roman authorities. Close reading of its accounts of governors will reveal new themes, but also continuing trajectories.
CHAPTER 5

PAUL AND ROME: THE GOVERNORS IN ACTS

Luke’s narrative of the early church in Acts introduces four Roman governors, all part of Paul’s story: Sergius Paulus is an early convert (13:7-12); Paul is brought on charges before Gallio in Corinth (18:12-17); and two more governors, Felix and Festus, preside at Paul’s trial (24:1–25:12), which leads to his journey to Rome and the conclusion of the book. This chapter will examine each governor in turn, summarizing techniques of characterization, salient characteristics, issues and concerns, and the view of Rome implied by the characterization.

Close reading of the texts will demonstrate that Luke constructs his governors according to a number of different patterns. Sergius Paulus is entirely admirable, though very minimally characterized. Felix, on the other hand, embodies the immoral and corrupt governor. The other two fall somewhere in between – they are not villains, but neither are they without flaws. Although Gallio appears reasonable, principled and impartial as a judge, he also reveals himself to be an indifferent and passive governor. Festus is energetic and reasonable, but not immune from the temptations of favoritism and misrepresentation of his actions. Luke provides no portrait a governor who is entirely honorable and effective, but also does not represent governors as invariably corrupt and abusive. His portraits serve a variety of purposes, from giving the Christian movement an
aura of respectability to underscoring Paul’s *honestas*. Most prevalently, Luke continues to use the governors to emphasize the Christians’ innocence, particularly their innocence in the eyes of the Romans themselves.

5.1 An Intelligent Man: Sergius Paulus

Following the “setting apart” of Barnabas and Saul for mission (Acts 13:2-3), they make Cyprus their first port of call. Their encounter in Paphos with the proconsul Sergius Paulus\(^\text{906}\) (Acts 13:4-12) constitutes the first dramatic incident of their extended

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\(^\text{906}\) When referring to the governor as a character in the narrative I use the spelling “Paulus,” represented by Luke’s Greek (Πα/uni1FE6λος). When referring to a historical individual I use the more common form “Paullus.” Aside from the Sergii Paulli the cognomen was used by two other well-known senatorial families in the first century: the Aemilii Paulli, and the Vettenii Paulli (Sherwin-White, *Roman Law*, 153-54). The presence of a proconsul Sergius Paullus on Cyprus is suggested by two inscriptions: *IGR* 3.930 from Soli attests a proconsul Paullus, but is most likely no earlier than the reign of Trajan. *IGR* 3.935 from Chytri (modern Kytheria) attests a Quintus Sergius who was probably proconsul (his name immediately follows the emperor’s). Paleography suggests a first century date, but there is some question whether the emperor named is Claudius – so Bastiaan Van Elderen, “Some Archaeological Observations on Paul’s First Missionary Journey,” in *Apostolic History and the Gospel* (FS F. F. Bruce; ed. W. Ward Gasque and R. Martin; Grand Rapids: Eerdmans, 1970) or Gaius – so Terence Mitford, “Roman Cyprus,” *ANRW* 7.2:1300n34. Unfortunately, the rest of the inscription, including this Sergius’ cognomen, is missing. In an inscription found in Rome on the left bank of the Tiber, the full name L. Sergius Paullus appears as the third in a list of five *curatores riparum et alvei tiberis* under the emperor Claudius (*CIL* 6.4.2, p. 3116, no. 31545 = Dessau 5926). See Arthur Gordon with Joyce S. Gordon, *Album of Dated Latin Inscriptions: Rome and the Neighborhood, Augustus to Nerva* (2 vols.; Berkeley: University of California Press, 1958), 1:96-7, no. 98. According to Dio Cassius (57.14.8) Tiberius created this board to check the flooding of the Tiber. The position of Paullus’ name in the list indicates that he was likely of praetorian rank at the time. This could well be the future proconsul of Cyprus – how many Sergii Paulli could there have been in the senate in the 40s? If so, Quintus Sergius is disqualified, and we have no epigraphic remains of Luke’s Sergius Paulus from the island itself. See further Alanna Nobbs, “Cyprus,” in *The Book of Acts in Its Graeco-Roman Setting* (ed. David Gill and Conrad Gempf; vol. 2 of *The Book of Acts in Its First Century Setting*, ed. Bruce Winter; Grand Rapids: Eerdmans, 1994), 282-87; and Rainer Riesner, *Paul’s Early Period: Chronology, Mission Strategy, Theology* (trans. Doug Stott; Grand Rapids: Eerdmans, 1998), 138-43. Whatever the case, the two inscriptions do suggest a continuing connection between the Sergii Paulli and the island of Cyprus. The family had ties to Antioch in Pisidia and owned land in the province of Galatia: see W. M. Calder, “A Galatian Estate of the Sergii Paulli,” *Klio* 24 (1930/31): 59-62; and M. Christol and Th. Drew-Bear, “Les Sergii Paulli et Antioche” in *Actes du Ier Congrès International sur Antioche de Pisidie* (Collection Archéologie et Histoire de l’Antiquité 5 [Université Lumière-Lyon 2]; ed. Th. Drew-Bear, M. Tashalan and C. M. Thomas; Paris: Boccard, 2002), 177-91. William Ramsay tried to reconstruct the family tree and to demonstrate that the family was indeed Christian: see Ramsay, “The Family and Religion of L. Sergius Paullus, Proconsul of Cyprus,” *ExpT* 29 (1918): 324-328; and *The Bearing of Recent Discovery on the Trustworthiness of the New Testament* (London, 1920; Repr. Grand Rapids: Baker, 1953), 150-72. Subsequent scholarship has found him too adventurous in his conclusions: see J. Devreker, “Les Sergii Paulli: problèmes généalogiques d’une famille supposée chrétienne” in *Aevum inter utrumque* (FS Gabriel Sanders; Instrumenta Patristica 23; ed. M. van Uytfanghe and R. Demeulenaere; Steenbrugge,
journey as missionaries commissioned by the Antiochene church (Acts 13:4–14:28). The Cyprus mission follows a pattern that will recur in future accounts: the mission first to Jewish synagogues then to Gentiles, subsequent meeting with opposition, and an encounter with the local authorities marking the climax and terminus of the account of ministry in that place.  

5.1.1 Paulus Introduced

The narrative bridge to Sergius Paulus is provided by the Jewish magician and false prophet Bar-Jesus. Luke first introduces him, and only then informs us that he was “with the proconsul” (Acts 13:6-7). The vague expression does nothing to define the relationship, but a first-century reader would assume that the magician has some place in the Roman official’s entourage – perhaps not, as Ramsay thought, as one of his

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909 There is great variation on his name among the texts. Βαρησο/uni1FE6ς and Βαρησο/uni1FE6ν could be attempts to improve the grammar, while Βαρησο/uni1FE6ν could be an alternate transliteration of /uni05E2/uni05D5/uni05E9/uni05D9/uni05BE/uni05E8/uni05D1. The Syriac *bar shuma’* (“son of the name”) makes sense as an attempt to avoid using the name Jesus, analogous to rabbinic use of ש₉. See C. K. Barrett, *A Critical and Exegetical Commentary on the Acts of the Apostles* (2 vols.; International Critical Commentary; Edinburgh: T&T Clark, 1998), 1.613, and, on the even more vexed problem of the name ‘Elimony, the summary of views in 1.615-16. Pesch (Apg., 2.24) argues that “Elymas” does not translate “Bar-Jesus”; rather, “ὁ μύχος” translates “Elymas” from Aramaic ḫaloma.

910 σὸν τῷ ἀνθρώπῳ (13:7), using the usual Greek term for the office.
comites but as a client who receives favors and in return renders certain services. Luke does not care to define the relationship any further or to evoke in the reader’s mind either what sort of services Paulus might receive from a μάγος and self-proclaimed προφήτης or what kind of influence and esteem the magician might enjoy with the governor.

Does Luke intend to portray Paulus as a God-fearer with links to the synagogue through Bar-Jesus? Luke does not make this clear. He characterizes Bar-Jesus first as μάγος, then as ψευδοπροφήτης, and only then as Ιουδαῖος – his ethnicity is placed in context with the other characteristics. Furthermore, Barnabas and Saul primarily relate to him as a μάγος, not as a Judean. When he opposes the missionaries, Saul/Paul calls


912 So Jacob Jervell, *Die Apostelgeschichte* (KEK 3; Göttingen: Vandenhoeck & Ruprecht, 1998), 346: “Er gehört offenbar zu den Gottesfürchtigen,” contesting the interpretation that at Paphos Paul enters for the first time a situation of “reine Heidentum.” Pesch (*Apg.*, 2:24) agrees that through the μάγος Paulus may have had ties to the synagogue. Jervell argues that σωφτός must be understood not as “intelligent” but according to the usage of the LXX: “einsichtsvoll, fromm, gottesfürchtig.” If that is what Luke meant, however, why did he not use one of his usual expressions? See also Pervo, who takes the governor’s summons to Paul and Barnabas as a sign that “he is to be viewed as a ‘God-Fearer’ like Cornelius, and that his interest in Bar-Jesus was more grounded in his relation to the faith of Israel than to his divinatory acumen” (*Acts*, 325; cf. Riesner, *Early Period*, 137). It hardly seems credible that a reader is intended to discount Bar-Jesus’ identity as a magician in imagining his relationship to the governor.

him “son of the devil,” an epithet more suitable for a μάγος than for a fellow Judean, and is as a μάγος that he is blinded, a highly appropriate punishment. 914 Paul’s accusation that Bar-Jesus “makes crooked the straight ways of the Lord” (13:10) suggests that his practices involve some debased form of Judaism, but would Luke have expected his readers to imagine that such a person had regular relations with the local synagogues? There is little evidence that Luke intends to characterize Paulus as a God-fearer. He is an upper-class Roman who has become enamored with the kind of Jewish magical practices that were widely familiar in the first century. 915

By having his protagonists first “find” Bar-Jesus and then explaining the false prophet’s relation to the proconsul, Luke creates a narrative link from missionaries to governor that bypasses the magician yet without explicitly denying that the missionaries’ route to the proconsul lay through their fellow Judean. 916 Luke only narrates that Paulus conceives a desire to “hear the word of God” and accordingly summons Paul and Barnabas (13:7); he does not explain how Paulus came to know about the Christian missionaries. The reader may draw the obvious conclusion that Bar-Jesus introduced Paul and Barnabas to the governor, or at least informed him about them. Luke leaves this conclusion tacit, preferring to place the initiative with the governor and to portray his

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914 Contrast Jervell (Apg., 347), who sees Paul as accomplishing the Strafwunder “gegen das falsche und ungläubige Judentum”; he argues partly on the basis of biblical parallels in the language of Paul’s curse. However, “son of the devil” may be Johannine language for Jews (John 8:42-47), but it is not Lukan. Furthermore, Jervell has to acknowledge that ῥημοιοματία is not a biblical word – it is however, quite appropriate for a μάγος.

915 Cf. Juvenal, Sat. 6.542-547; this implication is that this is a familiar sort of figure.

916 The lack of an explicit connection between Paul – Bar-Jesus and Paul – Paulus has led some (e.g., Barrett, Acts, 1.609) to suppose that two separate stories have been combined, one featuring a Jewish false prophet Bar-Jesus, a second featuring the proconsul and a magician named Elymas. Pesch (Apg., 2.21) objects that aside from the two different names for the magician the text is fully coherent.
interest in the word of God as something spontaneous, arising out of his own curiosity and interest in things religious.

5.1.2 An Intelligent Man

Upon introducing the governor into the narrative, Luke immediately employs direct characterization, informing the reader that Paulus is “intelligent” or “discerning” (συνετός). As Richard Pervo points out, Paulus’ interest in a magician belies this assertion. The way in which Paulus is indirectly characterized through his association with a magician and religious faker threatens to undermine what the author claims through direct characterization. In fact, the direct claim, atypical for Luke, may have been motivated by his awareness of the indirect impression the rest of his narrative might create. Luke must insist that Paulus was no dupe, lest his rapid conversion to Christianity be viewed as just another indiscretion by one easily deceived.

Paulus’ religious openness and curiosity is contrasted with the defensiveness of Bar-Jesus when, for reasons that remain unexplained, he turns against Barnabas and

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918 Paul later accuses Bar-Jesus of ῥαδιομορία, which also threatens to give the impression that Paulus is easily duped. On ῥαδιομορία, see C. K. Barrett, “Light on the Holy Spirit from Simon Magus (Acts 8, 4-25)” in *Les Actes des Apôtres: Traditions, redaction, théologie* (ed. Jacob Kremer; BETL 48; Leuven: Leuven University Press, 1979), 289: “capable of a wide range of meaning… the word does tend, however, to have the sense of falsification or forgery, not least the sense of fraudulent manipulation of financial documents, or money matters in general;” in the papyri the word group is used by those complaining of having been defrauded through financial trickery.

919 Nock insists, “Elymas is not an ordinary professional vending curses and philters, or if he is, he has other qualities commending him to Sergius Paulus” (“Paul and the Magus,” 183). This must be true, of course, because Sergius Paulus is no fool – he is συνετός. Nock has made the deduction Luke wished his readers to make.

920 The comment of a modern reader illustrates this point: “Die Lehre der beiden Judenchristen auf den Proconsul, der offenbar eine Vorliebe für superstitiones externae hatte… Eindruck gemacht hat;” E. Groag, “Sergius (Paulus),” PW 2.2A 1715.
Saul.\textsuperscript{921} Whereas the proconsul seeks (ἐπεξήνησεν) to hear the word of God, Bar-Jesus seeks (ξητὸν) to divert (διαστρέψατι) him from “the faith” (Acts 13:8).\textsuperscript{922} The opposition creates an opportunity for Paul to expose Bar-Jesus as an unscrupulous fraud (πλήρης παντὸς δόλου καὶ πάσης ράδιουργίας, Acts 13:10) and to display the power of the Holy Spirit (13:11).\textsuperscript{923}

Paulus’ response to what he has witnessed is to believe (ἐπίστευσεν). The verb is the only indication that Paulus became a Christian, leading some interpreters to doubt that this was actually what Luke meant.\textsuperscript{924} However, Luke constantly uses πιστεύω absolutely as shorthand for accepting the Christian faith (Luke 8:12, 13 (“the word”); Acts 4:4; 8:13; 13:48; 14:1; 15:7; 17:12, 34; 19:2). Why would he have expected his readers to understand the usage any differently here?\textsuperscript{925}

\textsuperscript{921} Professional rivalry is a popular explanation among commentators (e.g., Witherington, 401; Barrett, 1:616; Pesch, 2:24). The matter is probably even simpler than that: as a µάγος Bar-Jesus is necessarily the enemy of “the faith.”

\textsuperscript{922} Jesus’ accusers make a similar claim against him: διαστρέφοντα τῷ ἔθνος ἡμῶν (Luke 23:2).

\textsuperscript{923} On the importance of miracles to winning converts in the ancient world, see especially Ramsay MacMullen, Christianizing the Roman Empire (AD 100-400) (New Haven: Yale University Press, 1984), 25-42. Nock cites Athanasius, Life of St. Anthony 77, in which pagan philosophers admit the superiority of ἡ δι’ ἐνεργείας πίστες over ἡ διὰ λόγων ἀπόδειξις (“Paul and the Magus,” 185n3).

\textsuperscript{924} The account ends without mention of baptism or the reception of the Spirit. The absence of these “critical facts” and the lack of any mention of the conversion in either secular history or Christian legend led W. Furneaux to assert that although “the natural inference from the language is that he [Paulus] accepted Christianity … it is scarcely conceivable that Luke can have meant this” (William Furneaux, The Acts of the Apostles [Oxford: Clarendon, 1912], 200-201). Cf. Kirsopp Lake and Henry Cadbury, Beginnings, 4:147: “Critics doubt with good reason whether Sergius Paulus was really converted.” To Witherington the lack of clarity makes certainty impossible; he settles on taking ἐπίστευσεν as an “inceptive aorist” – the proconsul “began to believe” (Acts, 403). On the “inceptive aorist,” cf. Barrett, 1:618 and Gerhard Schneider, Die Apostelgeschichte (2 vols.; HTKNT; Freiburg: Herder, 1980-82), 2:124. Against this Bock, Acts, 447, argues that the “implication of Pauline success” requires a conversion (cf. Fitzmyer, Acts, 503-4). John Foster, “Was Sergius Paulus Converted? Acts xiii. 12,” ExpT 60 (1948-49): 354-55, rests his case on the fact that the emperor Julian did not contest that Paulus was an early convert (Against the Galileans), but this is only to say that Julian (who was raised as a Christian) read Acts no differently than did his Christian contemporaries.

\textsuperscript{925} Alternate proposals derive from interpreters’ qualms about the text, not from any lack of clarity on Luke’s part. Had Luke not gone on to relate that Simon the µάγος was baptized (Acts 8:13) scholars would be arguing about the meaning of ἐπίστευσεν in that context as well.
The proconsul’s belief is explained with a participial phrase: “being amazed at the teaching of the Lord” ἐκπλησσόµενος ἄπτῃ τῇ διδαχῇ τοῦ κυρίου (Act 13:12). As many commentators have noted, the reference to “the teaching of the Lord” is curious. Paulus’ astonishment should naturally be the result of the supernatural occurrence he has just witnessed, as suggested by the leading participial phrase, τότε ἵδων ὁ ἄνθρωπος τὸ γεγονός.926 Bock explains, “In this context, the word [ἐκπλήσσοµαι] describes the reaction to the combination of word and deed, as in Mark 1:27, although it is the word that is decisive over the miracle, clinching the deal.”927 This explanation does not really solve the problem of incongruity; rather, it suggests its origin – Luke’s reluctance to imply that Paulus came to faith solely because he was impressed by Paul’s display of supernatural power.928 Once again the author has intervened to extricate Paulus from the implication of his narrative.

The scene ends abruptly at this notice of Paulus’ conversion. Nothing is said of his baptism, the reception of the Spirit, an offer to host the disciples, or any emotional

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926 The Western text reads ἵδων δὲ ὁ ἄνθρωπος τὸ γεγονός ἐθαύμασεν καὶ ἐπίστευσεν τῷ θεῷ ἐκπλήσσόµενος ἄπτῃ τῇ διδαχῇ τοῦ κυρίου (additions in bold). In this way ἵδων... τὸ γεγονός leads to ἐθαύμασεν, and ἐπίστευσεν belongs with ἐκπλησσόµενος, understood with the nuance “deeply impressed.” The proconsul marveled at what he had seen and (in addition) believed in God because he was deeply impressed with τῇ διδαχῇ τοῦ κυρίου (Barrett, Acts, 1:619, citing Herodotus 3.148.1 for this shade of ἐκπλησσόµενος). To echo Barrett, the reading clarifies matters so marvelously that it is almost certain to be secondary.


928 Fitzmyer’s suggestion that τῇ διδαχῇ τοῦ κυρίου may be a subjective genitive, meaning “the proconsul was captivated by what the Lord was teaching him through Paul by this incident” (Acts, 504) does not seem a very natural reading. Presumably the “teaching about the Lord” (objective genitive) would include a summary of “the Lord’s teaching” (subjective genitive).
response to his new-found faith. Instead, the narrative passes on immediately to the missionaries’ departure from Cyprus.

5.1.3 Conclusions

Luke employs direct characterization in his portrait of Sergius Paulus, something that he eschews elsewhere. This may be an indication of how important it is for Luke to make sure his audience understands at the outset that Paulus was an “intelligent,” or “discerning” individual. The narrative also indirectly characterizes Paulus through his action of summoning the missionaries and through his response to them, both of amazement and of coming to faith. Comparison is not prominent, although Paulus’ openness does contrast with Bar-Jesus’ resistance. The proconsul’s association with the μάγος also implicitly characterizes him, though not in a way that Luke wishes. After the miracle Luke divulges the proconsul’s feelings (astonishment) and thoughts (belief). The proconsul’s conviction after witnessing a deed of power indirectly characterizes him in the same way his association with the magician did, but Luke is careful to state that it was the teaching that impressed the governor, again suggesting that he actively worked to prevent any possible “misunderstandings” of Paulus’ conversion.

Other than insisting that despite all appearances Sergius Paulus was “discerning,” Luke does little to characterize him. His behavior in the brief narrative does indirectly suggest some characteristics, however. The fact that Paulus takes the initiative to send for Barnabas and Saul and desires to hear the word of God suggests that he is curious and open-minded about religious matters. Because he is “intelligent,” this open-mindedness appears as a virtue not a vice, despite what his association with a magician and false prophet might suggest. Bar-Jesus’ resistance further emphasizes this characteristic by
providing a foil. Paulus’ favorable response to the “teaching of (or about) the Lord” and his subsequent belief reinforce Luke’s characterization of him as discerning.

The narrative raises the issue of the governor’s associates. Paulus has made a poor choice in one of his associates and has been deceived. The unfaithfulness of this associate threatens to limit access to him by people who deserve a fair hearing. Although it is not clear that Bar Jesus’ opposition involves any direct attempt to keep the apostles away from the governor, his potential to lead him astray suggests that he is an insider who can influence the kind of reception Barnabas and Saul will receive. This dynamic raises the issue of the accessibility of the governor.

The Paulus episode suggests several things about the implied author’s attitude toward Rome. First, the author is willing to attribute good sense to a provincial governor, even to the extent of seeing such a person as a potential convert. However, the fact that the author is willing to portray one governor in this way does not demonstrate that he wished to portray Roman governors generally in a positive light. Another motive for the positive characterization can reasonably be imputed to the author – he needed to portray Paulus as “discerning” so that his favorable response would reflect well on the Christian movement.

This suggests a second implication of the story: the author valued the attitude and opinion of a Roman proconsul. He intervenes in the narrative in order that the governor’s response not be compromised by the suggestion that Paulus was not after all a good judge of such things or that his judgment was based on impressions rather than a full understanding of Christianity. This implies that he expected the reaction of such a person to the Christian movement would have value in the eyes of his readers. It is easy to see
why this might be so. Christianity was often disparaged as a religion attractive only to naturally superstitious and gullible low-born people. It did not hurt to show a sensible and educated Roman senator finding value in it.\textsuperscript{929}

Not only did the author place value on the reaction of a Roman proconsul to Christianity, but he could imagine a Roman proconsul as part of the Christian movement. Luke makes no mention of any change in Paulus’ status following his conversion. Whatever “Roman governor” means to Luke, it apparently is not incompatible with “Christian.” Yamasaki-Ransom argues that Luke indicates that Paulus will now serve Christ as Lord rather than the emperor. He draws a connection between Paul’s being “filled with the Holy Spirit” (13:9) and Jesus’ being “full of the Holy Spirit” at the beginning of the Lukan temptation narrative (Luke 4:1).\textsuperscript{930} Just as the devil tempted Jesus with political power in return for allegiance, so the son of the devil Bar-Jesus poses an obstacle to Paulus’ surrendering allegiance to the empire in favor of allegiance to Christ. However, Luke frequently uses variations of this expression, and the one at Luke 4:1 (“full of the Holy Spirit,” πλησθεὶς πνεῦματος ἁγίου, cf. Acts 7:55, 11:24) differs from the one here (“filled with the Holy Spirit,” πλησθεὶς πνεῦματος ἁγίου, cf. Acts 4:8). There is no reason for a reader to link this common Lukan expression specifically with the temptation narrative. Yamazaki-Ransom also points to the use of “Lord” in the pericope (13:10, 11, 12) as an indication that Paulus will now serve a different Lord than the

\textsuperscript{929} On the criticism and Luke’s inclination to portray Christians with high social standing, see Malherbe, “Not in a Corner,” 196.

\textsuperscript{930} Yamasaki-Ransom, \textit{The Roman Empire in Luke’s Narrative}, 120-21.
emperor. However, in vv. 10-11 “Lord” must be “God,” not “Jesus.” The clues Yamazaki-Ransom finds are too subtle to be convincing.

Luke’s account of Sergius Paulus’ conversion shares the same dynamics as John’s preaching to tax collectors and soldiers (Luke 3:12-14). For these men “repentance” entails resolving not to abuse their power; it does not require them to abandon their posts. Similarly, quitting the tax-farming business is not among Zacchaeus’ new resolutions (19:8). One can reasonably presume that for Luke, Paulus’ conversion would at a minimum have entailed eschewing the corrupt and abusive practices often associated with Roman governors. But Luke gives no sign that belief in Christ required withdrawal from public office. Of course, Luke and his fellow Christians were fully aware that becoming Christian required declining to take part in traditional Roman religion, including emperor-worship. Luke did not choose to broach the subject here, however. He is content to leave the impression that a Roman Senator might reasonably be expected to become a Christian, leaving unspoken the challenges such a conversion would create in the real world.

On the other hand, one should not deduce too much from the fact that the author does not see a Roman governor as an inappropriate candidate for conversion. Witherington claims, “For Luke’s audience, it was important to point out that even those of high social status, even those who were governmental officials, could be favorably impressed with the gospel and not see it as a threat. Indeed, they might even be converted.” Luke’s narrative does indeed point this fact out, but does not demonstrate

931 Yamazaki-Ransom, *Roman Empire*, 121-122.
that pointing it out was important to Luke or his audience. Many commentators have remarked on how little Luke makes of this conversion of a Roman senator of praetorian rank. As Nock piquantly remarked, “The proconsul’s conversion, which would have been an event of the first importance, is just stated as though it were that of a washerwoman.”\textsuperscript{933} Lüdemann takes the lack of reference to Paulus’ baptism and to the Spirit as a sign that Luke did not derive the conversion from the tradition but invented it to serve his apologetic purposes.\textsuperscript{934} Yet the opposite seems more likely – the fact that Luke made so little of this conversion suggests that he did not place great apologetic weight on it, but simply included it because it was part of the tradition upon which he drew for his account of the early church.\textsuperscript{935} If this is the case, then Luke’s story of Sergius Paulus betrays no particular interest on the part of the author in associating the gospel with the high and mighty or with the upper echelons of Roman society.

For the same reason it is risky to assert that Luke intended Paulus to represent the Roman authorities in general. For Nock, the tale “represented the Roman authorities as very sympathetic at the outset of Paul’s active ministry in the Gentile world.”\textsuperscript{936} It is questionable whether Luke can expect his audience to take this incident, in which a Roman governor is impressed at seeing Paul work a miracle, as emblematic of the

\textsuperscript{933} Nock, “Magus,” 187.

\textsuperscript{934} Lüdemann, \textit{Early Christianity}, 150: “Lukan apologetic is again clear… in a massive way.” Cf. Wengst, who also casts aspersions on Luke’s fidelity to historical fact: “Luke will have known why he notes this sensation so drily and does not develop it further. As a historical fact, the conversion of a proconsul would have had quite a different influence in forming tradition” (\textit{Pax Romana}, 101).

\textsuperscript{935} Cf. Nock, “Magus,” 187-188: “So lame a story would not readily have been invented in Luke’s time.” The source of such a tradition can be guessed at – the Sergii Paulli were a prominent family with extensive holdings in Galatia. It may be that the (later) affiliation of some of these prominent Romans with the Christian movement suggested that a prominent member of the family was in fact converted by the great apostle himself.

\textsuperscript{936} Nock, “Magus,” 188.
attitude of all Roman authorities to Paul’s ministry. The audience’s perception of the attitude of the Roman authorities toward the Christians will be developed gradually as the Christians encounter various authorities throughout the narrative.

Finally, the author is evidently interested in portraying Christians as a socially healthy force in the Roman Empire. The Christian missionaries are placed in opposition to μαγεία, a suspect and socially destabilizing force. The impact of their presence is that a Roman governor is freed from the deleterious influence of a μάγος and becomes an adherent of a more healthy and sound religious sect. As Pervo sums up, “The Jesus movement can appeal to the empire and serve it by extirpating crude religious phenomena, ‘barbara superstitio’ (‘un-roman religion’).”937 The defensive side to this representation of the Christian movement must be given its due. The author not only demonstrates that Christianity is a socially healthy force, but also implicitly denies that Christianity has anything to do with μαγεία.938 The author represents Christians opposing μαγεία in order to distance them from μαγεία.939 The audience can celebrate this display of Christian power in the service of a Roman governor and at the same time be reassured that their religious practices and μαγεία are completely opposed.

937 Pervo, Acts, 325.

938 An aspect stressed by Nock, “Paul and the Magus,” 188: “The claim of Christians to work miracles, coupled with the novelty of the movement, caused them to be classed with magi” (e.g., Celsus as cited in Origin, Contra Celsum 1.38). On the phenomenon more broadly, see David Aune, “Magic in Early Christianity,” ANRW 23.2:1540-44. On Luke in particular, see Garrett, Demise, 103-9.

939 See especially Garrett, Demise, 79-87.
5.2 Our Man in Achaea: Gallio

Paul’s hearing before the Proconsul Gallio\(^\text{940}\) in Corinth (Acts 18:12-17) serves as the climax of Luke’s account of his missionary work there. It represents a change in Paul’s fortunes in Corinth from the previous year and a half of seemingly uninterrupted ministry (18:11), prefaced by an encouraging oracle from the Lord (18:9-10). As such, the δε in verse 12 has an adversative sense, marking the contrast with the stable and fruitful period just past.

\(^\text{940}\) Born Lucius Annaeus Novatus, he was the eldest son of Annaeus Seneca (Seneca the elder), a man of Spanish origin whose hopes of advancement to the Senate were only realized by his sons. He became Lucius Junius Annaeus Gallio when adopted by a wealthy senator friend. The philosopher L. Annaeus Seneca was Gallio’s younger brother. His appointment to Achaia (51-52 or 52-53 C.E.) followed his brother’s return from exile in 49 C.E. and subsequent appointment as Nero’s tutor. Pliny mentions a (suffect) consulship (Nat. 31.62), which probably dates to 55 C.E., soon after Nero’s accession (see Riesner, Early Period, 207 and n43; and E. M. Smallwood, “Consules suffecti of AD 55,” Historia 17 (1968): 384; cited by Gill, “Achaia,” 437n30). Tacitus, Annals 15.73 implies that he was either acquitted or pardoned after the failure of the Pisonian Conspiracy (66 C.E.), but cf. Dio Cassius 62.25 on Seneca’s death: και οι ἀδελφοι ιστερον ἐπαπόλωντο.

His name is not found in the surviving fasti consulares under Claudius, but he is identified as proconsul of Achaia and friend of Claudius in a fragmentary inscription from Delphi, the text of a letter from Claudius to the people of Delphi about a depopulation problem (SIG 2.801). E. Bourguet discovered four fragments in 1905 and three more in 1910 (published by A. Brassac, “Une inscription de Delphes et la chronologie de Saint Paul,” RB 10 [1913]: 36-53). Two more fragments were subsequently uncovered and published in 1967 by A. Plassart (“L’inscription de Delphes mentionnant le proconsul Gallion, REG 80 [1967]: 372-78; full publication in Les inscriptions du temple du IVe siècle [Fouilles de Delphe 3: Épigraphie, fasc. 4: Inscriptions de la terrasse du temple et de la région nord du sanctuaire, nos. 276-350; Paris: Boccard, 1970], no. 286, “Lettre de l’empereur Claude au gouverneur d’Achaie (en 52)”]. Some of his reconstructions were subsequently challenged by J. H. Oliver, “The Epistle of Claudius which Mentions the Proconsul Junius Gallio,” Hesperia 40 (1971): 239-40. The relevant line (6) reads: ΝΙΟΣΓΑΛΛΙΩΝΠΗ...ΜΟΥΚΑ...ΠΑΤΟΣ... from which it is possible to restore: Ἄννιος Γάλλιων φίλος μου καὶ ἀνθύπατος (Fitzmyer, Acts, 621). Based on its reference to Claudius’ 26th acclamation (line 17), the inscription can be roughly dated to the first half of 52 C.E., or perhaps late in 51 C.E., since Claudius’ 27th acclamation occurred sometime before August 1, 52, and he received the 22nd through 24th during his 11th regnal year, which ran Jan. 25, 51, through Jan. 24, 52 (see Murphy-O’Connor, below, 142-44 with Greek text and commentary 173-76). However, there is some question whether the letter would have been drafted during (Oliver, 239-40) or after (Plassart 1967, 376; 1970, 31) Gallio’s term. For discussion, see Jerome Murphy-O’Connor, St. Paul’s Corinth: Texts and Archaeology (Good News Studies 6; Wilmington, Del., 1983), 141-45; and Riesner, Early Period, 203-7.

Seneca wrote that Gallio developed a fever in Achaia and “took ship at once, insisting that the disease was not of the body but of the place” (Ep. 104.1; R. Gummere [LCL]). Cf. Pliny, Nat. 31.62, on a trip to Egypt for health reasons after his consulate. It is risky to surmise a foreshortened term from this and even riskier to surmise that Gallio was a “fussy hypochondriac” (Murphy-O’Connor, op. cit., 147; cf. Riesner, op. cit., 207)! Klaus Haacker (“Gallio,” ABD 2:901) states that the incident in question did not occur during his proconsulship.
5.2.1 Gallio Introduced (Acts 18:12)

Luke introduces Gallio’s presence in the capacity of proconsul of Achaea with a genitive absolute (Γαλλίωνος δὲ ἀνθυπάτου ὄντος τῆς Ἀχαίας), raising the question of the semantic relationship between the participial phrase and the main action subsequently depicted with finite verbs (κατεπέστησαν ὁμοθυμαδὸν οἱ ᾿Ιουδαἴοι τῷ Παῦλῳ καὶ ἤγαγον αὐτὸν ἐπὶ τὸ βῆμα). Does the phrase merely indicate the approximate period in which the incident took place? Or does it carry an implication of causality, indicating that Gallio’s presence is somehow a motivating factor for Paul’s adversaries – that is, that they have a reason for choosing precisely this time to prosecute Paul? The subsequent narrative gives no indication why Gallio’s arrival would have seemed to Paul’s opponents an auspicious occasion for prosecution. Gallio does not seem particularly hostile to the Christians or favorable to the opposition. If the prosecution believed for some reason that

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943 On the ambiguity of the phrase see Slingerland, “Gallio Inscription,” 442-3. On the implications (or non-implications) of the phrase for the point in Gallio’s term at which Paul would have been brought before him, see especially Klaus Haacker, “Die Gallio-Episode und die paulinische Chronologie” BZ 16 (1972): 252-255.
he would favor them, their estimation of him proves to be wrong. Luke’s syntax raises the question, but the narrative does not answer it.  

If Luke’s audience were inclined to take the phrase as a reference to a change in political conditions under Gallio, they would not find confirmation in the narrative itself. But could the audience have brought to the narrative their knowledge and preconceptions about Gallio? Unlike most of the other governors in Luke’s narrative, Gallio may have been a widely known figure of his day. He was the brother of Seneca, an esteemed philosopher and writer, one of the closest advisors of the Emperor Nero, and a man of immense wealth. Luke certainly could have expected his audience to know who Seneca was. Could he also have expected his audience to know Gallio as Seneca’s brother and to bring some impression of the man to their understanding of the story? One clue that this may be the case is Luke’s identification of Gallio by one name only, differing from his usual practice of identifying provincial governors by two names.  

The only other time he departs from his usual pattern is with Felix, another highly placed individual (Acts 23:24). This suggests that Luke anticipated some amount of name recognition on the part of his audience. Unfortunately, it is impossible from the meager literary evidence

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944 Luke, of course, is known for inserting chronological references to authority figures of various kinds into his narrative, e.g., Luke 1:5: 3:1-2, etc., partly for purposes of image management (see, e.g., Lüdemann, Chronology, 18-19). This one, however, is not easily discounted as merely a chronological reference: there is only one figure mentioned; he is a central character in the narrative; Luke places the reference at the mid-point of his description of Paul’s ministry in Corinth; and his arrival coincides with a dramatic change in the conditions Paul faces.


946 On Roman names and customary usage in literature, which varies according to rank, see Sherwin-White, Roman Law, 156-62. Luke’s variation clearly has nothing to do with rank – Gallio is a senator, Felix a freedman in an equestrian office. Felix’s peers in office, Pilate and Festus, are introduced differently.
that survives to reconstruct what preconceptions Luke might have expected his audience to have about Gallio.\(^\text{947}\) The question must remain unanswered.

### 5.2.2 The Charges

Whatever the reason, Paul’s adversaries in the synagogues choose this time to bring him before the governor’s tribunal.\(^\text{948}\) The forceful verb κατεπεστησαν\(^\text{949}\) leaves the impression of a semi-spontaneous action taking advantage of the governor’s presence in the city rather than a formal suit with notice of the hearing given ahead of time.\(^\text{950}\) Two legal situations can be envisioned: either the prosecution seeks the proconsul’s permission to lodge charges against Paul, to be prosecuted at a duly set occasion, or the opposition wishes Gallio to use his powers of coercitio to remove a deleterious influence from the city without further legal process.

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\(^{947}\) Along with the obscure references to his health and sea voyages (Seneca, Ep. 104.1; Pliny, Nat. 31.33.62), Seneca gives a flattering account of his brother’s immunity to flattery (Q Nat. 4 Praef. 10-12) and speaks of his ambition in rather conventional terms (Dialogues 12.7). He dedicated De ira and De vita beata to Gallio. Statius mentions him (as dulcem Gallionem) and Lucan and Seneca as products of Baetica in a poem composed for Lucan’s birthday (Silvae 2.7.32). Dio Cassius preserves his remark that Claudius was raised to heaven with a hook (61.35.2-4) and records that he announced Nero at the theater (62.20.1).

\(^{948}\) Apuleius, Metamorphosis 10.18 names Corinth the capital of Achaea in the mid-second century (cf. the reference to the governor’s residence in 10.28) and there is no reason not to think this holds good for the first century as well. Archaeological and epigraphical remains tend to support this (see Pervo, Acts, 454). If not, Gallio’s presence in the city would likely be due to one of the regular assizes. Much less is known about the organization of the conventus system in Achaea than in Asia, though it is widely assumed there was one; see Julien Fournier, Entre tutelle romaine et autonomie civique: L’administration judiciaire dans les provinces hellénophones de l’empire romain (129 av. J.-C. – 235 apr. J.-C.) (Bibliothèque des Écoles Françaises D’Athènes et de Rome (BEFAR) 341. Athens: École Française D’Athènes, 2010), 88-91. Excavation has turned up the bema in the Corinthian agora; see E. Dinkler, “Das Bema zu Korinth,” in Signum Crucis: Aufsätze zum Neuen Testament un zur christlichen Archäologie (Tübingen: Mohr Siebeck, 1967), 118-33. Although a governor could hold his tribunal anywhere, Luke’s narrative seems to presuppose some such public setting (see below).

\(^{949}\) The verb καταφεστησαμεν seems to connote a forceful action. “Rise up against” is the gloss of both BDAG and LSJ, and both cite only this passage in Acts. However, the expression seems too vague in this context. “Made an attack” (NRSV, NIV, NJB) is better, but dry. Perhaps “fell upon”? With ομοθυμαδον Luke implies that the entire Jewish community of Corinth is united in its opposition to Paul.

\(^{950}\) Compare Josephus, where the people take advantage of the visit of the governor of Syria to complain about the actions of the current procurator of Judea, Gessius Florus.
The charges against Paul begin with the phrase παρὰ τὸν νόμον, emphasizing the illegality of whatever it is Paul is accused of doing. The accusation is that Paul ἀναπείθει… τοὺς ἀνθρώπους. A number of commentators have remarked that the nuance of ἀναπείθει in this context must be something more pejorative than “persuade.” Winter cites papyri from legal contexts that use the word to “imply that the person concerned operated out of deceit in order to mislead or seduce others.” The fronted παρὰ τὸν νόμον predisposes the reader to hear the word in this manner, suggesting from the start that Paul’s persuasion is illicit.

However, the charge fizzles in its second half, for it turns out that what Paul has been so unlawfully inciting people to do is “revere God” (σέβεσθαι τὸν θεόν). This vague phrase has made it difficult for interpreters to determine the exact nature of the charge being laid. One major point of dispute concerns whether Paul is accused of violating Jewish or Roman law.

Proponents of this option point out that the generic τοὺς ἀνθρώπους implies that whatever Paul is advocating is not παρὰ τὸν νόμον for Jews only, but for people in general. Roman law does occasionally make provision against introducing pernicious


952 It should be noted, however, that the dichotomy Jewish law-Roman law is somewhat misleading. Governors did not judge provincials according to Roman law, but according to “common law” (lex gentium), within the framework laid down by the provincial edict. Of course, governors would have tended to regard Roman law as a superior form of the lex gentium and used it as a canon of fairness, but they were under no obligation to follow it, and a defendant need not have violated Roman law per se to be punishable. The punishment of Christians is an excellent example – there was no law against Christianity, but governors could still punish Christians if they chose (or refuse to do so if that was their preference).

953 See, e.g., Fitzmyer, Acts, 629; Sherwin-White, Roman Society and Roman Law, 101; Cassidy, Society and Politics, 91-92.
superstitions, so it is not unreasonable that a person could be arraigned in a Roman court over the way he or she teaches people to reverence a god.

It has been objected, however, that the singular definite τὸν θεόν can only refer to the Judeans’ own God (no other god having been specified). The Judeans would in effect be arguing that persuading people to worship the Judean God is against Roman law. Indeed, that is the simplest reading of the sentence (and of the phrase σέβεσθαι τὸν θεόν in this literary context) but it seems a strange thing for Judeans to say and does not tally with what we know about proselytism in the first century. Furthermore, Gallio’s description of the issue as a conflict over “language and names and your own law” would be irrelevant to such a charge, as would his mention of “malicious fraud.”

Thus it must be Jewish law that the prosecution accuses Paul of violating – Paul is teaching people a Judaism that is not in conformity with the Jewish law. Some proponents of this view also claim that Gallio’s response presupposes this, since the

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954 See, e.g., Dig. 48.19.30 (Modestinus, de poenis): “if anyone does anything whereby men’s light minds are frightened by superstitious awe, the deified Marcus wrote in a rescript that persons of this kind are to be relegated to an island”; cf. Paulus, Sententiae 5.21.2, on “new sects or religious practices… [that] influence the minds of men.” (cited by Rowe, World Upside Down, 58). Livy (4.30.9) gives a historical example of such preying. See Robinson, Criminal Law, 96. Sherwin-White, Law, summarizes Roman policy in this regard as follows: “The Julio-Claudian period was characterized by general laxity towards foreign cults, which spread freely in Italy and Rome” (79). The basic principle was set forth by Cicero: separatim nemo habessit deos neve novos neve advenas nisi publice adscitos “No one may have gods to himself, whether they are new gods or foreign gods, unless they have been accepted by the state” (Leg. 2.8.19, cited Alan Watson, The State, Law and Religion: Pagan Rome [Athens: University of Georgia Press, 1992], 59. Watson delineates three possible responses to the practice of foreign cults by Romans: 1) acceptance and incorporation into the official religion, 2) criminalization, 3) unofficial toleration. Option 3 was most likely in times of peace and when converts were few; it created the possibility of oscillation between tolerance and repression (58).

955 Robinson claims that despite longstanding toleration of the Jews out of recognition that they lived by mos maiorum of their own, proselytism “was often, though not always, forbidden” (Criminal Law, 97; cites only Dio 68.1.2 on Nerva’s change of Domitian’s policy, “thereafter nobody was permitted to accuse anyone of maiestas or of adopting the Jewish mode of life”). But only in the reign of Hadrian is conversion clearly made illegal.
question of serious crime forms the protasis of a contrary-to-fact conditional, meaning it is assumed to be false. \(^956\)

On this view, Gallio’s reply spells out a legal principle: he will only rule on intra-Jewish disputes in serious cases. \(^957\)

It is open to question, however, whether Gallio’s response really presupposes that Roman law is not at issue. It need not be assumed that the contrary-to-fact conditional expresses an assumption that all the parties share; it may simply express how Gallio sees the matter. Furthermore, why should the prosecution expect Gallio to be willing to intervene in matters of Jewish law in the first place? \(^958\)

Finally, Gallio’s remark that the dispute is a matter of “your own law” would be superfluous if were Jewish law that Paul was accused of violating in the first place. \(^959\)

Conzelmann suggests that Luke portrays the prosecution as disingenuously leaving the matter of what law is being violated vague, implying that Roman law has been violated when really only Jewish law is at issue. \(^960\)

Gallio sees through the

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\(^956\) BDF 371.3.


\(^958\) According to Sherwin-White, only in Judea could a Roman governor “be expected or invited to take cognizance of breaches of the Law in the Jewish sense” (*Roman Law*, 99). On the other hand, Rowe points out that “the virtually absolute power of a proconsul over disorderly groups in his province was in antiquity well known” (*World Upside Down*, 59). But this is just to concede that the issue is public order, not Jewish law per se. Luke knows quite well how to frame accusations of creating public disorder; only inciting illegal worship is mentioned here.

\(^959\) *Contra* Jervell, above.

deception and clarifies that this is only a matter of Jewish law. Conzelmann’s theory has
the advantage of fitting the syntax of the sentence. The phrase παρὰ τὸν νόμον is fronted
for maximum effect with minimum clarity. However, the prosecution would seem to give
the game away by using the definite τὸν θεόν, which clearly must designate the Jewish
God, not God in general.961 As an attempt at a cleverly ambiguous formulation the charge
seems weak.

Others have suggested that Paul’s alleged deviation from Jewish law necessarily
involves a violation of Roman law, since if Paul’s sect is not true Judaism, then it does
not merit the protections afforded to Jewish communities, including acceptance of
synagogues as licit collegia. Paul’s “assembly” would thus be an illegal association
whose regular meetings violate Roman law.962 However, this proposal necessitates the
importation of a great deal of technical specifics into the vague charge. It also raises the
question of how Gallio can expect the prosecution to “see to it yourselves” when he has
refused to rule on whether or not Christianity constitutes an illegal association.

Another school of thought holds that Paul is endangering the peace by persuading
Jews to adopt un-Jewish ways, which will inevitably lead to conflict (of the sort that may

961 See, e.g., Tannehill, Unity: “The Jews speak of worshiping God (using the singular). It is
unlikely that any official would forget that Jews have their own way of worship according to their own
law” (226).

citing S. Applebaum, “The Legal Status of the Jewish Communities in the Diaspora,” in CRINT 1, 460 on
the status of a collegium licitum possessed by Jewish synagogues (though Applebaum does not say this
exactly); likewise Mikeal Parsons, Acts (Paideia; Grand Rapids: Baker, 2008), 255. Advocates of this
approach can point to various laws and police actions against collegia in the Roman world; most telling is
the situation in Bithynia at the time of Pliny’s correspondence with Trajan, from which we learn that Trajan
advised him to refuse permission for the formation of a fire brigade on the grounds that it would turn into a
hetaeria (10.33-4) and that the Christians claimed that they had ceased their regular meetings in response to
Pliny’s suppression of hetaerai in the province (10.96.7). Additionally, Parsons cites Asconius, Pís. 8 on
abolition of voluntary associations/guilds by the Roman Senate in 64 B.C.E., and Cicero, Flacc. 66 on the
Jews’ exemption from this.
have led to the expulsion of Jews from Rome a short while before). The prosecution is asking Gallio to intervene before this happens. Thus Paul is only violating Jewish law, and yet his teaching should be of concern to the Romans because of its potential to incite unrest. This view has the advantage of not requiring the importation of a lengthy explanation as to how Paul’s preaching could be against Roman law. However, in this case it is odd that Gallio takes the time to deny that a crime has been committed before getting round to stating that he does not want to be a judge of “disputes over… your own law.”

In sum, none of the attempts to read the charges with historical verisimilitude are convincing. The charges must be understood not as something actual Jews would have formulated against Christians in the mid-first century but as Luke’s own formulation which he has placed in the mouth of the prosecution. It is the charge to which Luke himself wished to respond through his narrative, not a charge that would make sense within its historical context. The Romans did in fact come to see the Christians’ manner of reverencing the Jewish God as a punishable crime, and individual adversaries did in fact successfully denounce Christians before Roman tribunals. Luke’s narrative presupposes that his late-first-century audience will find this possibility credible, even if it is something of an anachronism for Paul’s day. The vagueness of the charge reflects the vagueness of later charges against Christians, who are not necessarily accused of any

\[963\] See, e.g., Bock, *Acts*, 581: “This disturbance of the peace might therefore be something proconsul wants to take care of, in the Jewish view.” Also Rowe, *World Upside Down*, 60: the Jews recognize that The Way is inimical to Greco-Roman culture and want to disassociate themselves from the Christians before the inevitable clash leads to retaliation.
crime in particular beyond the crime of being Christian. In turn, Gallio says what late-first-century Christians wanted to hear: the Christians have committed no crime from the standpoint of Roman law; furthermore, their religion is no new superstition but a variety of Judaism with which some Jews disagree on various points.

5.2.3 Gallio’s Response

Luke makes a point of saying that Gallio interrupted Paul. The interruption dramatizes the point Luke wishes to convey – Gallio did not even need to hear what Paul had to say in his defense. He immediately recognized that the charges were frivolous. Nevertheless, though understandable in the circumstances and favorable to the Christians, Gallio’s interruption also conveys a sort of brusque impatience. Apparently, he does not consider Paul’s words on behalf of his sect and his own conduct to be worthy of his time and attention.

Gallio’s response presupposes that he, like Felix, is somewhat informed about The Way. He knows it as a subgroup within Judaism whose adherents have some disagreements with their fellow Jews about matters which he refers to as “language and names and the law you have among yourselves” (περὶ λόγου καὶ ὄνομάτων καὶ νόμου τοῦ καθ᾽ όμᾶς, Acts 18:15). Furthermore, he apparently knows enough about Paul to know that he has not committed crimes and is not engaged in some sort of malicious fraud. Gallio’s reference to “names” as one facet of the dispute connects his response with the troubles that Christians were having at least as early as the first decades of the second century, when merely acknowledging the name of Christian was enough to bring punishment.

964 Gallio’s reference to “names” as one facet of the dispute connects his response with the troubles that Christians were having at least as early as the first decades of the second century, when merely acknowledging the name of Christian was enough to bring punishment.

965 ἀδίκημα τι ἢ ρηθοῦργημα πονηρόν (Acts 18:14). Paul is innocent of what he had earlier accused Bar-Jesus of: ῥηθοῦργία. Since Gallio’s statement to that effect harmonizes with the (implied) author’s view, we can accept Gallio as a reliable character at this point. Though Gallio does not find Paul guilty of “malicious fraud,” as a typical Roman he presumably views Christianity as superstition. But it is not a superstition malefica (cf. Suetonius, Nero 16.2, superstitionis novae ac maleficae). It is not pernicious,
In his view Paul is simply teaching a form of Judaism that differs from that practiced by other Jews in various technical ways that need not be of concern to the Romans.\(^\text{966}\)

At the same time, the vagueness of Gallio’s expression suggests that he is not acquainted with the details of the dispute. This is the description of an outsider who has not troubled himself to look into the matter any further than necessary. His statement “I do not wish to be judge of these things” (κριτής ἐγὼ τούτων οὐ βούλομαι εἶναι, Acts 18:15) enunciates the principle expressed in 18:14 that it is only reasonable for him to involve himself if a crime has been committed, but it also personalizes it, suggesting his own disinterest in the matter.

According to Cassidy, Gallio’s response demonstrates his anti-Semitism. His address to the prosecution, “O Jews,” is disrespectful, and his use of the phrase ἀνέχομαι ὑμῶν (Act 18:14), “bear with you,” conveys impatience or hostility. For Cassidy the anti-Semitism explains why Gallio does not intervene in the beating of Sosthenes, whom Cassidy takes as a leader of the Jewish delegation. This allows him to argue that Gallio’s response to the trial is not an ideal Roman response from an idealized Roman but only that of a flawed magistrate displaying his prejudice.\(^\text{967}\)

However, it is not clear that the address “O Jews” should be understood as condescending. Winter goes so far as to claim that it represents courtesy. The use of ὅ with the vocative is typical of classical usage; it fell out of use in the Hellenistic period.

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966 This is the kind of “gap-filling” expected from the reader, not, as Rowe claims, the assumption that Paul’s accusers must have offered Gallio more information than what is represented in the narrative (58-59).

967 Cassidy, Society and Politics, 92-93.
except as “the mark of exceptional feeling.”\textsuperscript{968} Since the rest of what Gallio says does not seem particularly emphatic, but rather presents a reasoned argument (if anything, the prevailing emotion is indifference), the flavor of \textit{ό Ιουδαίοι} here would probably have struck a first-century reader more as archaic than as emphatic.\textsuperscript{969} The line between courtesy and condescension is thin and cannot securely be drawn here without additional markers.

The verb \textit{ἀνέχομαι} fails to offer such a marker. It can take the sense of “bear with,” but it can also be used in the sense of “uphold, sustain,” as in uphold a legal complaint for further consideration.\textsuperscript{970} Given the legal context of Gallio’s reply, “uphold” seems the more natural reading. Indeed, it would seem illogical for Gallio to say that he would “put up with” the Judeans if they brought him a complaint about a serious crime. On the other hand, the statement can be understood as reflecting more feeling than logic, and there is no reason that the verb could not convey both senses. Gallio agrees that he would accept the case if it involved a serious crime, but denies that the disagreements Paul has with his fellow Jews constitute such a crime; at the same time his form of expression hints at impatience.

Barrett claims to find a hint of disparagement in the plural form \textit{ζητήματα}: “Luke suggests that small and insignificant disputes, which sensible people would not consider,

\textsuperscript{968} Barrett, \textit{Acts}, 874; cf. Schneider, \textit{Apg.}, 252-53.

\textsuperscript{969} Cf. \textit{Θεόφιλε}, Acts 1:1.

\textsuperscript{970} Fitzmyer (630) supports the use of \textit{ἀνέχομαι} as a \textit{terminus technicus}; cf. \textit{TDNT} 1:359n2. The word can also simply mean “receive” (Heb 13:22, 2 Tim 4:3, 2 Cor 11:4), but a more specific sense is required here. BAGD 65, M-M say nothing of a legal sense, but give examples where the negative (of middle) + infinitive means “refuse to” or “would not.”
are in mind.” It may be that Luke represents Gallio as disparaging the differences between Christian and non-Christian Jews, but such disparagement would fall equally on both parties: it is aimed at a foreign superstitio that Gallio does not wish to entangle himself in and does not suggest that his ruling would have been biased against Paul’s adversaries.

With the imperative “see to it yourselves,” Gallio insists that the synagogue authorities take responsibility for discipline within their own ranks. Luke does not make it clear why this kind of discipline was unsatisfactory to the prosecution in the first place, but the fact that Paul remains in town after the affair suggests that synagogue discipline was in fact ineffectual in getting Paul to leave Corinth. First-century readers would have been familiar enough with the phenomenon of provincials trying to involve Roman officials in local disputes that were well within the competence of their own courts.

Does Gallio’s judgment do him credit? Conzelmann commends Gallio for his judicial acumen, and many commentators have agreed, seeing Gallio’s perceptiveness and good judgment as a contrast with the disingenuous protestations of the Jews. Pervo comments that “Gallio was too shrewd a lawyer to overlook the loophole in their

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973 It is unclear what explanation Luke expects his readers to fill in for why Paul’s opponents cannot “see to it” themselves in a way that gets Paul to leave town – whether because he no longer recognizes the authority of the synagogue, because synagogue discipline does not dissuade him from his mission, or because mixed feelings among the Judeans make it impossible to decide on an action in the setting of the synagogue.

974 Conzelmann, Acts, 153: “A capable Roman official is not so easily taken in.”
ambiguous accusation…” He continues: “The mentality of Paul’s accusers, who believed Gallio would not distinguish between Jewish Torah and Roman ius, is childish and unworthy of credence.” However, since the nature of the charges and the extent of Gallio’s knowledge of the subject is unclear, it is not safe to claim that his response reflects any particular intelligence or legal skill.

In one way, however, Gallio does commend himself. Rowe points out that Gallio’s handling of the case follows a principle that is in harmony with official Augustan policy toward Judaism as represented in Josephus: “[I]f any point of controversy (ζητησις) shall arise concerning the Jews’ way of life, it is my pleasure that the judgment (κρισις) shall rest with them.” Gallio upholds this principle by refusing to get involved in Jewish controversies, despite the fact that taking sides in local disputes could be quite lucrative (compare Florus’ role in the dispute over the synagogue in Caesarea, War 2.285-288). As such, his self-recusal gives him an air of honesty and imparts a sense of impartiality to his judgment of the case as well.

Any impression of impatience and brusqueness of manner that Luke’s reader may have formed on the basis of Gallio’s response is reinforced by Gallio’s action following his pronouncement: he “drives away” the litigants from his platform (ἀπέλαυσεν αὐτοῦ ἀπὸ τοῦ βηματος, Acts 18:16). The exact import of the verb ἀπέλαυνω is not clear, but the NRSV translation “dismissed” is probably not strong enough. Luke conveys a forceful removal from the court: this could mean anything from a stern dismissal to


976 Antiquities 14.195, cited in Rowe, World Upside Down, 60.
threatening gestures by the lictors to some degree of physical force.\textsuperscript{977} Whatever the case, by choosing the verb Luke conveys that Gallio’s dismissal was far from polite, courteous, or gentle. The objects of this treatment (αὐτοῦς) are naturally the addressees of vv. 14-15, those whose complaints Gallio has refused to sustain. Paul’s position in all this is left unclear, but since he is innocent of the frivolous charges (as well as of any crime, in Gallio’s opinion), the reader need not imagine that he too is driven away.

The forceful response has stood as further evidence of Gallio’s general disrespect for Judeans. However, another motivation can be proposed, one more in keeping with what Gallio has just said – that is, impatience at prosecution that he judges to be frivolous. Governors had to handle a great many cases.\textsuperscript{978} Combined with his words, his action communicates aggravation at being distracted in this way. Like his interruption, his forceful response serves to dramatize what his words have already communicated about the worthlessness of the complaints against Paul.

Nevertheless, like Gallio’s interruption, this response, though favorable to the Christian point of view, also reflects poorly on the governor. Though his impatience may be well-founded, his way of expressing it is quite disrespectful. Gallio behaves as Agricola did not – in an arrogant and high-handed fashion. Unlike Agricola, Gallio fails to demonstrate \textit{facilitas}.

\textsuperscript{977} On the probable role of the lictors, see Fitzmyer, \textit{Acts}, 630. Their presence (in the mental picture of the scene a first-century reader would naturally have formed) is certainly important to Gallio’s ability to act forcefully, but the degree of their involvement is left up to the reader’s imagination.

\textsuperscript{978} On the governor’s administrative and judicial workload see Marshall, “Governors on the Move,” 231-2, and especially Burton, “Proconsuls,” 102.
5.2.4 The Beating of Sosthenes

Following the ejection of the prosecution, Gallio does not intervene when violence breaks out in close proximity to his tribunal. Luke makes clear how flagrant is Gallio’s lack of concern by emphasizing that the beating took place “in front of the tribunal” (ἐμπροσθεν τοῦ βῆματος) and using the emphatic οὐδὲν τούτων τῷ Γαλλίωνι ἐμελέν. Here Luke moves from indirect characterization, describing Gallio’s words and actions, to more direct discourse, describing Gallio’s thoughts and feelings. The reader is not left guessing as to why Gallio did not intervene. It was not because he was intimidated by the crowd, did not notice what was happening, or feared that a forceful intervention would provoke even more violence. Gallio did not intervene because he did not care.

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979 It is unnecessary to say, with Schille, “Dass nach der Verjagung vom Richtstuhl eine Szene ‘vor dem Richtstuhl’ möglich wird, ist hart” (366); cf. Tannehill, Unity, 2.228. The tribunal is envisioned as situated in the agora, and the attack takes place among the onlookers and passersby just outside the area cleared for the speakers. A similar setting is envisioned by Petronius in a poem on dreams: Qui causas orare solent, legesque forumque et pavidi cernunt inclusam chorte tribunal; “They whose life is to plead cases have statutes and the courts before their eyes, and look with terror upon the judgement-seat surrounded by a throng” (Carm. 31 [Rouse, LCL]; chorte is Mommsen’s conjecture for corde in the ms.). From the elevation of the platform, Gallio can easily see what is going on in the crowd in front of him.

980 οὐδέν can be construed as the subject of ἐμελέν (so BDF 176.3n4) in conformity with classical usage (cf. Hermes, Sim. 9.13.6) “none of this caused concern to Gallio”; alternatively, it can be read as a strengthened negative “Gallio was not concerned about these things at all” (cf. Moule, Idiom Book, 28, with reference to 1 Cor. 9.9); οὐδέν could also be an accusative of respect, with τούτων a genitive of reference, ἐμελέν impersonal: “Gallio had concern about none of these things.” The phrase mirrors the Latin non est cura mei. The use of οὐδέν has to be understood as emphatic no matter which syntactical construal is preferred, especially in the phrase οὐδέν τούτων referring to one incident. Winter, “Rehabilitating Gallio and his Judgement in Acts 18:14-15,” TynBul 57 (2006): 303, suggests that τούτων could refer to “the issues raised by the Jews in their legal petition.” But Luke had no reason to underscore Gallio’s indifference to those.

981 Thus I cannot agree with Haenchen that “Luke gives no indication that he condemns the beating, since this feature reveals especially clearly the disinterestedness of the Roman authorities” (Acts, 537). The emphasis and the turn to direct characterization indicates otherwise. Cf. the attempt by Moyer Hubbard, “Urban Uprisings in the Roman World: The Social Setting of the Mobbing of Sosthenes,” New Testament Studies 51 (2005): 26, to minimize the importance of the beating (a “kerfuffle which… degenerates into fisticuffs”) and Gallio’s inaction (he “hardly notices”).
Luke’s readership will have reacted even more strongly to Gallio’s inaction if they perceived that Sosthenes was “one of them”: a Christian. The traditional presumption has been that Sosthenes was (or subsequently became) a Christian, since we know of a companion of Paul from Corinth by that name.\footnote{John Chrysostom, for example, thought that Sosthenes was another name of Crispus (Hom. Act. 49). Cf. Richard Fellows, “Renaming in Paul’s Churches: The Case of Crispus-Sosthenes Revisited,” TynBul 56 (2005): 111-30. Sosthenes is not a common name in antiquity – Fellows calculates it accounts for \%0.028 of recorded Greek names (115).} However, modern scholarship is divided on the question. If Sosthenes is to be understood as a Christian at the time of the attack, then the unidentified πάντες\footnote{Some textual variants clarify the πάντες: mss. 36 and 453 add οἱ ἱεροδαίοι, and the Western Text (D, E, Ψ, 33, 1739, the Koine) adds οἱ Ἑλληνες. Early copyists did not agree on how to construe πάντες either.} who lay hands on him and beat him are most naturally understood to be Jews taking out their frustration on one of Paul’s fellow believers who is there to observe the trial, Paul himself apparently being out of reach (perhaps still standing near the governor’s platform).\footnote{Schille (Apg., 366) suggests that the entire trial narrative was originally about Sosthenes; Paul was substituted as the target of the trial but not made to take the beating (however, Luke does not seem reluctant elsewhere to portray Paul taking a beating – cf. Acts 14:19; 16:22-23; 21:30-32). Bruce (353n46) contemplates the possibility that Sosthenes became a Christian subsequently.} On the other hand, Luke calls Sosthenes ὁ ἀρχισυνάγωγος, which could indicate that he has replaced Crispus in the office and thus is probably a member if not the leader of the party accusing Paul.\footnote{Winter, “Gallio’s Ruling,” 215, assumes that Sosthenes brought the charge – likewise Jervell (Apg., 462), Haenchon (Acts, 536-7), followed by Schneider (Apg., 253).} This view is popular with contemporary scholars.\footnote{Pervo, Acts, 454; Conzelmann, Acts, 154, Lüdemann, Early Christianity, 200.} In that case, his attackers may be his fellow Jews, enraged at his failure to secure a conviction,\footnote{Tajra, Trial, 59, and Fitzmyer, 630-31, only as a possibility; likewise, Pervo sees either an attack by “disappointed co-religionists” or by a Gentile mob as possible (Acts, 454).} or else Greek onlookers who...
take a cue from Gallio’s brusque treatment of the prosecution to vent some hostility
toward the Jewish community in Corinth.988

The text does not permit certainty, but several factors favor the interpretation that
Sosthenes is a Christian. First, Luke inserts him in the story abruptly, doing nothing to
identify him beyond calling him the ἀρχισυνάγωγος. Why is this designation supposed to
be sufficient to identify him? It seems unreasonable to demand that the reader surmise
that this Sosthenes had replaced Crispus as head of the synagogue when a word or two of
explanation would have removed all confusion.989 Three other explanations are possible.
Luke may have intended to signal that Sosthenes is the same individual as the previously
mentioned ἀρχισυνάγωγος, Crispus, now identified by his Greek name instead of by a
Roman cognomen.990 Luke would have mistakenly conflated two separate individuals.991
Or Luke may have expected his readers to know Sosthenes as a prominent early
Christian, so that the simple designation ὁ ἀρχισυνάγωγος sufficed to distinguish him
from any other Sosthenes. Finally, Luke may have simply reported what he knew, and
did not himself understand the connections. It seems more likely that the name of a

988 Bruce, NICNT, 353-54; Tannehill, Unity, 2:228; Winter, “Rehabilitating Gallio,” 303, as “an
opportunity to demonstrate… support for the emperor’s anti-Jewish decree recorded by Luke in Acts 18:2”;
Barrett (Acts, 875), though he also suggests that Jews may have joined in, for different reasons.

989 Cf. Fellows, 113. Tessa Rajak and David Noy suggest that the title ἀρχισυνάγωγος typically
had more to do with social standing and benefaction than with competence and commitment of time
required by actual duties, analogously to the “fluidity, inconsistency and elasticity in the number and
formulation of titles” typical of private associations of that day. See Tessa Rajak and David Noy,
“Archisynagogoi: Office, Title and Social Status in the Greco-Jewish Synagogue,” in The Jewish Dialogue
from JRS 83 (1993): 75-93. The diverse usage of the title suggests that first century readers could not easily
have made assumptions.

990 Fellows points out that if Ἔλδομος is taken as translated by ὁ μάγος rather than as an alleged
translation of Βαριῆσον, then we have in Acts 13:6 and 8 another instance in which the same character is
referred to by a different name but with a common descriptor (“Renaming,” 122-123).

991 Fellows argues that Paul actually renamed Crispus. This allows him to explain the use of both
member of the early Corinthian Christian community would have been preserved in Luke’s sources than the name of Paul’s lead prosecutor. The governor’s inaction in the face of mob violence toward a Christian would have stimulated resentment – and thus memory. The most plausible explanations of the text all suggest a Christian Sosthenes.

Furthermore, Luke’s description of the beating is easier to understand with the presupposition of a Christian Sosthenes. “All” would simply refer to its natural antecedent, the “them” in the previous verse – “the Jews.” Their motive is easy to understand – frustrated at Gallio’s refusal to entertain their accusations and his disrespectful treatment, they lash out at the first Christian they get their hands on. Gallio, true to what he has just announced, does not interfere – they are resolving it themselves. Everything needed to understand the incident is provided in the narrative. The episode conforms to Luke’s habit of portraying “the Jews” as prone to violence against Christians. On the other hand, if Sosthenes is to be associated with the opposition, either an explanation is needed for why the Jews attack one of their own or the “all” must be associated with a previously unmentioned crowd with previously unmentioned hostility toward their Judean neighbors. Both options require the importation of explanations from beyond the narrative itself. Furthermore, Luke is not in

992 It may also include the spectators around the tribunal, who are more likely to be non-Christian Jews than Christians, since the trial is at the Jews’ initiative.

993 Sherwin-White takes it that the erstwhile prosecutors carried out Gallio’s admonition by delivering the traditional thirty-nine blows to a Christian sympathizer (Roman Law, 103-4). But it is hard to imagine this being carried out spontaneously right in the agora. Fellows too presumes that this is a “quasi-official punishment” to which Gallio had already given “tacit approval” (114). But if the reader is supposed to understand that the beating carries out Gallio’s recommendation, why does Luke need to mention Gallio’s lack of concern?


995 The Western text demonstrates that this is not impossible.
the habit of depicting Gentile hostility toward Jews, though it does surface in Ephesus and perhaps also in Philippi.\footnote{Cf. Bock, \textit{Acts}, 582, though he professes uncertainty.}

Finally, if Sosthenes is to be associated with the opposition, one is hard-pressed to understand why Luke includes the detail of the beating. The violence against a member of the opposition echoes uneasily the forcefulness of their dismissal from Gallio’s court.\footnote{Differently put, it is easier to read the text as Cassidy does if Sosthenes is construed as a non-Christian Jew. Besides Cassidy, see also Riesner, \textit{Early Period}, 209; Winter, “Gallio’s Ruling,” 221.} It permits a reading of Gallio as biased against the Jews, encouraging anti-Judean violence by his own disrespectful treatment of them (exactly the reading that Cassidy adopts). However, it is unclear why Luke would have wished to convey that the judge was biased, which only encourages sympathy for Paul’s opponents. In contrast, allowing the beating of a Christian undermines Gallio’s credibility as a governor,\footnote{Tajra, \textit{Trial}, 59 (likewise Pervo, \textit{Acts}, 455n93) begs the question when he argues that Gallio’s unconcern “could imply that Sosthenes’ attackers were Jews, for the Proconsul would have acted with alacrity had the violence mentioned by Luke been of an inter-communal stripe.”} but it does not call into question his impartiality as a judge.\footnote{Witherington misses the point when he says, “Since the case was simply dismissed without the defendant even having to or being allowed to defend himself, it is inappropriate to say that Paul was either acquitted or exonerated by Roman justice” (554). Paul may not be exonerated by Roman justice, but he is exonerated by a Roman judge.} Quite the opposite: the fact that Gallio shows no special favor toward the Christians and no inclination to protect them serves as evidence for the impartiality of his previous ruling.

In any case, whether Sosthenes is a Christian or a non-Christian, Gallio’s lack of concern to protect him is blameworthy. As an \textit{archisynagogos}, Sosthenes is a wealthy and respectable person, whether or not he has subsequently broken with some of his fellow Jews. Gallio should not allow such a prominent individual to be mistreated in his
presence. With this incident, and with the words οὐδὲν τούτων τῷ Γαλλίωνι ἔμελεν (Acts 18:17), Luke closes his account of the high-handed and indifferent governor.

5.2.5 Conclusions

Luke’s technique in characterizing Gallio is mostly indirect; Gallio is characterized by his words and actions. However, Luke moves further in the direction of direct characterization at the end of the narrative by commenting on Gallio’s thoughts and motivations surrounding the beating (he did not care and therefore did nothing to stop it). There is no clear use of comparison; however, Gallio’s response to the charges against Paul will become an important point of comparison later in the narrative.

Gallio’s judgment reflects well on him. He is perceptive enough to recognize that Paul is no criminal. He renders what Luke considers a fair judgment when he refuses to entertain charges against Paul. His policy of noninterference in disagreements within the Jewish community suggests impartiality and integrity. On the other hand, a number of elements in the narrative characterize Gallio as impatient and brusque. He stops Paul from taking his turn to speak. He expresses his desire not to be involved as a personal preference as well as an administrative principle. He has the plaintiffs forcefully removed from his court. Gallio also demonstrates that he is concerned neither for a fellow human being nor for public order. His passivity hints that he is lacking *industria* as well as *facilitas*. The two characteristics of impatience and disinterest combine to create the impression of a governor who does not give himself fully to the task of governing.

Gallio’s inaction can be compared with Cumanus’ lack of urgency in *War* (2.233). Though forewarned of the consequences of passivity, Cumanus fails to act...
promptly and vigorously; mob violence spreads and a sense of “impunity” (ἀδεια) encourages further banditry (2.238). One can also compare Philo’s concerns about the effects of “slackening the reins” and his accusation against Flaccus that he pretended “not to see what he saw or hear what he heard” (Flacc. 40).\footnote{Interestingly, some Latin mss. reflect the same concept: d (the corresponding Greek in D is erased and beyond recovery) reads tunc Gallio fingebat eum non videre; h (codex Floriacensis, 6th century) reads et Gallio simulabat [se non vid]ere – reconstruction following Albert Clark, The Acts of the Apostles: A Critical Edition with Introduction and Notes on Selected Passages (Oxford: Clarendon, 1933; repr. 1970), 369.} There too the governor’s inaction “gave immunity and license” (ἀδειαν καὶ ἕκεχεριαν διδος). Passivity in the face of crime and violence frequently has drastic consequences in narratives about governors.\footnote{In turn, swift and decisive action preserves order, as with the case of Agricola’s immediate military action upon his arrival in his province (Agr. 18.1-5).} Luke’s emphasis on the proximity to the tribunal and Gallio’s indifference promotes such concerns about passivity and impunity. His indications of Gallio’s brusqueness and impatience reinforce this concern about a governor who can’t be bothered.

If Sosthenes is construed as a Christian, his beating can be understood as an implementation of Gallio’s suggestion that the Judeans (both Christian and non-Christian) “see to it yourselves.”\footnote{See Sherwin-White, who goes so far as to suggest that “the beating was that of the formal ‘thirty-nine blows,’ administered by the authority of the local Sanhedrin...” (Roman Law, 104).} The implication is that “see to it yourselves” is not an adequate Roman response to conflicts between Christian and non-Christian Jews. Luke expects the Roman authorities to ensure that the Christians are protected from the hostility and violence of their opponents. Luke has already demonstrated multiple times the point to which such hostility can lead. Sosthenes’ beating represents the failure of Roman policy toward the Christians. Just as Claudius had indiscriminately cleared the
Jews out of Rome for their rioting *impulsore Chresto* without bothering to learn who were the victims and who the aggressors, so Gallio has cleared the matter away from his tribunal without concern for the Christians who were the victims of their opponents’ hostility.\(^{1004}\)

Many interpreters claim that Gallio’s judgment reflects well on Rome. According to Conzelmann, Gallio’s response provides “a picture of the ideal conduct of the organs of the State.”\(^{1005}\) Haenchen expresses a similar view:

…Luke makes Gallio occupy that standpoint which he himself considers as the correct one and which he passionately desires that Rome herself should take as her own: that Christianity is an inner-Jewish affair in which Rome does not meddle.\(^{1006}\)

Some have even seen the case as setting an important precedent. According to Winter, Gallio’s “ruling” established Christianity as a sect within Judaism and therefore “a *religio licita*, part of the *mos maiorum*. This was how Christianity was judged in the eyes of the Roman governor with expertise as a jurist.”\(^{1007}\) F. F. Bruce argued that the case determined Roman conduct toward the Christian movement for the next decade.

It probably served as a precedent for other Roman judges, especially as it proceeded from a man whose brother (Seneca) occupied a position of influence at the imperial court. It meant that for the next ten or twelve years, until imperial policy toward Christians underwent a complete reversal, the gospel could be proclaimed in the provinces of the empire.

\(^{1004}\) Luke unrelentingly portrays the non-Christian Jews as the aggressors and the Christians as victims who never fight back. Whether he really viewed historical reality this way is another question.

\(^{1005}\) *Theology*, 143. See further pp. 142-44.

\(^{1006}\) Haenchen, *Acts*, 541. Cf. Conzelmann, *Acts*, 153: “Here the legal situation from the standpoint of the Roman state is defined in a way that Luke would like to suggest as the ideal for Roman practice: the state should not become involved in controversies within the Jewish community involving Christians – the disputes lie outside the jurisdiction of Roman law.”

without fear of coming into conflict with Roman law. The next charges brought against Paul before a Roman judge were personal to himself.  

Tannehill is correct to interject a word of caution about such sweeping statements. He thinks it unlikely that Luke harbored any hope of persuading the Romans of his day to view Christianity as “an inner-Jewish affair.” Furthermore, Gallio does not issue a ruling, but merely explains why he is not prepared to consider the accusations against Paul. The narrative constitutes a precedent only for Luke and his audience. 

As such, it is an important precedent. What matters to Luke and his audience is not so much Gallio’s conception of the dispute as internal to Judaism as his insistence that Paul is not guilty of any crimes or malicious acts. As a representative of Rome in the narrative, Gallio serves to strengthen the innocence motif. In the eyes of this Roman judge of high standing it is obvious that despite the conflicts Paul has with the fellow Jews, he has done nothing that merits Roman intervention. Gallio does not even need to hear Paul’s defense to recognize this; he simply states it as a fact from which he derives his appropriate action, dismissing the litigants. Luke’s interest in Gallio’s judgment and the clarity with which he renders it suggests that Rome’s view of Christians mattered to Luke and his audience. The image of a Roman governor refusing to entertain charges against a Christian without evidence of a real crime must have been encouraging to Luke’s readership in an age when the opposite was frequently true.  

Gallio provides a

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1008 Bruce, NICNT, 354.
1011 Not that there could not have been contemporary models – Sherwin-White (Law, 100, and cf. “The Early Persecutions and Roman Law Again,” JThS 3 [1952]: 209) points to evidence from Tertullian, Scap. 3-5 of proconsuls of Asia in the mid-second century who refused to accept charges against Christians.
counterpart against which the actions of other Roman magistrates can be weighed. As such, he is a foil for Felix and Festus, who will fail to dismiss charges against Paul later in the narrative.

Gallio’s conduct does suggest some favorable things about Rome. It demonstrates that Roman courts can recognize and reject malicious prosecution. However, Gallio’s passivity when faced with street violence contradicts the idea that he is an ideal representative of Rome. He is not corrupt or unfair, but neither is he diligent and conscientious. Gallio illustrates the potential for Roman authorities and Roman courts to work sensibly and justly, but also exemplifies a less savory aspect of Roman rule: it can be arrogant and domineering, and it does not always bring the peace and protection it promises.

5.3 The Odor of Corruption: Felix

By far the most extensive and continuous of Luke’s portraits of Roman governors are situated near the end of Acts, in chapters 24–26, in which Paul has dealings with two procurators of Judea, Felix and Festus. Following his arrest in Jerusalem by the tribune Claudius Lysias, Paul is sent to the Roman capital, Caesarea, where he stands trial before both governors, neither of whom deliver a verdict. At the end of the book Paul’s case has still not been resolved.

5.3.1 Felix Introduced

Luke introduces Felix¹⁰¹² to the narrative through the tribune responsible for Paul’s arrest and detention, Claudius Lysias. After learning of a plot against Paul, Lysias

¹⁰¹² Luke and Josephus know him only as “Felix.” His praenomen is unknown, and his nomen gentilicium uncertain. Tacitus calls him Antonius Felix. The name “Claudius Felix” appears in the extant
instructs two of his centurions to “deliver Paul safely (διασώσι) to Felix the governor (τὸν ἰησοῦν)” (Acts 23:24). Luke goes on to record the communiqué that Lysias drafted to explain Paul’s case to his superior. Thus our first view of Felix comes through the eyes of his subordinate.

Lysias addresses his letter “To the Most Excellent Governor Felix” (τῷ κρατίστῳ ἰησοῦν Φήλικι, Acts 23:26), a standard form of respectful address and according to Fitzmyer “an epithet often predicated of the equestrian order.” As Fitzmyer points out, Felix is not an equestrian, but a freedman holding an equestrian office. As such, the use

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1013 Tannehill remarks that the verb is used only here and in the sea voyage in Acts 27–28 (27:43, 44; 28:1. 4) (Unity, 2.294). Probably here too, the word is meant to connote deliverance from great peril. The irony of Lysias’ instruction becomes apparent later – Paul ends up needing to be delivered from Felix!

1014 English translations of the address vary. The literal rendering above is found in the NASB (and cf. the KJV). Others render the address, “To His Excellency, Governor Felix” (NIV) or “to his Excellency, the governor Felix” (NRSV, NAB, NJB) with varying capitalization.

1015 Fitzmyer, 727; cf. Tajra, Trial, 106.
of the term “is perhaps a bit of flattery,” which associates the letter with the elaborate address of the rhetor Tertullus, who also uses the term to address Felix (Acts 24:3).

Though not inappropriate for a freedman (note Josephus’ dedication of *Antiquities* to κράτιστος ἄνδρος Ἑπαφρόδιτε, *Life* 430) the term reminds a reader familiar with Felix’s status that his assumption of the procuratorship of Judea is an example of a freedman conducting public business (something, for example, that Tacitus claims that Agricola would never do, and that Domitian did), from an emperor with a reputation for promoting his freedmen and being influenced by them.

As scholars have long noted, Lysias’ account of how Paul came to be in his custody contradicts Luke’s own narrative in some crucial details. According to this account, Lysias’ discovery of Paul’s citizen status occurred before, not after, his

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1017 Paul does not use the term when he addresses Felix, though he does when he addresses Festus (who actually was an equestrian), Acts 25:25. In his formal prologue, Luke uses the term κράτιστος to address Theophilus (Luke 1:3).

1018 Haenchen, *Acts*, 647; Cassidy, *Society and Politics*, 99-100, followed by Tannehill, *Unity*, 2.295; Fitzmyer, *Acts*, 728; Witherington, *Acts*, 700: “it would appear that Luke intends for us to get something of a chuckle from Lysias’s face-saving, self-serving report.” Others defend Lysias’ account, e.g., Munck, *Acts*, 226: “The content of this letter cannot be said to be contrary to the facts as they are known to us,” adding that the aorist participle could indicate that Lysias heard of Paul’s citizenship after his intervention. This is not the natural reading, and does not correspond to Munck’s own translation (225). Fitzmyer is too gentle: Lysias “telescopes the events somewhat,” in order to “enhance [his] chivalrous intervention” (728). But there is no need to read any “chivalrous intervention” into Lysias’ decision to arrest Paul: if he believed Paul to be “the Egyptian,” a leader of Sicarii (though it may be Paul’s Greek that first gives him that notion), his intention would have been to “save” Paul for a proper death on a Roman cross. Though noting the divergence, Haenchen (*Acts*, 647-48) argues that Luke would not have intended to depict Lysias as dishonest because that would devalue his testimony as to Paul’s innocence. “Luke rather in this recapitulation of events provides the reader with the image which he is to retain.” However, Luke’s ideal reader will value Lysias’ testimony to Paul’s innocence because it agrees both with the preceding narrative and with their own prejudice in favor of Paul. There is no danger that a portrait of Lysias as less than fully truthful will cause such a reader to question Paul’s innocence. Elsewhere, as we have seen, Luke does not hesitate to have less than savory characters give testimony in favor of his heroes.
intervention outside the temple. He did not arrest Paul – rather, he “extracted” him (ἐξελάμψην, 23:27) from a dangerous situation. In keeping with this revised account, Lysias makes no mention of chains (Acts 21:33) or of his intention to have Paul scourged (Acts 22:24). Naturally he does not wish to reveal to his superior the conduct that he later regretted, and he apparently feels confident that his prevarication


1020 In the original narrative, it is clear that Lysias arrests Paul: he binds him, takes him to the praetorium for questioning, and retains him in custody even after he has learned that Paul is a Roman citizen. Moreover, this form of intervention corresponds to the report that Lysias originally received (v. 31) – he did not hear that a man (or a Roman) was being attacked by a mob and needed rescuing, but that “the whole town was in an uproar” and needed pacifying. Lysias acts to restore the peace, not to save Paul. Nevertheless, exegetes continue to refer to a “rescue” or to “protective custody” (recently, e.g., Bryan, Render, 101 – he thus claims that Paul was arrested by Roman authorities only once, in Philippi!). Matthew Skinner, Locating Paul: Places of Custody as Narrative Settings in Acts 21-28 (Academia Biblica 13; Atlanta: SBL, 2003), 111n7 reasons that “it may distort the picture to call this, as the NRSV does, an arrest” because the same verb translated “arrested” in v. 33 (ἐπιλαµβάνει) is used of the action of the mob in v. 30. However, context makes it clear that “seize” means one thing when carried out by a mob, another when performed by an officer of the guard employing handcuffs.

1021 Chains for the feet (παίδαι) are not mentioned, so perhaps the two chains bind Paul’s two hands to a soldier on each side (Tajra, Trial, 68). This would have satisfied the recommendation of Dig. 48.3.14: “The custody of a prisoner should not be committed to one, but to two guards.” The lex Iulia forbid the chaining of a Roman citizen (note Acts 22:29). See, e.g., Brian Rapske, The Book of Acts and Paul in Roman Custody (vol. 3 of The Book of Acts in its First Century Setting; ed. Bruce Winter; Grand Rapids: Eerdmans, 1994), 152. It seems to have happened anyway: see Sherwin-White, 73-4; and Skinner, Locating Paul, 115-16n18.

1022 Luke’s Greek word μάστιξ refers to the Roman flagrum (scourge), likely to produce broken bones and permanent scars. For the verb ἀντετάζει the Vulgate uses torqueo – “to torture in order to extract evidence” (Tajra, Trial, 73). Skinner, Locating Paul, 116n20, points out that προέτειναν ὁτὸν τοῖς ἵμασιν (22:25) could mean Paul was stretched out in the straps (used for binding, e.g., NRSV) or stretched out for the straps (used for whipping, e.g., NRSV note, NAB).

1023 Luke reports that Lysias was “afraid” (ἐφοβήθη) when he realized that he had treated a Roman citizen in this way (Acts 22:29). Tajra is correct to argue that Lysias’ fear is realistic – should Paul turn out to be someone influential, things could go very badly for him (Trial, 75). However, the situation itself is
will not be discovered.\textsuperscript{1024} Lysias’ behavior toward his superior indirectly characterizes Felix – he is evidently not the kind of governor who has a firm grasp on the activities of his subordinates or who “understands what is unspoken even better than what is said.”\textsuperscript{1025}

As is proper for a man in his position, Lysias has undertaken a preliminary investigation of the case (βουλόμενος τε ἐπιγνώσαι τὴν αἰτίαν δι᾽ ἣν ἐνεκάλουν αὐτῷ, 23:28), and he informs Felix of his procedure (κατηγοροῦν εἰς τὸ συνέδριον αὐτῶν, 23:28) and his findings (δὲ εὗρον κτλ., 23:29).\textsuperscript{1026} In contrast to Lysias’ mendacious description of the original incident and his role in it, his report of his investigation and conclusions accurately reflects what he could really know about Paul at this point in the narrative. Paul has not been denounced to Lysias for defiling the temple (though Luke does not disclose what was said by various members of the crowd at the temple but only that it was inconsistent). Nor is Paul so charged during the contentious Sanhedrin hearing, which ends in a way that certainly would encourage Lysias’ impression that the dispute is about theology and interpretation of scripture.\textsuperscript{1027} Thus his conclusion that Paul has not been charged with any serious crime but is accused in connection with disagreements about the Jewish law (ἐγκαλούμενον περὶ ζητήματον τοῦ νόμου αὐτῶν, Acts 23:29) not realistic – ordinarily Paul would have identified himself as a Roman citizen well before it came to a flogging.

\textsuperscript{1024} See, e.g., Rapske: “Lysias shows amazing audacity in trying to benefit from the situation by portraying himself to Felix as not simply blameless but positively praiseworthy” (\textit{Roman Custody}, 152).

\textsuperscript{1025} \textit{Flacc.} 1.2; cf. Agr. 19.3 (omnia scire).


\textsuperscript{1027} On Lysias’ probable impression, cf. Skinner, \textit{Locating Paul}, 122. As Cassidy notes (\textit{Society and Politics}, 100), Lysias does not say that Paul is innocent but that he has not been charged with anything serious. \textit{Contra} Cassidy, this statement does not conflict with the previous narrative but accurately represents the information Lysias would have had at his disposal.
seems a reasonable one. Luke seems much more interested in the credibility of Lysias’ account of Paul than in the credibility of Lysias’ account of his own actions.

If Paul has not even been charged with a serious crime, why does Lysias not simply release him? Ostensibly, his reason for sending Paul to Felix is to protect him against a plot. However, Lysias’ letter reveals that despite the lack of cogent charges and despite his own belief that Paul is innocent, he intends to invite Paul’s adversaries to bring charges against him before the governor. In sending Paul to Caesarea, he is not so much “saving” Paul as transferring him to the governor’s tribunal where he must be tried as a Roman citizen. It is an act of deference toward his superior – though he thinks Paul innocent, far be it from him to make the final decision in a case involving a Roman citizen.

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1028 Lysias’ conclusion strongly resembles Gallio’s, both in the insistence that Paul is not guilty of any serious wrongdoing and in the attribution of the dispute between he and his fellow Jews to ζητήματα concerning the Mosaic law. Cf. Tajra, Trial, 108.

1029 Rapske suspects that Lysias’ positive account of Paul’s case is designed in part to ingratiate himself with Paul and assure that the prisoner will not contradict his account of the events (Roman Custody, 152-53). One need not speculate on ulterior motives, however – Luke has tailored his account so that what Lysias reports about Paul accurately conveys not only the truth but also what Lysias has witnessed.

1030 Skinner argues that the scene before the Sanhedrin already makes it clear that Paul is not safe in Jerusalem and thus “must remain under Roman watch for his own protection” (Locating Paul, 125-26). Though the Sanhedrin scene does increase the reader’s sense of the breadth and intensity of the opposition against Paul, it is unclear how Skinner can draw this further conclusion. Only after the revelation of the plot does Luke imply that concern for Paul’s safety is a motivating factor in the Romans’ actions. Paul’s pleasure at addressing Felix and Agrippa II does not mean that he is generally “content to remain a participant in the Roman legal machinery,” and it is misleading to claim that “Paul never asks to be released”: his apologia, including denials of wrongdoing, are implicit requests for release. Nothing in the narrative suggests that Paul did not want to be released. It is also misleading in this context to say that Paul’s vision in Acts 23:11 “makes his destiny clear.” Here Paul is only told of his destiny to travel to Rome, something he already intended to do before his arrest (Acts 19:21); it is only after his appeal that he is informed that his destiny includes standing before the emperor (Κατασχέσθαι σε δεῖ ταρασσῆναι, Acts 27:24).

1031 Cf. Skinner, Locating Paul, 129: Lysias may think Paul innocent, “but the tribune’s desire to transfer Paul to a higher Roman authority signals that Paul is important and suspicious in Roman eyes.” The device of the Judean plot obscures this, giving a motivation for Paul’s transfer other than what would normally be implied by such an action: that Lysias suspected Paul might actually be guilty of some crime. As Heusler points out, it also explains why Paul’s case was expedited in such a manner – ordinarily, Paul could have been detained in Jerusalem until the governor’s next visit there (Kapitalprozesse, 52-53). Cf. Henry Cadbury, “Roman Law and the Trial of Paul,” in Beginnings, 5:306.
citizen! He will defer to the governor in the decision on what to do with Paul. This is a wise political move: the interview with the council has made Lysias aware of the animus some members of the Sanhedrin hold toward Paul, including the high priest. If he acts on his own judgment of Paul’s case and releases him, he risks complaints being made against him to the governor by powerful and influential Jerusalem politicians.

Lysias apparently regards Felix as one whose goodwill can be secured by deferential treatment and who can be counted on not to inquire closely into the conduct of his subordinates. His estimate of the governor proves to be correct: Felix states his intention to question Lysias more closely on the chain of events in Jerusalem but apparently never does so.

5.3.2 Felix Hears Paul’s Case (Acts 24:1-23)

Felix makes his first direct appearance in the narrative when he receives Paul in Caesarea. His actions follow conventional procedure: he reads Lysias’ letter and asks Paul what province he comes from. The question is a routine one, and seems

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1032 Ulpian (Dig. 1.16.6) remarks that in his day proconsuls had gotten in the habit of having their legates hold a preliminary hearing of detainees, releasing those they thought innocent (cited in Fournier, Entre Tutelle, 22).

1033 Such unpopularity in Jerusalem probably sealed the fate of the tribune Celer, though we do not know for sure if Celer was Lysias’ predecessor as tribune of the cohort in Jerusalem.

1034 Tarsus is located in Cilicia Pedias, an area that was attached to the province of Syria until the Flavian period. The natural person to try Paul, should a transfer have occurred, would have been the (consular) legate of Syria (Rapske, Roman Custody, 155). On the question, see Sherwin-White, Roman Law, 55-57, who also points out that Tarsus was a civitas libera. The immunity from provincial jurisdiction such cities enjoyed, however, only extended to disputes between fellow-citizens and thus is not relevant in Paul’s case. A person’s home province (and city) was also an indicator of their stature; Paul’s answer would help Felix decide how to treat him.

1035 Cadbury, “Trial of Paul,” (5:309-10 and n6) mentions parallels in the Acta Martyrium, Homer (Od. 1.170; Il. 22.150), and Josephus (War 6.305). And, of course, there is also Luke 23:6, though not a direct parallel (the question is prompted by information that comes out during the hearing). Presumably, a first-century reader would have expected that a governor would ask more than just one question of a newly
motivated narratively only by the need to establish that an ordinary judicial procedure is commencing.\textsuperscript{1036} Similarly, Felix’s order that Paul be kept in custody is routine; there is no reason for a reader to imagine that the circumstances of Paul’s confinement were unusually harsh simply because he is treated with more lenience later.\textsuperscript{1037} Cassidy is correct in his judgment that “Luke shows the governor proceeding in an orderly fashion.”\textsuperscript{1038}

Evidently Felix is satisfied about Paul’s claim to be a Roman citizen, because he promises Paul a full hearing (διακούσωμαί σου) in the presence of his accusers (23:35). Indeed, a hearing follows quite promptly – after five days according to most manuscripts.\textsuperscript{1039} The involvement of the high priest and some members of the Jerusalem council\textsuperscript{1040} links the prosecution to the irregularity, deceit, and injustice by which Luke has characterized Paul’s opponents in Jerusalem. Through Paul’s earlier encounter with arrived prisoner and is invited to assume the rest of the scenario on the basis of the one detail provided by the narrative.

\textsuperscript{1036} Particularly since the fact that Paul is not from Felix’s provincia has no noticeable effect on the process.

\textsuperscript{1037} On the imprecision of Luke’s account of Paul’s custody, see Skinner, \textit{Locating Paul}, 133-34. Skinner notes, \textit{contra} Rapske, \textit{Roman Custody}, 157-58, that Luke does not draw attention to details that would evoke harsh confinement, in contrast to some of his other arrest and prison accounts (136). Compare Acts 12:6 (chains); 16:24 (stocks); 21:33 (chains); 22:25 (thongs). First-century readers would have imagined Paul’s situation based on their own knowledge and expectations of the conditions and treatment that a Roman citizen in the provinces could normally expect.

\textsuperscript{1038} \textit{Society and Politics}, 103.

\textsuperscript{1039} A simply reads τίνας ἡμέρας. Rapske ascribes the promptness to Lysias’ demand that the accusers appear before Felix on their own initiative rather than wait for a summons from the governor; “this would presumably pre-empt the governor’s trial calendar” (\textit{Roman Custody}, 153). On the other hand, the fact that the delegation is led by the high priest may be all the explanation needed for the immediate grant of a hearing. The high priest’s involvement and willingness to make the trip from Jerusalem to Caesarea on such short notice establishes his eagerness to pursue the prosecution. The minimal amount of time the prosecution takes to gather evidence and witnesses suggests either that there is little to gather or that the prosecutors believe they can rely on their influence with the governor, or both.

\textsuperscript{1040} Probably not “the elders” in general (τῶν πρεσβυτέρων) as \textit{M} and sy\textsuperscript{8} have it.
him, the high priest has been associated with hypocrisy (he is a “whitewashed wall”) and tyranny (Paul is struck when he attempts to defend himself). Luke has shown the council collaborating in a deception meant to expose Paul to assassination. Furthermore, their employment of a professional rhetor suggests that the prosecution will rely on persuasive speech to win the case.\footnote{Rapske notes that “retaining an advocate was a frequent resort of defendants and plaintiffs who felt vulnerable to the strength of an opponent’s case, juridical acumen or superior status.” He suggests that Tertullus’ services were sought in part to balance out Paul’s advantage of Roman citizenship (\textit{Roman Custody}, 159). Indeed, Tertullus’ name suggests (but does not require) that he too is a Roman citizen (Rapske, 159-60). I argue, however, that Luke mainly wants to suggest the prosecution’s consciousness of the weakness of their case, not their concerns about the influence Paul’s citizenship may have on the magistrate.


\footnote{On the exordium and its \textit{captatio benevolentiae}, see especially Winter, “\textit{Captatio Benevolentiae},” 505. On the importance of securing goodwill he cites \textit{Rhetorica Ad Herennium} 1.4.6, Cicero, \textit{De Inventione} 1.15.20, \textit{De Partitio Oratoria} 8.28, Quintilian 4.1.5 – it is one of three traditional goals of the exordium. Winter notes that no extant records of court proceedings record an exordium – apparently they were customarily omitted from such documents. However, he adduces three extant forensic petitions that contain such an exordium (505-7), on which see also idem, “Official Proceedings,” 312-14.}}

Tertullus does not disappoint. His speech is elaborate and lofty.\footnote{On the exordium and its \textit{captatio benevolentiae}, see especially Winter, “\textit{Captatio Benevolentiae},” 505. On the importance of securing goodwill he cites \textit{Rhetorica Ad Herennium} 1.4.6, Cicero, \textit{De Inventione} 1.15.20, \textit{De Partitio Oratoria} 8.28, Quintilian 4.1.5 – it is one of three traditional goals of the exordium. Winter notes that no extant records of court proceedings record an exordium – apparently they were customarily omitted from such documents. However, he adduces three extant forensic petitions that contain such an exordium (505-7), on which see also idem, “Official Proceedings,” 312-14.} It begins with a lengthy exordium in which Tertullus praises Felix’s accomplishments as governor.\footnote{On the exordium and its \textit{captatio benevolentiae}, see especially Winter, “\textit{Captatio Benevolentiae},” 505. On the importance of securing goodwill he cites \textit{Rhetorica Ad Herennium} 1.4.6, Cicero, \textit{De Inventione} 1.15.20, \textit{De Partitio Oratoria} 8.28, Quintilian 4.1.5 – it is one of three traditional goals of the exordium. Winter notes that no extant records of court proceedings record an exordium – apparently they were customarily omitted from such documents. However, he adduces three extant forensic petitions that contain such an exordium (505-7), on which see also idem, “Official Proceedings,” 312-14.}
This *captatio benevolentiae* is full of clichés: the praise for establishing peace, the credit for implementing reforms (διορθωμάτων) that demonstrate πρόνοια (24:2), and the promise of brevity, which includes an appeal to Felix’s clemency (τῇ σῇ ἐπιεικείᾳ, 24:4).\(^{1044}\) Attributing this virtue to Felix acknowledges his imperial power.\(^{1045}\)

By evoking the subject of gratitude, Tertullus implicitly encourages the governor not to make a decision that would put the favor of the populace in jeopardy. Expressions of gratitude from the governed were extremely important to provincial governors, both to enhance their prestige and as a defense against possible charges of maladministration. Luke will later show us that Felix is deserving of such charges. Thus Tertullus’ exordium raises the issue of favoritism, which will prove to be a central theme in the Caesarea narrative.\(^{1046}\)

Tertullus’ accusations against Paul are also laden with clichés and unsubstantiated claims and are directed at accomplishing what the council had failed to do: to put a political spin on what had seemed to Lysias an intra-religious dispute. Tertullus

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\(^{1044}\) Extensive examination of parallels in Stephan Lösch, “Die Dankesrede des Tertullus: Apg. 24,1-4,” *ThQ* 112 (1931): 301-16. For a parody of such an address before a governor in court, see Horace *Satires* 1.7 (cited by Pervo, *Acts*, 596): *solem Asiae Brutum appellat, stellasque salubris appellat comites* (24). It is typical for commentators to measure Tertullus’ praise against the “historical reality” reported by Josephus (e.g., Marshall, *Acts*, 374; Bruce, NICNT, 464; Fitzmyer, *Acts*, 733; see Lösch, op. cit., 303-5, for conflicting opinions in older scholarship). However, it is hazardous to draw any connection between Josephus’ representation of the period and what Luke and his circle might have remembered of it (if anything), particularly since Josephus’ representation differs so drastically between his two historical works. The exordium must be understood in its literary, not historical, context.

\(^{1045}\) On *clementia* as particularly important for a monarch, see Seneca, *De clementia*, esp. 1.3.3: *Nullum tamen clementia ex omnibus magis quam regem aut principem decet*, 1.5.2) Cf. Augustus, *Res Gestae* 34.

\(^{1046}\) See Pervo, *Acts*, 596. Quintilian recommends finding ways to link the praise of the judge with the speaker’s specific cause (4.1.16, 26; cited by Winter, “*Captatio Benevolentiae*,” 508). Tertullus encourages Felix to maintain his good record as a peacekeeper (he has just quashed the rebellion of the Egyptian, Acts 21:38 and *War* 2.261-3; Winter, 516). Whatever his natural inclination to clemency, as dispenser of Roman justice it is his duty to deal firmly with disturbers of the peace like Paul. Cf. Heusler (*Kapitalprozesse*, 68): “Worte wie στάσεις und λοιμός bilden die exakten Gegenpole zu εἰρήνη und διορθωμα.”
characterizes Paul as a λοίμος, a plague, a term that has been used metaphorically at least since Demosthenes (Or. 25.80) to denote a person who represents a threat to public peace and welfare. This accusation forms the backdrop for more specific charges. Paul is a creator of discord (κινούντα στάσεις) among Jews throughout the world and a “ringleader” (πρωτοστάτην) of the Nazarene sect (24:5). In this context the word στάσεις could mean “discord,” which would be not far from the truth – Paul does cause controversy among Jews wherever he goes – but it can also be understood to mean “rebellion,” as if Paul were encouraging dissatisfaction with Rome or with the local authorities in Jewish communities throughout the world. In such a context, a

1047 Cited by Fitzmyer (733); he also points to 1 Macc. 10:61 and 15:21, where the word is used of fugitive rebels. Tajra notes its use to denote persons in the LXX: Ps. 1:1; 2 Chron. 13:7 (Trial, 121). The Edict of Claudius to the Alexandrians uses the same concept but a different word: κοινομένης νόσσος ἐξεγείροντας (Fitzmyer, 733).

1048 Cf. Heusler: “Die Beschuldigung der Volksaufwiegelung steht also wieder stellvertretend für die restlichen Anklagepunkte und erfährt in ihnen ihre Konkretisierung” (Kapitalprozesse, 68). The accusation of “Volksaufwiegelung” is already implied in the term λοίμος. There is some debate over whether there are three separate charges (e.g., Bruce, Acts, 479) or one charge elaborated on in different ways (e.g. Schneider, Apg., 2:346). The charges increase in specificity: general characterization, general characterization of behavior, specific affiliation, specific behavior. The last charge is the most serious (as indicated by καὶ), and the earlier charges can be understood as establishing an ethos for Paul that makes this charge credible.

1049 Pervo notes that when used metaphorically the word is frequently used pejoratively (Acts, 597n41).

1050 Luke is careful, in this final section of Acts, to emphasize the doctrine of the resurrection, which Christians were not alone in holding, as the cause of στάσεις. See Brent, The Imperial Cult and the Development of Church Order: Concepts and Images of Authority in Paganism and Early Christianity before the Age of Cyprian (VCSup 45; Leiden: Brill, 1999), 114 – he argues that “the στάσεις is a consequence of an unreformed religion such as the Judaism that Paul opposed, just as στάσεις was the product of the unreformed Republic before Augustus.” The peace Christianity promises is thus analogous to the peace and political stability Augustus brought.

1051 The charges resonate with first-century discourse on Judeans, most notably in the letter of Claudius to the Alexandrians (P.Lond. 1912), which expresses concerns about outsiders stirring up or reinforcing local Jewish populations. Claudius threatens to treat the Judeans as “arousing some plague common to the whole world” (κοινὴν της οἰκουμένης νόσος εξεγείροντας; cf. Acts 24:5 – λοίμῳ καὶ κοινοῦντα στάσεις πᾶσαν τοῖς ἱεροσολύμοις τοῖς κατὰ τὴν οἰκουμένην) if they do not hold up their end of the peace (98-100). Cf. Philo, Flacc., which reminds the reader of worldwide extent of the Jewish community and thus the danger of Jewish-Gentile conflicts in one region spreading throughout the world (conflicts that
πρωτοστάτης αἵρεσις should be understood as a faction leader, not simply the leader of a religious sect. In this way Tertullus disingenuously transforms Paul from a controversial religious dissident to a fomenter of rebellion. His charges hark back to the charges lodged against Jesus before Pilate.

Thus the body of the speech consists largely in an ad hominem attack characterizing Paul as a troublemaker. The only specific deed Tertullus attributes to Paul forms the climax of the attack: “he even tried to profane the temple.” The relevance of this charge to the rest of the accusations against Paul is unclear. The fact that it must be thrown in at the end, and that the crowd’s accusation that Paul had actually profaned the temple has now been reduced to an attempt, reveals the weakness of the prosecution’s

would be ignited by Gentiles inspired by the example of the anti-Semitic Alexandrians, of course). Winter suggests that language from Claudius’ letter, which was posted as well as read publicly in Alexandria, may have made its way into legislation promulgated in Judea ("Captatio Benevolentiae," 518-19).

1052 Though it is often a neutral term (cf. Josephus), αἵρεσις must have a negative connotation here because Paul, though accepting the gist of the charge, does not accept the term as an adequate designation: “which they call (ἡ λέγουσιν) [scil. but we don’t] a αἵρεσις” (Acts 24:14, emphasis added). On the term, see Schlier, “αἵρεσις,” TDNT, 1:180-84; Cadbury in Beginnings, 5:390.

1053 Commentators have noted the similarity of the charges against Paul with those made to Pilate against Jesus, both in content and in the way the complaints are politicized (e.g., Heusler, Kapitalprozesse, 68-74, esp. 73-74). Jervell argues that Festus’ later characterization of the charges as religious suggests that here Tertullus must be accusing Paul of στάσις among world-wide Judaism, not against Caesar; see Luke and the People of God: A New Look at Luke-Acts (Minneapolis: Augsburg, 1972), 159-60. However, Paul’s denial of political crimes and Luke’s penchant elsewhere for having prosecutors politicize their accusations speak against this understanding. Brent argues that στάσις, not refusal to participate in the imperial cult, was the main charge against Christians in the first century. Tacitus, Ann. 15.44.3-4 (Christians represented an exitiabilis superstitionis convicted of odio humani generis) and Suetonius, Nero 16.2 (superstitionis novae ac maleficae). Superstitio, in its pejorative sense as a “degenerate form of religion,” was seen as “a threat to public order” (Imperial Cult, 110-11).

1054 This charge is here presented as the reason that “we” arrested Paul (the mob at the temple apparently acted on behalf of all Jews, with whom Tertullus includes himself, though perhaps only for rhetorical purposes).

1055 Certainly an attempt on the purity of the temple would anger the people and thus endanger the peace (as the violent response to the original accusation demonstrated), as well as being blameworthy in itself in Roman eyes – note that the more Jewish κοινού (Acts 21:28) is replaced here by βεβηλοῦ (see Heusler, Kapitalprozesse, 70-71). However, it is unclear why a demagogue and rabble-rouser such as Paul is accused of being would do such a thing.
case and the lack of any factual basis for it. If the prosecution cannot charge Paul with profaning the temple, they will charge him with wanting to do so.

Having framed the prosecution’s account of matters *(narratio)*, Tertullus should now proceed to supporting arguments, evidence, and witnesses *(probatio)*. Instead he ends his speech, claiming that Felix can learn the truth simply by interviewing Paul.\textsuperscript{1056} It is not clear how Tertullus expects Paul to incriminate himself. Will Paul reveal himself to be a simpleton or a fanatic as soon as he opens his mouth? Is the claim a clever rhetorical device designed to demonstrate the prosecution’s confidence that the evidence speaks for itself?\textsuperscript{1057} Does Tertullus simply expect Felix to yield to the wishes of the high priest after a cursory examination of the accused?\textsuperscript{1058} Whatever the case, by making this statement (which turns out to be completely unfounded) serve as both *probatio* and peroration, Luke underscores the absence of any kind of evidence or argumentation in Tertullus’ speech.

\textsuperscript{1056} Tertullus appears to assume that Felix will not only hear Paul’s defense but also interrogate him personally, as the *cognitio* process allowed (Heusler, *Kapitalprozesse*, 80). That does not happen, however – only in the case of Jesus is a governor shown actively questioning a defendant in Luke-Acts. On the contrast, see Heusler, 83.

\textsuperscript{1057} See Heusler, *Kapitalprozesse*, 80.

\textsuperscript{1058} The difficulty may explain the longer version found in the Western text (and adopted by the *Textus Receptus* as vv. 6b-8a). There, prior to concluding, Tertullus complains of Lysias’ forceful interference. The “παρ’ ὄπι” of v. 8b would then refer not to Paul but to Lysias. However, this creates more problems than it solves. How could Felix find out about worldwide troublemaking and Nazoreans from Lysias, in order to περὶ πάντων τούτων ἐπιγνώναι (Acts 24:8)? Pervo (Acts, 595-596) points out that Lysias’ testimony, if truthful, would contradict the prosecution’s assertion that “we arrested him and wanted to judge him by our own law” (24:6, WT). Moreover, the ἀποτελέο at the end of v. 8 clearly must refer to Paul.

Cadbury points out that the insertion implies that the ancients did not find it strange that Paul could come under Judean jurisdiction; see “Trial of Paul,” 5:302n1. However, what would have motivated the forceful intervention of Lysias if not the conviction that a Roman citizen should not be judged under Judean jurisdiction? Thus in the WT Tertullus’ version of events appears to presuppose what Lysias earlier claimed in his version (23:27): that Lysias knew Paul was a Roman citizen prior to his intervention.
As scholars have noted, Tertullus’ speech is “seriously unbalanced.”\textsuperscript{1059} Out of 85 words in the speech, 41 are devoted to the exordium, 31 to the narratio, and 13 to the peroration.\textsuperscript{1060} There is nothing that can be identified as a probatio, the one essential part of the forensic speech according to Quintilian (5.Pr.5).\textsuperscript{1061} The result is an elaborate speech with little actual content.\textsuperscript{1062} One is reminded of Luke’s summary of the accusations against Paul lodged before Festus later in the narrative: “many serious charges … which they could not prove” (25:7). The speech leans on flattery,\textsuperscript{1063} makes some unsubstantiated charges, and then abruptly closes with an appeal to Paul as a witness against himself, since no other witnesses are offered.\textsuperscript{1064} Clever and appealing

\textsuperscript{1059} Pervo, Acts, 595. Note Quintilian 4.1.62 – an over-long exordium is like a head too large for its body.

\textsuperscript{1060} The addition of vv. 6b-8a in the Western text alters the balance somewhat. If it were original, it would be the only portion of the narratio that spells out the course of events in any detail.

\textsuperscript{1061} See Hogan (“Comparison,” 80-81): “For a reader who knows anything about the rules of rhetoric, the lack of probatio is a very telling sign.” Winter (“Official Proceedings,” 320) assigns v. 6 to the confirmatio, the [attempted] temple sacrilege being the evidence for Paul’s inflammatory actions elsewhere. This seems like hair-splitting in an attempt to find a fully developed forensic speech in Tertullus’ remarks.

\textsuperscript{1062} Winter shows how the captatio benevolentiae anticipates the main argument, thus carrying out the advice of the rhetorical handbooks, advice also practiced by other professional rhetors of the period. Thus its full inclusion in such a short speech is “highly apposite” (“Captatio Benevolentiae,” 520). Winter has perceptively outlined these links but has not shown why Luke chose this way to impress upon the reader “the seriousness of the charges brought against Paul” (“Official Proceedings, 320-21). If the exordium is of standard length and the rest a summary (“Official Proceedings,” 315), why did Luke choose to give the exordium such disproportionate emphasis? We can agree that the exordium is not “irrelevant” or “ineffectual” (Dibelius, Studies, 121, cited in Winter, “Proceedings,” 321) without denying that Luke’s purpose in emphasizing it is to emphasize the part of a speech most prone to make the speaker seem ingratiating.

\textsuperscript{1063} Martin Dibelius, “The Speeches in Acts and Ancient Historiography” in The Book of Acts: Form, Style, and Theology (ed. K. C. Hanson; Minneapolis: Fortress, 2004), 72, denies that Luke intended to represent Tertullus’ exordium as flattering, but he places too much weight on the presence of a captatio benevolentiae in both Tertullus’ and Paul’s speeches and not enough on the sharp contrast in their tone and content. In the aftermath of the reign of Domitian the possibility of praise being perceived as insincere was a vexing problem to orators – see Bartsch, Actors in the Audience, 148-87, on Pliny’s attempts to counter this in his Panegyric to Trajan.

\textsuperscript{1064} Tertullus does not offer the prosecutors as witnesses, though they offer themselves, voicing their support for what the lawyer has said (24:9). The rhetorical purpose is not to make Tertullus’ speech
rhetoric compensates for a lack of substance.\textsuperscript{1065} This was precisely the kind of
impression Luke wished the speech to make on his audience.\textsuperscript{1066}

With Paul’s defense, Luke creates a stark contrast to what has gone before. Paul
defends himself, which was not typical\textsuperscript{1067} but which allows Luke to create a contrast
between the “white-washed wall” who employs a smooth-talking lawyer and Paul, who is
competent to speak for himself.\textsuperscript{1068} Paul adopts a confidence more suited to his role as

\begin{itemize}
\item seem more convincing, but to have the high priest and his fellow potentates implicate themselves in
Tertullus’ deceptions.
\end{itemize}

\textsuperscript{1065} Opinions of the quality of the speech vary. Lösch views it with esteem (“Dankesrede,” 296-7, 317), to Winter it displays the craft of an “able professional rhetor” (“Official Proceedings,” 322); Hogan concludes, “The writer of Acts presents Tertullus as a capable rhetor who has undertaken an impossible case” (“Comparison,” 81). Bruce (467) and Haenchen (\textit{Acts}, 657) find fault with it; Marshall calls it “a very weak, ill-constructed speech” and points to a “crude anacoluthon” in v. 5, which “may be meant to suggest that Tertullus had difficulty in stringing words together” (374). Indeed, the entire body of the speech lacks a main verb. It is hard to believe, however, that Luke would introduce a \textit{rhetor} into the narrative only to portray him as incompetent. More likely this is Luke’s imitation of flowery rhetor-speak.

\textsuperscript{1066} Opinions of the effectiveness of the speech also vary. Pervo remarks, “This prosecution would have been no more incompetent had it been designed by the defense – as it fact it was” (\textit{Acts}, 595). In contrast, Cassidy draws attention to the manner in which the charges are formulated specifically to arouse the Roman governor’s concern, and concludes, “While Luke consistently provides signs of their malevolence, he never portrays the priestly group as being inept” (\textit{Society and Politics}, 104). Clearly, Luke designed the speech to appear less than convincing, but is it for that reason incompetent? Tertullus’ speech seems to presuppose that Felix will not be objective but will be swayed by flattery, vigorous invective, Paul’s own unimpressive \textit{ethos}, and the interest in the case taken by no less a figure than the high priest. Although he is wrong about Paul, he seems to be right about Felix – he at least succeeds in securing indefinite detention of the accused. And one can hardly blame him for not producing evidence that was not there to begin with.

\textsuperscript{1067} See Pervo, \textit{Acts}, 596, with examples. Sherwin-White notes that “in the imperial \textit{cognitiones} before Trajan, described by the younger Pliny, the parties appear with or without advocates as they please” (\textit{Roman Law}, 49, citing Pliny, \textit{Ep.} 4.22.2, 6.31.9-11). Urch notes, “that no one dared to undertake the defense of an accused man was regarded as derogatory from the competence of the court” (“Procedure,” 99). It is unclear what conclusions about Paul’s situation Luke might have anticipated his readers drawing from the absence of an advocate for the defense – if any. Accusers and accused normally speak for themselves in Luke-Acts.

rhetor than his position as defendant. The structure and content of his speech contrast sharply with Tertullus. It is devoted almost entirely to narratio (11-21), with only a short proem (10b) – Tertullus’ elaborate captatio benevolentiae is replaced by a much shorter one that is respectful but not flattering.

As to content, Tertullus’ vagueness is replaced by an abundance of detail. In the narratio Paul responds to the charges point by point. He has not been found creating faction by public debating or drawing the attention of a crowd (24:11-12), and though he acknowledges his association with those the prosecution calls the Nazarenes, he reframes

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1070 Pervo’s critique of previous rhetorical analysis of Paul’s defense (Kennedy, Winter, Soards) is well taken: it is too short to be pressed into the mold of a fully articulated speech (Acts, 597-98n47). Most obviously, there is no real ending to the speech, however much critics have tried to find one. Textual variants in the Byzantine text testify to similar concerns on the part of early scribes (see Veltman, “Defense Speeches,” 254). In the absence of other indications, the lack of a peroratio is insufficient grounds on which to conclude that Felix interrupted Paul (contra Hogan, “Comparison,” 83).

I have analyzed the speech along the lines suggested by Pervo (op. cit., 597) – as a point-by-point refutation of the charges – rather than attempting to differentiate a probatio, refutatio, peroratio, and so on. There is clearly an exordium in 10b, as Kennedy, Rhetorical Criticism, 136; Winter, “Official Proceedings” 322-27, and Witherington, Acts, 709-10 agree. All three also agree that v. 11 is the narratio, whereas Hogan (“Comparison,” 81) regards 11-18a as the narratio. It is hard to see how verse 11 can stand on its own as a narratio. Verses 11-13 could be taken as a narratio, summing up the gist of Paul’s case as they do (I have not been found creating controversy and the prosecution’s accusations are without proof), but they also function as the refutation of the first charge, followed immediately by concession to the second (on concessio see Quintilian 9.2.51). With Hogan (“Comparison,” 83) one can see a probatio section in Paul’s demands for witnesses (18b-21, or better, 19b-21), but it begins and ends abruptly. Veltman (“Defense Speeches,” 245-47) points out various cases in historical writing in which a defense speech takes the form of a point-by-point refutation: Dion. Ant. 9.29-32, Appian b.c. 3.52-61, Q. Curtius Rufus, History of Alexander 6.10.1-37 (no proem or conclusion), 7.1.18-2.11 (proem but no conclusion). This seems the simplest way to analyze Paul’s speech as well.

1071 Only fifteen words are given to the exordium with its captatio benevolentiae. On the contrast with Tertullus, cf. Haenchen: Paul “does not degenerate into such mendacious flattery” (Acts, 654n1). Chrysostom sees the same contrast between the two addresses (Hom. Act. 50). Though less effusive, Paul’s statement may be no less false than Tertullus’ claims: he too uses conventional language (Pervo, Acts, 598n49). Winter points out that the exordium points to Felix’s long experience with things Jewish; thus he should be prepared to recognize a follower of the ancestral religion and should know that the doctrine of the resurrection was by no means unusual (“Captatio Benevolentiae,” 522-23, 526).

Porter (“Argumentative Dimension,” 155-56) suggests that Paul’s expression of pleasure at the opportunity to make his defense before Felix may be calculated to win favor and may reflect Paul’s perception that Felix is a good, neutral judge. On the other hand, it may reflect Paul’s confidence in his innocence or his pleasure at the opportunity to testify. It is unwise to read so much into such a conventional expression. The exordium is calculated to win favor (that is, after all, the purpose of a captatio benevolentiae) but goes about it in a more modest way.
the so-called sect as a Way in which he honors the ancestral deity that shares common
ground with his opponents’ beliefs, preaches a hope that “they themselves” also share,
and places a high premium on moral behavior (24:14-16).\footnote{1072} He came to the temple
properly purified, in order to bring offerings not to defile it (24:17-18). In the course of
this rebuttal, Paul establishes an opposing ethos to the one Tertullus tried to foist on
him.\footnote{1073} He is a respectable diaspora Jew who has at long last made the trip to Judea
bringing alms and offerings.\footnote{1074} The specifics Paul supplies about himself, his activities,
and “the Way” create a sense of verisimilitude that compares favorably to the vagueness
and generality of the charges against him.

Although Luke mostly relies on the reader’s knowledge of the truth of the matter
to render Paul’s speech convincing,\footnote{1075} he does have Paul engage in reasoned
argumentation at certain points. Paul notes that since he has only been in the country
twelve days, he has hardly had time to make much trouble.\footnote{1076} He points out that Felix

\footnote{1072} The signified of the “they” remains vague, since Paul’s accusers are evidently Sadducees.

\footnote{1073} On the importance of Paul’s ethos in these speeches, see Lentz, Portrait of Paul, 206-17;

\footnote{1074} The expression ἐλεημοσύνας ποιήσων εἰς τὸ ἔθνος μου… καὶ προσφοράς does not evoke
anything like the collection for the saints, which Luke’s first readers may or may not have known much
about. Nor does it correlate to the offerings Paul was sponsoring for the sake of peace in the church. Rather,
he expresses the typical activities of a Jewish pilgrim to Jerusalem (on almsgiving as a typical feature of
temple pilgrimage see S. Safrai, “The Temple,” in The Jewish People in the First Century: Historical
Geography, Political History, Social, Cultural and Religious Life and Institutions (ed. S. Safrai and M.
Stern, et al.; 2 vols.; CRINT 1; Philadelphia: Fortress, 1974-6), 898. A sympathetic reader will be inclined
to see Paul’s statement as true, either by making connections to the previous narrative or by taking Paul’s
statement as an indirect description of intentions and activities that the author has not directly described
elsewhere. Luke himself encourages the former procedure by having Paul refer to the προσφοράς as ἐν ἀίς

\footnote{1075} Cf. Heusler (Kapitalprozesse, 81): “Inhaltlich ist die Beweisführung streng darauf
ausgerichtet, die Beschuldigungen der Gegner nicht vorschnell als Unterstellungen abzuqualifizieren,
sondern auf die vorliegenden Punkte ernsthaft einzugehen und ihnen gezielt Fakten entgegenzusetzen.”

\footnote{1076} Haenchen, Acts, 654; cf. Heusler, Kapitalprozesse, 81. Heusler (Kapitalprozesse, 81) points
out that Paul limits himself to defending against those aspects of Tertullus’ accusations that pertain to
Felix’s jurisdiction – on the charge of sedition, for example, he speaks only to his behavior in Judea.
can verify this assertion for himself (δυναµένου σου ἐπιγνῶναι, Acts 24:11). Thus to Tertullus’ assertion that Felix can discover the truth by questioning the defendant, Paul makes the counter-assertion that Felix can discover the truth by investigating the facts. Paul also points out the weakness of the prosecution’s case: they will not be able to prove their claims (24:13, 19-21); they lack evidence since those who initially made the complaint of temple desecration are not even present. Those who are present have no grounds for a charge. Finally, Paul hints at an ulterior motive for the charges – animosity due to theological disagreements. Paul’s use of factual detail and reasoned argument sets his speech apart from that of the prosecution, and its fidelity to what Luke has narrated earlier gives it a verisimilitude that Tertullus’ speech lacked.

5.3.3 Felix’s Response (Acts 24:22-23)

The contrast between the two speeches creates a test of character for Felix. He is confronted on the one hand with Tertullus’ unconvin cing flattery, backed by the power and influence of the most politically powerful provincials, and on the other hand with Paul’s detailed, truthful, verifiable, point-by-point rebuttal. If he dismisses the charges as frivolous, he will be acting contrary to the wishes of the high priest and other powerful...

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1077 It is not clear how much of the narrative beyond the notice of the length of Paul’s stay in Jerusalem δυναµένου σου ἐπιγνῶναι δὴ [Acts 24:11] is supposed to cover.

1078 Paul’s remark δυναµένου σου ἐπιγνῶναι alludes to Tertullus’ claim that δυνήσῃ… περὶ πάντων τῶν ἐπιγνώνων (Haenchen, Acts, 654; Soards, Speeches, 118). Cf. 24:11-12 – Felix can discover for himself that Paul has not been arguing or speaking to crowds.

1079 The use of anacoluthon between vv. 19 and 20 allows Paul to mention those who made the charge, without actually repeating what the charge was. Thus Paul is able to point out their absence without doing them the favor of giving voice to their accusations before the governor. Instead, he abruptly turns on those who are present and asks what kind of evidence they can possibly have against him.

1080 Prior to Paul’s arrest, Luke made no mention of his preaching or engaging in controversy. He specifically noted that the accusation of temple desecration was untrue (21:29) and showed Paul willingly participating in purification and temple sacrifice (21:24, 26). Nor was the Sanhedrin able to agree to any charge against Paul, just as Paul has intimated (23:7-10).
locals, and, as Tertullus has subtly suggested, risks being blamed for any disturbance of
the peace Paul might subsequently cause. However, if he takes the prosecution seriously,
he will seem to be vulnerable to flattery, deception, and the influence of powerful
provincials.

Taken by itself, Felix’s response seems like reasonable temporizing. After all, Paul has
invited him to verify the facts. Lysias apparently has nothing to say to Paul’s
discredit, but seeking more exact information from an eyewitness to the turmoil at the
temple sounds reasonable, \(^{1081}\) and thus gives Felix a credible reason to postpone his
decision. \(^{1082}\) On the other hand, Pilate gave no credence to such trumped-up charges, and
Gallio dismissed the case without even requiring Paul to defend himself. Felix does not
rise to this standard.

Luke gives no hint of the governor’s motivation except to note that Felix was
“rather knowledgeable about matters concerning ‘the Way’” (ἀκριβέστερον εἰδὼς τὰ περὶ
tῆς ὁδοῦ, Acts 24:22). It is not clear how the participial phrase is intended to relate to the
main clause, but the fact that Luke inserts it immediately before Felix adjourns the case
suggests an element of causality or explanation. Given his relaxation of Paul’s custody
and subsequent interest in speaking to Paul about the faith, it appears that his impression
was not a negative one. Thus it is implied that Felix himself does not judge Paul and the

\(^{1081}\) Sherwin-White (Roman Law, 54-55) cites Dig. 48.3.6 (Marcian, quoting Hadrian and Pius) to
the effect that officers of the peace in the cities were “not only required to send a written account of the
preliminary interrogation of the prisoner to the governor, but to turn up and substantiate the charges.” Pliny,
Ep. 10.74, also makes a good, though not exact, parallel (Sherwin-White, op. cit., 55). Of course, Lysias
has made no charges against Paul to substantiate.

\(^{1082}\) The expression ἀνεβάλετο αὐτοῖς has an idiomatic ring to it. It refers to the temporary
adjournment of a trial – pronuntiavit amplius is the Latin legal expression (Tajra, Trial, 129, cites P.Tebt.
1.22.9 from 112 B.C.E. as an example). As Sherwin-White remarks, such postponements were not at all
unusual (Roman Law, 53). Such suspensions are also widespread in ancient novels as a means of creating
and sustaining suspense as to the eventual outcome.
hairesis in which he is involved to be particularly pernicious.\textsuperscript{1083} His knowledge of the Way suggests that his impression is not unfounded, but is based on his prior knowledge of this “sect.” As a result of his prior knowledge and his impression of the two parties, he does not wish to decide for the prosecution, at least not immediately.

However, despite the insubstantial accusations, the reasonable defense, and his own prior knowledge of the issue, Felix also does not want to decide for the defense. It is thus further implied that the governor postpones his decision, not out of any need for further information, but out of reluctance to release Paul. Felix’s familiarity with the issue of Christianity puts his temporizing in an unfavorable light because it hints that he understood the conflict between Christians and non-Christians among the Judeans, knew enough about the Way to understand it was harmless, and should have recognized Paul as an innocent victim of this conflict.

5.3.4 After the Trial

Up to this point in the narrative Luke has allowed Felix to appear in a favorable light. Felix has been every bit the efficient governor, announcing his intended procedure with clarity and authority and following through with alacrity. Unlike the high priest, he is not prejudiced against Paul and gives him the freedom to defend himself. By refusing to condemn Paul to please the high priest and council members, he shows that he is

\textsuperscript{1083} “Luke may be indicating here that Felix’ knowledge had given the lie to at least part of the plaintiffs’ case against Paul” (Rapske, \textit{Roman Custody}, 164; cf. Marshall, \textit{Acts}, 380). Similarly, Heusler (\textit{Kapitalprozesse}, 86): from the relaxation of custody and Felix’s interest in speaking to Paul “läßt sich zwischen den Zeilen die positive Einstellung des Statthalters Paulus gegenüber mühelos herauslesen.” Cf. Tajra, \textit{Trial}, 129-30. However, this is an impression soon to be dispelled: the continuation shows that Felix’s gentle treatment has other motivations. It is surely saying too much to say “it is expressly claimed that Felix was favourably impressed by Paul” (Brent, \textit{Imperial Cult}, 107).
politically independent. In his handling of the trial, as Pervo notes, “the governor has seemed scrupulously neutral and correct.”

However, his suspension of the trial has raised suspicions about his true character. Faced with the moral choice offered by the two speeches, he has delayed. This creates suspense in the narrative. On the one hand, Paul’s fortunes seem to be on the rise.

Felix’s determination to talk to the officer on the scene suggests a willingness to pursue the case conscientiously and not jump to any quick conclusions. Nor is the interview likely to be unfavorable to Paul, given Lysias’ conviction of Paul’s innocence. Felix’s arrangements for Paul, for which he charges a centurion, suggest that Felix has come to look on Paul with a certain amount of esteem, and his relaxed custody gives reason for hope.

On the other hand, Paul is still in prison. In not releasing Paul, Felix has taken the charges more seriously than his predecessors had done. The reader may have doubts about Felix’s purported reason for delay – hadn’t the tribune given a full report and made his own assessment of the situation clear? What further need should Felix have had for an

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1084 Pervo, Acts, 601.

1085 Cassidy: “At this stage, the outcome of the hearing… seems to be more favorable to Paul than what eventually proves to be the case” (Society and Politics, 105).

1086 His announcement here forms an inclusio with his announcement upon Paul’s arrival that he would hear the case (23:35): διακο/uni1F7Bσοµα/uni1F77 σου, ἰψη, ὅταν καὶ οἱ κατήγοροι σου παραγένονται (Acts 23:35); εἶπες· ὅταν Λυσ/uni1F77ας ὁ χάλαρχος καταβή, διαγνώσομαι τὰ καθ’ ὑμᾶς (Acts 24:22). Both statements are followed by arrangements for Paul’s imprisonment in the meantime.

1087 Pervo, Acts, 601. According to Rapske (Roman Custody, 167-68) the rank of the guardians reflected the status of the prisoner. See Rapske 167-72 on the conditions of Paul’s later incarceration. The liberal custody also suggests that Felix does not find Paul particularly dangerous or threatening (Tajra, Trial, 129-30; on considerations of prisoners’ status and the gravity of the crime in governors’ choice of custody see Garnsey, Legal Privilege, 147-48). It is saying too much, however, to say that Felix contributes to a larger “literary design” intended to show that “the Roman authorities thought the apostle innocent and would have released him had it not been for the frenetic pursual of the case against him by the Jewish authorities” (130). That is not at all how Luke portrays Felix’s motivation for not releasing Paul immediately, though the feelings of the locals do subsequently come into play.

1088 Compare Jos. Ant. 18.235, where despite continued imprisonment, Agrippa I takes hope (ἂν θάρσει... ἤγετ) because his conditions have been ameliorated (μετὰ... ἀνέσεως τῆς εἰς τὴν διαταγήν).
interview? And if he was dissatisfied with Lysias’ report, why hadn’t he had him on hand for the hearing? Felix’s stated reason for the delay seems arbitrary, introducing a degree of suspicion about his real motives.

Felix’s subsequent interview with Paul does nothing to dispel this suspicion. Drusilla’s presence shows that Felix is interviewing Paul not to garner more information about his case but for personal reasons. Luke goes out of his way to mention Drusilla’s Judean ethnicity. This is hardly intended to distinguish her from Drusilla the granddaughter of Antony and Cleopatra.\footnote{Pace Barrett, 1113 – although Tacitus does seem to have confused the two (Hist. 5.9). Had Luke wished to establish the identity of Drusilla, he could have described her as the sister of Agrippa or the granddaughter of Herod, rather than simply as “Ἰουδαία.”} Instead, it provides a motive for the interview: Felix the Gentile has a Jewish wife. The couple are interested in learning more about a Jewish group that is open to the uncircumcised.\footnote{Felix did not follow the lead of Drusilla’s previous husband (Azizus of Emesa), who agreed to be circumcised (Josephus, Ant. 20.139); thus in marrying him she “transgressed the ancestral traditions” (παραβηκα τά πάτρια νόμιμα, Ant. 20.143). An expanded reading in the margin of the Harclean Syriac attributes the meeting to Drusilla’s initiative (cited in Tajra, Trial, 130-31). However, Felix later sends for Paul frequently, suggesting that his motive for seeing Paul privately was more than just “wishing to please her.”} Felix’s (and his wife’s) apparent curiosity about “the faith in Jesus Christ” smacks of hypocrisy. In bringing his wife to see Paul, Felix shows respect for and interest in Paul’s “Way” and treats him as a spiritual advisor, all the while holding him in indefinite detention.

The fact that Felix is not ready to hear about righteousness, self-control, and judgment casts further doubt on his sincerity.\footnote{To Paul Walaskay, Paul’s lecture has “Senecan echoes” (And So, 55-56). If perceived by a first-century reader, such echoes would invite a comparison of Felix with Nero.} Confronted with this challenge to his moral character, Felix adjourns the conversation with Paul just as he has adjourned Paul’s
His excuse for doing so rings even more hollow than his previous one. Felix has gone to the length of bringing his wife – why doesn’t he have time now? Furthermore, Luke supplies another motive for the adjournment: Felix’s fear at Paul’s preaching.

For the first time Luke allows the reader a direct view into Felix’s mind. This more direct characterization confirms the earlier hints that Felix is not the conscientious governor he seems to be. His fearful response to Paul’s preaching implies that he has reason to fear the coming judgment Paul speaks of because he is lacking in righteousness and self-control. Luke does not choose these two moral qualities to exemplify Paul’s preaching at random. Justice (δικαιοσύνη) and self-control (ἐγκράτεια) were vitally important to good governance, especially in its judicial aspect; lack of self-control and commitment to justice led to the perverted judgments for personal gain that were notorious at least since Verres. They are also two qualities the subsequent narrative will demonstrate that Felix lacks.

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1092 For the connection, see Tannehill, Unity, 2:302.

1093 ἐμφόβος γενόμενος (Acts 24:25). The verb is too strong to refer to moral qualms – it denotes Felix’s acute discomfort at the thought of being held accountable for his actions. It was future accountability (of an earthly kind), moreover, that provided the primary restraint on the actions of provincial governors in the Roman system.

1094 However, first-century readers familiar with Felix as a figure in recent history could have imported their knowledge (and prejudice) into the narrative. Felix was remembered by both Suetonius and Josephus for his pursuit of wealthy and prominent women. Suetonius (Claud. 28) remarks that he married three queens (trium reginarum maritum). Josephus provides a gossipy account of his ἐπιθυμία for the Jewish Drusilla and his machinations to win her away from her husband (Ant. 20.141-43). According to Tacitus (Hist. 5.9), another of these queens was the aforementioned Drusilla, granddaughter of Cleopatra VII and M. Antonius through Cleopatra Selene and Juba King of Mauretania (for the offspring of Antony and Cleopatra see Dio 49.32.4; she may have been a great-granddaughter given the time-span involved – Cleopatra Selene died before 5 B.C.E.; see Brenk and De Rossi, 411-12). However, Tacitus may simply have confused Drusillas – he mentions the liaison in conjunction with Felix’s role in Judea. Or he may have misnamed the granddaughter out of such confusion, as Schürer suggests (1.461n23). Tacitus goes on to accuse Felix of savagery and lust in keeping with a slave’s mentality: “per omnem saevitiam ac libidinem ius regium servili ingenio exercuit.” As a former slave, Felix’s capacity for ἐγκράτεια was automatically suspect, and the trio of queens makes an admirable variation on the theme of the over-reaching freedman.
This represents a turning point in Luke’s portrayal of Felix: suddenly his stock plummets as Luke begins to reveal the private man behind the public persona. It becomes clear that Felix’s promise of further dialogue with Paul “when I get time” (καὶ ὅτε μεταλαβῶν, Acts 24:25) is disingenuous and that his real motivation for further converse with his prisoner is to solicit a bribe. We are told nothing of the content of these further interviews, not even that Paul preached the gospel. It is not important – Felix is no longer listening.

At the mention of the two years Paul languishes in prison, it becomes clear that Felix’s promise of a further interview with Lysias was also disingenuous. After the trial is adjourned, Lysias’ name is never mentioned again. Finally, Felix departs his province, leaving Paul’s case unresolved and Paul himself still in custody. Luke specifies his motive: currying favor with the local population. In Felix, Luke builds up the façade

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1095 Tannehill, on the other hand, argues that Felix’s relaxation of Paul’s custody and invitation for him to speak suggest an attraction to Paul, and his fear and his continued conversations with Paul indicate that “he has been affected by Paul’s message; thus some inner struggle is taking place.” He calls the διό “ambiguous” (Unity, 2:303). But why not take the text at face value – that it is “for this reason” (διό) that Felix continues to talk to Paul often? Fear of being brought to justice for one’s crimes is a common characteristic of tyrants and does not make Felix “tragic” or a “round” character. Haenchen (Acts 662-3) views Luke’s portrait as inconsistent, initially portraying Felix as favorable to Paul and almost converted to Christianity to make him a witness to Paul’s innocence and the effectiveness of the Christian message, then as corrupt to explain Paul’s prolonged imprisonment. But Felix’s interest in Christianity may be genuine and yet not incompatible with a bad conscience, as Luke shows in v. 25. Apparently Felix was not prepared for the discourse centered on morality that he received!

1096 On the theme of persecuted holy man arousing fascination in a ruler, see Gerhard Krodel, Acts (ACNT; Minneapolis: Augsburg, 1986), 442-3. He claims that “the motif of the persecuted prophet or holy man who strikes awe into a ruler’s heart was … widespread,” but aside from Mark 6:20 he cites only Jer. 38:14-15 and Sir. 48:6, 12.

1097 Such activities were well known – governors wished to leave a positive impression with influential provincials in order to minimize the risk of prosecution for misconduct. Josephus portrays Albinus engaging in similar popularity hunting, and we have seen that this, rather than (or combined with) fear of Gaius, may have been behind Flaccus’ sudden embrace of anti-Judean factions in Alexandria. Sherwin-White, Roman Law, 53-54, cites Tacitus, Annals 15.20-22 on concerns about the influence that provincial elites could have over Roman governors through the threat of prosecution. Rapske (Roman Custody, 165) points out that the unfortunate Cumanus was Felix’s immediate predecessor.
of a conscientious and industrious governor only to reveal the real motives behind the façade.\textsuperscript{1098}

Thus, Felix leaves Paul in prison for his successor, Festus, to deal with.\textsuperscript{1099} Luke’s language emphasizes that Felix leaves Paul in the lurch: he abandons Paul (κατέλιπε), trussed up (δεδεμένον)\textsuperscript{1100} and at the mercy of the next governor (Acts 24:27).

Furthermore, Luke structures the sentence in a way that suggests Paul is only a passing concern to Felix. He narrates the passage of two years, the succession, and Felix’s desire to do a favor for the Judeans before finally recounting what happens to Paul in four words. Just as Jesus became a token in the relations between the Roman governor and the local monarch, so Paul has become a token between Felix and the provincials.

5.3.5 Conclusions

Luke characterizes Felix through both indirect and direct means. Other characters behave toward him with more deference than honesty, and this contributes to the narrative’s sense of his character. His words and actions appear judicious and competent.

\textsuperscript{1098} Cassidy notes that Luke makes “three adverse statements” in quick succession: Felix is alarmed at Paul’s preaching; Felix wants a bribe; Felix leaves Paul in prison as a favor to the Judeans (\textit{Society and Politics}, 105-6).

\textsuperscript{1099} Apparently there was nothing unusual about this: many of the prisoners Albinus released had been placed there by former procurators. Perhaps it was often more politically expedient \textit{not} to rule in a case than to make a decision one way or the other.

\textsuperscript{1100} As Skinner points out (\textit{Locating Paul}, 139-41), the term can describe any sort of imprisonment as well as literal chains. In cases where real chains are clearly meant, Luke uses ἀλσος (Luke 8:29, Acts 12:6-7 and 21:33). He uses δεσμα as a more general word to denote chains and shackles in Luke 8:29 and the stocks in Acts 16:26 but also calls physical infirmity a δεσμός (Luke 13:16). It is not clear in other cases whether references to δεσμα denote real chains or merely imprisonment in general (Acts 20:23, 23:29, 26:29, 31). However, in Paul’s speech before Agrippa II, he is able to refer to “these chains” (τῶν δεσμῶν τοὺτον, Acts 26:29) – would this be an effective rhetorical gesture without some physical indication of his imprisonment being visible to his audience? Again, first-century readers would imagine the conditions of Paul’s imprisonment in the praetorium in a manner consistent with their own knowledge, experience, and expectations of such settings. If Luke does not make a special effort elsewhere to establish that Paul’s prison conditions are particularly harsh – if anything it is the opposite – then the reference to Paul being δεδεμένον may be designed to emphasize the uncomfortable state in which Felix left Paul.
but when Luke begins to describe his thoughts and intentions he reveals a different and truer side of his character. His fear at Paul’s preaching, his hope to receive a bribe and his desire to curry favor with the provincials all cast doubt on his moral character and commitment to justice. This retrospectively casts his role in Paul’s trial in a different light. Though Luke never directly states any moral evaluation of Felix, what he reveals of Felix’s inner thoughts makes his judgment fairly clear.

Luke’s use of only one name raises the issue of what contribution Luke might have expected Felix’s notoriety as an imperial freedman to make to his characterization. What might Luke have expected his audience to remember about Felix several decades after the apogee of his career? How did these expectations impact his characterization of Felix?\footnote{On this issue cf. Gary Wills, “The Depiction of the Jews in Acts,” \textit{JBL} 110 (1991): 651-52, although he too confidently asserts that Luke’s attitude to important figures mirrored Roman ones.} Pliny’s disgusted remarks about Pallas (\textit{Ep.} 8.6) certainly suggest that Claudius’ powerful freedmen were still a subject of discourse in the early second century. Tacitus’ biography of Agricola demonstrates the currency of the issue of freedmen in politics. Luke’s emphasis on the deference and dissimilation with which both Lysias and Tertullus treat Felix can easily be seen in this light – as emblematic of the kind of flattery and falsehood that in the eyes of Tacitus and some of his contemporaries contaminated the imperial court. The honors given to freedmen, which Tacitus and Pliny seem to have viewed as insulting to the dignity of the Senate, were part of this environment.

Felix is characterized as a corrupt governor. This characterization emerges during the narrative, and is only confirmed and solidified at the end. He is lacking in justice and self-control. He does not judge Paul’s case justly, but defers it indefinitely as a favor to the leading provincials. He is interested in using his position to obtain money. Felix is
also hypocritical and dissimulating. His promise to pursue Paul’s case further turns out to be false. He covers up his fear at Paul’s preaching by claiming that he does not have sufficient time to hear him just then. He later feigns further interest in conversing with Paul in hopes of receiving a bribe.

Felix is also a governor who fails to command the respect of his inferiors. Lysias does not expect him to inquire closely into the events in Jerusalem, and feels free to misrepresent the course of events. The tribune proves to be correct: though the governor announces his intention to investigate more closely, he fails to do so. Tertullus’ rhetoric suggests that Felix is responsive to flattery and influence. The rhetor too proves to be correct, at least on the topic of influence.

Thus Luke’s treatment of Felix raises concerns about corruption and favoritism. It is important that the import of this aspect of Felix’s characterization be properly assessed. Some commentators have minimized this, at least comparatively. Barrett, for example, opines that Felix is depicted much more favorably than Herod: “readiness to take a bribe is of course reprehensible but it is hardly to be compared with rewarding a dance with a severed head.”

Walaskay compares Luke’s criticism to Tacitus’ well-known comment...

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1102 Barrett, Acts, 1092. See Haenchen, Acts, 663; Tannehill, Unity, 2:302-4. Cf. Walaskay: “Such details, unfavorable to Felix, are honest depictions of provincial life. In no way has Luke presented the imperial system of justice as broken” (And So, 56). For similar appeals to “the imperial system” as distinct from its representatives see Esler (Community and Gospel, 202-5; 209-10; 217-19). One might ask whether in a narrative the system can be so easily separated from the characters who represent it – compare Tannehill: “As we move up the scale of political power to the governors Felix and Festus, the character flaws will become more apparent. As a result, Roman justice is also flawed” (Unity, 2:295). One might further ask what sort of “system” there actually was in the provinces, where proconsuls and legates had enormous latitude to administer justice as they saw fit. In such a context, the person and decisions of the governor meant much more than the existence of any kind of “system.” How is a Christian reader to derive from all this that “Christians, like Paul, need not feel intimidated by untrue accusations nor anxious about being dealt with fairly” (Walaskay, op. cit., 58). The opposite seems to be the case – Luke supplies a plethora of examples of Christians being treated unfairly. If a reader learns not to be intimidated, it is because of the example of Paul and the promise of the presence of God, not because the text encourages an expectation of fair treatment.
that Felix “exercised the power of a king with the mind of a slave.”¹¹⁰³ Others dismiss the impact such a characterization would have made on readers who were familiar with corruption as widespread and familiar.

Gubernatorial corruption was indeed a widespread and well-known phenomenon in the Roman Empire, and in practice provincials may have been prepared to view a governor with favor as good as long as he was not too corrupt.¹¹⁰⁴ Our previous explorations of the literature, however, suggest that this reality did not translate to the literary realm. In narrative, widespread corruption may be acknowledged but is seen as a sign of the degeneracy of the times. No honorable Roman would do such things – indeed, it would be an insult even to suggest the possibility. In narrative characterizations of governors, there is no “acceptable” level of corruption.

Thus, although Luke does not criticize Felix as harshly as does Tacitus, and although his portrait of the Judean leadership is more critical than his portrait of Felix, such comparisons obscure the issue. By showing his interest in receiving a bribe Felix has definitively placed himself within the category of “bad” governors. Luke does not need to emphasize the point: the mere mention of Felix’s hopes for gain tells the reader what to think of him¹¹⁰⁵ – even more so given that Luke has prepared the reader for such behavior by insinuating that Felix lacked justice and self-control. Barrett remarks that

¹¹⁰³ Josephus also characterizes Felix as thoroughly corrupt in Antiquities: he has the high priest assassinated rather than listen to his demands for reform (20.162). As with Paul, Felix is intent on doing wrong and does not want to hear moral exhortation.

¹¹⁰⁴ Josephus tells a story about the emperor Tiberius’ philosophy toward gubernatorial appointments in which the emperor likens governors to flies, who do less harm once they are sated.

¹¹⁰⁵ Of course, such conduct could eventuate in an invitation to the quaestio de repetundae (see Dig. 48.11.3, 7), but the illegality of the act is less important than the conclusion the reader is invited to draw about Felix’s character. The remark is wholly gratuitous – Felix’s favoritism would have been an adequate explanation for Paul’s continued detention.
“the judge who did not condemn Paul must have been (in Luke’s view) a good man…but not so very good.” The preceding analysis of Felix demonstrates that this is an unfounded assumption. Felix is in no way portrayed as a “good man.”

The issue of favoritism also appears. It is latent in the trial scene, when Tertullus’ speech seems to presuppose that content will not be necessary, and it comes to the fore at the end with Luke’s direct statement of Felix’s motive for leaving Paul in prison. The concern will become more central in Luke’s portrait of Festus.

As a representative of Rome, Felix does not reflect well on the empire. His appointment is irregular to begin with, itself a result of favoritism by the emperor. He exemplifies some of the worst traits of provincial governors, such as corruption, unjust judgments, and favoritism. On the other hand, he is not particularly violent or abusive: he is more venal than tyrannical. Paul survives him to greet the arrival of his successor, who, it is hoped, will represent an improvement. Thus the characterization of Felix suggests that Roman governance has its evils, but does not portray it as unbearable. Furthermore, the juxtaposition of Festus with Felix will show that not all governors are alike, and that Felix’s lawlessness and abuse are peculiar to him and do not represent the fundamental nature of Roman rule.

In fact, there is an indication that Felix does not represent the Roman Empire for Luke but rather an aberration from it – Felix never states that Paul is innocent. To be sure he does not treat him as if he were guilty, but more like an innocent man that he prefers not to release. But Felix does not explicitly state that Paul is innocent, as both Lysias and Festus do. It may be that due to his corruption Luke does not see his opinion on Paul’s...

case as important. He is interested in testimonials to Paul’s innocence from Roman
officials who are relatively conscientious, not from this governor, who is entirely corrupt.
Luke establishes Paul’s innocence through the contrasting speeches and through the
governor’s behavior and motives which explain why Paul was not released, not through
Felix’s own testimony.1107

This provides a clue as to the motive behind the form of Luke’s characterization
of Felix. As we have seen, Luke gradually lifts the curtain to allow the reader to see the
truth behind the mask of competence and fairness. In addition to creating suspense, this
also means that the two speeches play out in a more dignified atmosphere, before a
governor who behaves with probity. Portraying Felix as corrupt from the start would
make the speeches seem less consequential – the reader would know that it made no
difference what either party said, because the judge is compromised. Instead, the
speeches are given in a Roman court setting that does not represent a mockery of due
process. Again, Luke’s interest in the verdict of a Roman court is evident. The correct
verdict is not forthcoming from Felix, but Luke makes clear from the paired speeches
what the correct verdict should be.

Unlike Pilate and Gallio, Felix does not explicitly acquit Luke’s protagonist; he
makes no declaration of Paul’s innocence. But he does serve another purpose – as a
contrast to Paul. The apostle’s forthright honesty contrasts with Felix’s disingenuousness,
and his commitment to a highly moral religion contrasts with Felix’s amorality and

1107 Thus he cannot properly be regarded as one of the “great witnesses for the Apostle’s
innocence” (Haenchen, Acts, 663). He contributes to the innocence motif indirectly, not by bearing witness.
corruption. By making this contrast, and by having Paul exhort Felix to virtues characteristic of good government, Luke depicts Paul as a socially healthy agent. If corruption and misbehavior sullied the reputation of the emperor and endangered the strength of the Empire, then Paul’s exhortation can only be seen as a good thing. In creating this contrast, Luke shows that he is interested in portraying Christians as contributors to the health of the Roman Empire. This suggests that Luke and/or a significant portion of his anticipated readership viewed contributing to the health of the Empire as a positive good.

5.4 A Breath of Fresh Air? Porcius Festus

The last governor in Luke’s narrative also gets the most extensive coverage. Felix functioned mainly as a passive audience for Lysias’ report, for the opposing speeches, and for Paul’s preaching. What he did say did not correspond with his actions. Festus, on the other hand, is given some substantial speaking parts. His role in Paul’s story extends past Paul’s trial, as he becomes an interpreter of Paul’s situation to King Agrippa II and Berenice, and an interlocutor during Paul’s speech before the royal pair.

5.4.1 Festus Introduced

Luke introduces Festus as Felix’s successor (ἐλαβεν διάδοχον ὁ Φηλις Πόρκιον Φήστον) and the one who will be responsible for Felix’s unfinished business (ὁ Φηλις κατέλιπε τὸν Παῦλον δεδεμένον, Acts 24:27). The link thus created between the two governors, innocuous on the surface, is in fact quite significant: Festus will provide a

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1108 Cf. Lentz, Portrait, on Felix as “an antithesis of the Pauline character” (95-97). Indeed, Lentz does not go far enough: he speaks of “Felix’s waver ing between virtue and vice” (96). But there is no indication in the narrative that Felix aspires to virtue, or that his probity and competence during Paul’s trial is anything more than apparent.
contrasting portrait, largely through the differences in the way he handles the case of Paul. Whereas Felix had delayed and finally left the case unresolved, Festus has him cleared from the docket within a short time after his arrival in the province. However, Festus turns out to be more akin to Felix than the first impressions conveyed by the narrative would suggest.

Luke calls the new governor “Πόρκιος Φήστος” (Porcius Festus), using both nomen and cognomen. This procedure contrasts with his introduction of Gallio (18:12) and Felix (23:24) with one name only (nomen in one case, cognomen in the other). Gallio and Felix, one a well-connected senator and the other an imperial freedman, were both close to the uppermost echelons of imperial power and renown. Festus, though his name carries honorable associations, was an equestrian, and the governorship of Judea represented the peak of his career (he died in office). He was not a known quantity, but was a blank slate for Luke to represent as he chose.  

Luke uses the verb ἐπιβαίνω to record Festus’ arrival in his province (25:1), drawing attention to this as an event, not just a chronological reference point. As we have seen, the manner of a governor’s arrival could characterize him as efficient and industrious or as sluggish and incompetent. Luke leaves no doubt about which category Festus belongs to. A mere three days after his arrival in Caesarea, Festus is on his way to Jerusalem. Presumably a visit to Jerusalem, the center of native government and

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1109 Cf. Josephus’ treatment of Festus. In War he devotes one sentence to Festus (2.271). Antiquities gives a slightly fuller account, including his destruction of a γόνος (20.188) and partisanship for Agrippa II in his dispute with the temple personnel (20.189-196).

1110 ἐπαρχεῖα. An old tradition, represented in P74, x (later corrected) and A and adopted by NA25, has the alternate form ἐπαρχεῖον (or ἐπαρχή), an adjective with noun unstated (perhaps γύροις or ἔξοψεῖα – the feminine adjective retains second declension forms). According to Haenchen, “the two forms alternate in the mss. of Josephus and Eusebius also, without any recognizable rule” (Acts, 665n1, citing Beginning [ed. Foakes Jackson and Lake], 3:227).
sentiment, is a priority best not delayed.\textsuperscript{1111} We soon learn that his visit to Jerusalem will be almost as brief as his stopover in Caesarea. He plans to depart “in a short time (ἐν τόχει)” (Acts 25:4), and in the end he spends “not more than eight or ten days”\textsuperscript{1112} there (25:6). Rather than having Paul brought over to Jerusalem, which would have required Festus to wait there until a messenger could bring his instructions to Caesarea and Paul could travel back, he suggests that Paul’s accusers accompany him to Caesarea immediately (25:5).\textsuperscript{1113} He hears Paul’s case the day after his return (a bit of promptness that he himself underscores in a later report of his actions in Acts 25:17). By repeatedly taking note of these short intervals, Luke conveys Festus’ prompt and efficient action, marking a stark contrast to the two years Felix allowed to pass without action on Paul’s case.\textsuperscript{1114}

In addition, Festus’ comportment in Jerusalem suggests competence and rectitude. Luke describes the chief priests’\textsuperscript{1115} and prominent citizens’ request to Festus in terms that evoke intensity and urgency. The imperfect verb suggests repeated or ongoing action

\textsuperscript{1111} Cf. Tajra,Trial, 135. Commentators have seemed more interested in establishing the verisimilitude of such a prompt visit to Jerusalem than in asking why Luke chooses to include the chronological detail.

\textsuperscript{1112} οὐ πλείους οκτὼ ἢ δέκα.

\textsuperscript{1113} Talbert (305) sees this dispatch as a response to Judean pressure. But his prompt trip to Jerusalem and his intention not to linger there long has already demonstrated that such dispatch is simply characteristic of Festus.

\textsuperscript{1114} The contrast is particularly marked in Acts 25:17, where Festus reports that he heard Paul’s case “making no delay,” ἀναβολὴν μηδὲνα ποιήσαυσαν. Felix had “put them off” (ἀνεβάλετο αὐτοῦ) indefinitely (Acts 24:22 [NASB]). Festus calculates that the mention of his prompt response will do him credit.

\textsuperscript{1115} A few ancient witnesses (H P 049. 189. 326., etc.) and about half the witnesses of the majority text read the singular (ὁ ἄρχωρος): only the high priest would have been present, along with a number of prominent citizens. Luke makes no effort to differentiate the serving high priest from the other chief priests elsewhere in the Festus narrative, however (and cf. the parallel οἱ ἄρχωροι καὶ οἱ πρεσβύτεροι τῶν Ἰουδαίων in Acts 25:15). By Festus’ time Paul’s old foe Ananias would have been replaced by a new high priest (Josephus records Agrippa’s nomination of Ishmael ben Phiabi during the tenure of Felix).
(παρεκύλουν αὐτόν, “they kept entreating him” or “they began to entreat him”), and the repetition using a participle (αἰτούμενοι χάριν κατ᾽ αὐτοῦ, “requesting a favor against him”) creates emphasis. Despite the evident importance of the matter to these local authorities of the highest rank, Festus does not grant them this favor against Paul but requires that the trial be held in Caesarea. Nor does he allow Paul’s evident unpopularity with the ruling class of Jerusalem to prejudice him against Paul. His comment that Paul’s opponents should prosecute him in Caesarea “if anything is amiss (ἀτοπον) with the man” carefully disassociates him from the opposition’s point of view and suggests his neutrality. His immediate identification of Paul as a prisoner at Caesarea (Acts 25:4) further hints at his competence – though he has only spent three days in Caesarea, he apparently has already familiarized himself with the roster of prisoners.

Luke does not reveal Festus’ motive for refusing the chief priests’ request. Perhaps he is taken aback and put on the defensive by the vehemence of the opposition. Or his noncommittal statement “if anything is amiss” may indicate skepticism about the merits of the case. If so, it is very understated. On the other hand, perhaps Festus simply wishes to expedite the case and, since he does not plan to be in Jerusalem long, prefers handling it in Caesarea to waiting around for Paul to be brought.

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1116 Witherington (720) suggests the iterative sense.

1117 See Haenchen, Acts, 668; Pervo, Acts, 608: “His doubts promise a fair and speedy trial.” Cf. Cassidy: Festus’ reply “is not prejudicial to Paul and seems to envision the possibility that he might be exonerated” (Society and Politics, 107).

1118 Tajra (Trial, 137) points to Festus’ later characterization of the noisy opposition to Paul (25:24) – but the reader knows nothing of this yet, even if Festus’ description is to be taken at face value.

1119 There is no indication in the narrative that Festus knows anything about the intended ambush, a possibility that Tajra (Trial, 137) suggests.
to Jerusalem. Yet Festus knows that the location of the trial is not merely a matter of logistics and that there is a reason behind the prosecution’s request for this “favor.” Then, as now, venue was known to have an influence on the outcome of a trial. Jerusalem looms in the narrative as the center of opposition to Paul, the place where he was nearly lynched, where he was treated with contempt before the Judean senate and where he was threatened with assassination. Caesarea is a more neutral place; it stands for Roman jurisdiction and the shelter, if not freedom, that Roman jurisdiction at least temporarily affords. Festus hints at his awareness of these circumstances when he suggests to the would-be prosecutors that “those of you who are able” should accompany him to Caesarea (Acts 25:5). He recognizes that not all of Paul’s opponents will have the ability (or inclination) to make the two-day trip to the coast on such short notice. Festus knows that by insisting on a trial in Caesarea he is not doing the prosecution any favors. His willingness to pass up an opportunity to ingratiate himself with powerful members of the provincial elite is a promising indication of independence. Festus does indeed appear to bring “a welcome zephyr of integrity and the aroma of efficiency.”

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1121 See the example in Pliny, Ep. 10.81 – Dio’s prosecutor wants a hearing outside Prusa to escape the influence of Dio’s friends (cited by Sherwin-White, Roman Law, 68).

1122 Cf. KJV. Many modern translations (NRSV, NIV, NASB, NAB, etc.) interpret οἱ δυνατοί as a term for political authorities, as Josephus frequently uses it; cf. J. S. McLaren, Power and Politics in Palestine: the Jews and the Governing of their Land 100 B.C. – A.D. 70 (JSNTSup. 63; Sheffield: Sheffield Academic Press, 1991), 142-43. However, it is to these very authorities (οἱ πρῶτοι τῶν Ἰουδαίων) that Festus is speaking! The corresponding phrase in Festus’ recollection of the event (25:5), οἱ ἕργον καὶ οἱ πρεσβυτεροί τῶν Ἰουδαίων, confirms this. To such an audience, it makes no sense for Festus to refer to “those among you who are in authority” (οἱ ἐν ὑμῖν δυνατοί).

5.4.2 The Trial in Caesarea

At the hearing in Caesarea, Festus is confronted with the same zealous and energetic opposition to Paul. The prosecutors come forward *en masse* and surround Paul as they accuse him (25:7), suggesting a disorderly mob more than an orderly prosecution.\(^{1124}\) This time there is no rhetor to give a polished speech, just a great number of grave but unsubstantiated allegations (πολλὰ καὶ βαρέα αἰτιώματα… ἀ οὐκ ἱσχυον ἀποδεῖξαι)\(^{1125}\) coming all at once from a faceless mass of enemies. Nor is there a clearly defined alternation of prosecution and defense: Paul’s rebuttal, couched in the form of three consecutive denials, is described with a present participle attached to the description of the prosecution’s charges (τοῦ Παύλου ἀπολογουμένου), as if Paul kept denying the charges all the while they were being made (Acts 25:8). This could simply be a result of the extreme compression of the narrative at this point, but it does blur the clarity of the process, producing a scene that seems tumultuous. In fact, there are associations with the mob scene at Paul’s arrest in Jerusalem: the variety of accusations (cf. Acts 21:34, ἀλλοι δὲ ἄλλο τι ἐπεφώνουν ἐν τῷ δρόμῳ), the confusion and lack of any substantiation (cf. μὴ δυναμένοι δὲ αὐτοῦ γνώναι τὸ ἀσφαλές διὰ τὸν θόρυβον), and the encirclement of Paul.

\(^{1124}\) Cf. Tajra (*Trial*, 138): “The Lukan account stresses the physical confrontation between plaintiffs and defendant: they surround the apostle while making the accusation.” Compare with Philo’s account of what a proper trial should look like (*Legat.* 350): the judge sits with his *consilium*, the opposing parties and their advocates stand on either side, and first the prosecution and then the defense makes its case within the time allotted (cited by Robert O’Toole, *The Christological Climax of Paul’s Defense* [AnBib 78; Rome: Biblical Institute Press, 1978], 28-29). Philo apparently prefers the style of trials under the *ordo*: he does not mention questions from the judge, which the *cognitio* procedure allowed and which Gaius in fact does.

\(^{1125}\) The effect of disorder is strengthened if one construes the imperfect ἱσχυον as conative, as does Pervo (*Acts*, 607): “which they didn’t even try to prove.” This is only one among many possibilities, however: Barrett suggests it is constative: “all they said did not amount to proof,” or “they could not prove, however hard they tried” (2.1126).
Luke’s representation of the prosecutors as disorderly creates the background against which the reader judges Festus’ response. Their conduct suggests that the prosecution is frivolous and motivated by animosity more than fact. Luke’s assertion that the prosecution could not prove any of their charges not only reassures the reader of Paul’s innocence but also conveys the weakness of the case they put before the governor. As a competent governor, Festus can be expected to see through ineffective and specious arguments and to recognize when he is faced with provincials’ attempts to co-opt the Roman courts to settle private grudges. He should protect Paul from this hateful mob with their unfounded allegations. Paul’s simple denial of any such wrongdoing should be a wholly adequate defense.

Thus Festus’ willingness to entertain the charges to the extent of suggesting a trial in Jerusalem appears thoroughly inappropriate. The fact that Luke explains his behavior on the basis of favoritism toward Paul’s adversaries (25:9) only reinforces the impression. Only such favoritism could explain why Festus is willing to listen to the acrimonious and unfounded claims of Paul’s enemies. This is the closest Luke will come in his portrait of Festus to direct characterization (25:9). Clearly, for the author it is important that the reader understand that Festus’ suggestion of a trial in Jerusalem is not based on the merits of the case itself, even if it requires abruptly investing Festus with an

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1126 The reader may also recall the temper of Tertullus’ speech (24:2-8). There it is Paul himself who insists that the prosecution cannot prove their claims (24:13).

1127 This notion that the case is clear-cut and Paul’s innocence obvious is reinforced when Paul accuses Festus of being quite aware that Paul has done nothing wrong (Acts 25:10), an accusation that Festus himself eventually confirms (25:18, 25). Not only can Festus see immediately that the charges are frivolous, but Paul knows that he can see this.
interest in doing favors that contradicts his earlier behavior.\textsuperscript{1128} The fact that Festus proposes exactly what the opposition had originally requested “as a favor against [Paul]” (25:3) reinforces the claim of favoritism.\textsuperscript{1129}

Festus’ “favor,” however, comes in the form of a question. This creates problems that have puzzled commentators at least since Haenchen. If a Jerusalem trial is presented to Paul as an option, why does he not simply refuse? Why appeal to a higher court? And how can merely giving Paul an option be seen as doing a favor for the prosecution?

Paul’s response to Festus’ question (25:10-11) provides some clues. Paul appears to see the proposal as an indication of Festus’ partiality\textsuperscript{1130} and of his intention to “make a gift of him” (χαρισσασθαι, 25:11) to his enemies. Since Paul is a reliable character to Luke’s ideal reader, and since his evaluation of Festus’ partiality agrees with the inside information the narrator has already imparted to the reader, the reader is invited to accept Paul’s construal of the situation.\textsuperscript{1131} The suggestion itself is only the first indication of

\textsuperscript{1128} See Conzelmann (Acts, 203): “This change in his [Festus’] attitude is constructed to suit Luke’s apologetic purposes.” Despite Luke’s clarity about Festus’ motivations, some scholars have insisted on advancing justifications for the suggestion, often based on Festus’ own subsequent self-justification in 25:20 (e.g., Bruce, NICNT, 477; and cf. Tajra, Trial, 140-41).

\textsuperscript{1129} χαριν κατ’ αὐτοῦ. As Talbert points out (306, citing Cassidy, Society and Politics, 107-9), repeated use of χάρις and χαρίζωμαι signals that favoritism is an important thematic element in this section of the narrative. The possibility of judges showing favoritism was of course known and disparaged: Tajra (Trial, 143) cites Plato, Apol. 35C: the judge “is not here to grant favors in matters of justice but to give judgment; and his oath binds him not to do favors according to his pleasure, but to judge according to the laws.” Also note Cicero, Caecin. 73: desire to please one of the parties to a suit (gratia) is one of three things that perverts judgments (cited by Rapske, Custody, 62-63). On the operation of gratia see further Garnsey, Legal Privilege, 207-9. In contrast, taking into account the perceived dignity of a litigant (moral respectability, social status, etc.) was quite proper (Garnsey, 209-13).

\textsuperscript{1130} See Cassidy (Society and Politics, 109): “Paul is indicating his conviction that Festus is no longer capable of handling his case impartially.” Witherington is more vague: “Paul appears to have read something else between the lines” (722).

\textsuperscript{1131} Note Paul’s later summary of the events – the Romans (both Felix and Festus, apparently) believed him innocent and intended to release him, but he was forced to appeal to Caesar because “the Jews” objected (28:18-19). Here too Paul’s criticism is indirect: he suggests but does not spell out why he was compelled to appeal – because the influence of Paul’s opponents trumped the Romans’ judgment of the merits of the case.
Festus’ intent to do a favor for these powerful provincials. Paul’s response shows that he can read the tea leaves – Festus is set on finding some way to oblige the prosecution, with the result that Paul will be “handed over” to them.\footnote{Compare Pervo (Acts, 611): “One of the less-unsatisfactory solutions is to presume that Paul viewed himself as pinned, that he did not view Festus’ offer as genuine, but as a \textit{statement} of a change of venue” (emphasis added for clarity). Paul’s appeal “seeks to prevent Festus from altering his question to a command”; cf. Tajra, \textit{Trial}, 142: “Festus was not simply asking... he \textit{intended} to give Paul up to the Sanhedrin” (emphasis added). Paul’s intuition may explain why he can speak as if a trial before Festus in Jerusalem would not be “before Caesar’s tribunal”: he predicts that Festus will eventually surrender him to Judean jurisdiction entirely. Cf. Otto Bauernfeind, \textit{Kommentar und Studien zur Apostelgeschichte} (ed. V. Metelmann; WUNT 22; Tübingen: Mohr Siebeck, 1980), 265: “A court which takes such a proposal as v. 9 into consideration, will... finally surrender him entirely to the Jews” (cited by Haenchen, \textit{Acts}, 666; Haenchen omits a phrase [in ellipses] with import for how Bauernfeind views Festus’ character: “mit oder ohne bewußte Absicht”); cf. Schneider, \textit{Apg.}, 2:356. Chrysostom reads the text in the same way – Festus asks a question for the sake of courtesy – a demand “would have been too barefaced” – but expects Paul to yield to his suggestion (Hom. Act. 51 [NPNF\textsuperscript{1} 11:305]).}

This observation explains how Festus’ question can be understood as a favor and why Paul responds as he does, but it does not explain why Luke portrayed Festus as presenting the transfer as an option in the first place. Why introduce such ambiguity into the narrative? Without presuming to know Luke’s motives, including the sources and traditions he had at his disposal, we can observe several effects of the question. First, it allows Festus to show favoritism, thus explaining Paul’s appeal, without being guilty of any actual misconduct. He does not demand a change of location more favorable to Paul’s enemies but merely suggests it. He thus indicates his partiality toward Paul’s opponents, but Paul’s appeal intervenes to save him from actually carrying out his dishonorable intentions.

Second, Festus shows consideration for Paul’s Roman citizenship by asking for Paul’s consent. As Paul himself implies, Caesarea, the center of Roman government, is the appropriate place for a Roman to be tried. Festus recognizes that a Roman citizen has...
some right to choose the conditions of his trial.\textsuperscript{1133} Thus he does not venture to demand that Paul stand trial in the hostile environment of Jerusalem.\textsuperscript{1134} Though Paul later implies that this is the purport of his suggestion (25:11), Paul’s appeal allows the question whether Festus would actually treat a Roman citizen this way to remain unanswered. Throughout Acts Roman officials never knowingly violate the protections offered by Roman citizenship. Festus, whatever his intentions, is not allowed to deviate from this principle.

Finally, the fact that Festus phrases his suggestion in the form of a question to Paul allows Paul to make his appeal without directly challenging Festus’ authority or evading his directives. Since Festus leaves the question of venue in Paul’s hands, Paul’s appeal does not contradict Festus’ orders, though it may foil his intentions. Luke has earlier portrayed Paul using his status as a Roman citizen as a counter to the authority and status of magistrates and officials (in Philippi, 16:37-40; in Jerusalem, 22:25-29). That is not the case here, however. In fact, his citizenship is not even mentioned, though the reader is by now aware of it and though it explains how Paul is able to appeal at all. As a result, the exchange does not have the character of a power struggle in which Paul’s appeal trumps Festus’ authority, for Festus has already shown himself willing to hear Paul’s opinion on the question of venue. Festus’ evident authority to either grant or deny Paul’s request (25:12) also works in this direction. He is not forced to send Paul to Caesar because of his citizenship – he chooses to.

\textsuperscript{1133} This was the intent of the ancient \textit{provocatio ad populum}. A Roman citizen could demand to be tried before an assembly of the people rather than before a judge chosen by a magistrate.

\textsuperscript{1134} See Skinner, \textit{Locating Paul}, 121, on the threatening associations Luke has built up in the reader’s mind in connection with the setting of the Sanhedrin by the last section of Acts.
Paul’s response to Festus (25:10-11) reinforces what Luke has said about the governor’s favoritism and adds a tone of moral judgment. It is an indirect rebuke: Paul lets it be known that Festus is acting unjustly. He claims his right to be tried before a Roman tribunal (because he is a citizen, the reader understands) without actually accusing Festus of giving him over to local jurisdiction (which does not appear to be what Festus was suggesting in any case). He asserts that Festus knows quite well that

1135 Conzelmann characterizes it as “the most severe judgment on a Roman official in the entire book” (Acts, 203).

1136 Using the expression οὗ με δεῖ κρίνεσθαι (Acts 25:10). There is some irony here. A surface reading suggests a moral use of δεῖ (“where I ought to be judged”; cf. Acts 20:35, οὗτος κοπίωντας δεῖ ἀντλημβάνεσθαι τοὺς ἀθετοῦντος – “we ought to assist the weak by working in this way”). On a deeper level, however, the verb associates Paul’s appeal with the divine revelation that he “must (δεῖ) bear witness also in Rome” (23:11). Paul is granted a similar assurance during the shipwreck (27:24), with the added detail that he will bear witness before Caesar himself. Thus Paul appeals not only to Caesar but also to the divine plan for his future that has already been partially revealed to him. In light of these later assurances, Paul’s thought in Acts 19:21, δεῖ με καὶ Τῷ Ἰησοῦ θεῷ, can be understood as dramatic irony – though it also follows an oracle of assurance (18:9-10), nothing has yet been revealed to Paul about his destiny in Rome; thus he speaks a deeper truth without realizing it. See Talbert, 308; Carston Burfeind, “Paulus muß nach Rom: Zur politischen Dimension der Apostelgeschichte,” NTS 46 (2000): 75-91; and more generally Charles Cosgrove, “The Divine ΔΕΙ in Luke-Acts: Investigations into the Lukan Understanding of God’s Providence,” NovT. 26 (1984): 168-90; John T. Squires, The Plan of God in Luke-Acts (SNTSMS 76; Cambridge: Cambridge University Press, 1993), esp. 62, 119, 174-77; and David Moessner, “The ‘script’ of the Scriptures in Acts,” 218-50.

1137 This must be the meaning of τοῦ βήματος Καίσαρος. See Dig. 1.19.1: quae acta gestaque sunt a procuratore Caesaris, sic ab eo comprobantur, atque si a Caesare ipso gesta sint; “Things that have been conducted and accomplished by a procurator of Caesar are approved by him just as if they were administered by Caesar himself” (citation and translation from Conzelmann, Acts, 203).

1138 This is one of the more confusing aspects of the narrative. Festus’ proposal that Paul be judged εἰς Ἰεροσόλυμα… ἐπ’ ἐμοὶ would ordinarily be understood as a suggestion that Festus sit to hear the case in Jerusalem, where presumably he would have access to religious specialists; see Beginnings 4:308, Haenchen, Acts, 666 (“under my direction”). However, Paul’s insistence on his right to be tried pro tribunali Caesaris (ἐπὶ τοῦ βήματος Καίσαρος, Acts 25:10) implies that a trial in Jerusalem would violate that right. Thus some scholars (notably Paul Winter, followed by Tajra, Trial, 140-42) have argued that ἐπ’ ἐμοὶ means only “in my presence” and that Festus is proposing surrendering Paul to Judean jurisdiction. However, this is not the plain sense of the text, and it is not clear that such a surrender of a Roman citizen would have been legal or that a Judean court could legally condemn Paul to death even if it were. See Sherwin-White, Roman Law, 67; he adds, “nothing prevented him from using the Sanhedrin, or members of it, as his own consilium. That is what Paul feared.” But does not solve the problem: Paul would still technically be pro tribunali Caesaris. Tajra (Trial, 141), following Dupont (“Aequitas,” 532), suggests that Festus was prepared to clear Paul of political charges but proposed to hand him over to the Sanhedrin to be judged on the charge of temple profanation. Yet Festus seems not to have taken the temple charge seriously either (Acts 25:19, on which see below). A thinly attested textual variant (ms. 33 and few others) suggests that the problem was perceived early on: by placing ή in front of ἐπ’ ἐμοὶ it makes ἐπ’ ἐμοὶ an alternative to the proposed hearing in Jerusalem, not a feature of it (see Pervo, Acts, 611).
he is innocent (ὡς καὶ σὺ κάλλιον ἐπιγινώσκεις) but leaves unspoken the logical correlate that by not simply acquitting him Festus is doing Paul an injustice. By asserting that “no one can hand me over to them as a favor” (οὐδεὶς με δῖναται αὐτοῖς χαρίσασθαι) he implies, without actually saying it, that that is exactly what Festus intends to do. Paul’s speech is thus a masterpiece of “safe criticism,” designed to get his point across without making any outright accusations that would force Festus to take offense.

A brief consultation with his consilium allows Festus to save face after Paul’s rebuke (25:12). Narratively, this discussion creates space between Paul’s “defiant” speech and Festus’ response, allowing for the sense of urgency (and thus implied gravity) of Paul’s allegations to dissipate. As a visible decision-making process, it underscores Festus’ authority to make the final decision in Paul’s case, appeal or no appeal: he grants the appeal because he decides to, not because Paul has forced him

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1139 Sensing the critique, some exegetes have read κάλλιον ἐπιγινώσκεις in a progressive rather than stative sense (see examples in Barrett, 2:1130), lest Paul seem to be making an “ungracious and unjust retort” (the quote from David Williams, Acts [NIBC 5; Peabody, Mass.: Hendrickson, 1990], 409). But given what Luke himself has said about Festus’ motives, Paul can hardly be accused of injustice in such a complaint. Williams points to 25:18 as evidence that Paul was correct about what Festus knew.

The verb can be used in legal contexts to denote either lightening a sentence or refusing to condemn a person as a favor to someone else (cf. Acts 3:14 on Barabbas: ήτησας άνδρα φονέα χαρίζωνα ύμιν) or of condemning or punishing a person for the same reason. For parallels see Dupont, “Aequitas romana,” 532-33. Particularly noteworthy is P.Flor. 61: “You should be whipped...; however, I release you as a favor to the crowds (χαρίζωμαι δε σε τοῖς δήλους).” See further Adolf Deissmann, Light from the Ancient East (trans. Lionel R. M. Strachan; rev. ed.; New York: Harper, 1922), 269-70 and fig. 50. See Seneca, Benef. 6.8.3 on judges who do not rightfully sentence for fear that it will be seen as pandering to the people.

1140 Thus Pervo is probably going too far to say, “The politeness and generosity of [Festus’] request is matched only by the rudeness of Paul’s rejoinder, which accuses the procurator of throwing him to the wolves” (Acts, 611). However, he may be justified in calling Paul’s appeal “a shaming tactic.” On the art of indirection, see F. Ahl, “The Art of Safe Criticism in Greece and Rome,” AJPhil. 105 (1984): 174-208. Chrysostom notices the careful language: by saying “no one” instead of “you” Paul avoids offending Festus (Hom. Act. 51).

1141 Cassidy, Society and Politics, 109. Cassidy seizes on the criticism of the governor without noting the indirect way in which Paul lodges his complaints. Paul also downplays the governor’s role in Acts 28:18-19.
to. Finally, by having recourse to his *consilium*, Festus creates the impression that he is granting Paul’s request on the basis of the impartial recommendation of his advisors, not because he has been in any way convicted by Paul’s accusations. The *consilium* thus serves as a kind of barrier between Paul’s criticism, indirect though it may be, and Festus’ decision.

By emphasizing Festus’ right to make the decision about Paul’s appeal, the *consilium* allows Festus to show by his favorable response that he is beneficent. Though Festus’ “epigrammatic” reply, Καὶσαρα ἐπικέκλησαι, ἐπὶ Καἰσαρα πορεύσῃ, gives no indication that he accepts the validity of Paul’s criticism and may be construed...

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1143 On the right of appeal in the Roman Empire, see A. H. M. Jones, “I Appeal unto Caesar,” in *Studies in Roman Government and Law* (Oxford: Blackwell, 1960); Peter Garnsey, “The *Lex Julia* and Appeal under the Empire,” *JRS* 56 (1966), 167-89; and Andrew Lintott, “Provocatio: From the Struggle of the Orders to the Principate,” *ANRW* 1.2:226-67. Scholars differ on whether in Paul’s day provincial governors were legally required to recognize the right of appeal for Roman citizens under their jurisdiction. Contemporary literature often refers to provincial governors condemning Roman citizens without explicitly stating that such an action was illegal, and sometimes (seemingly) even without disapproval (for a convenient summary see Lentz, *Portrait*, 124-129). Jones (“I Appeal”) posits that governors could sentence citizens tried for those crimes corresponding to the *ordo* in Rome, but this solution, viewed with favor by Sherwin-White (*Law*, 68-70), seems rather artificial (see Garnsey, op. cit., 174-180). Whatever the legal situation may have been, it is clear that governors did sentence Roman citizens to death, even to crucifixion. The latitude available to provincial governors is well illustrated by the cases of Galba (early 60s C.E.), who treats with contempt a provincial’s expectation of protection based on his citizen status (*Suetonius, Galba* 9.1), and Pliny (ca. 115 C.E.), who opts to send Roman citizens to the emperor for trial, making no mention of an appeal (*Ep*. 10.96). The nature of the crime and relative power and status of governor and defendant probably had more impact on a governor’s decision in such cases than the actual legal situation (cf. Garnsey, op. cit., 167: “In practice, the efficacy of the appeal depended on the discretion of the governor”; idem, *Legal Privilege*, 82-85, for evidence of the inefficacy of appeal in the early empire). And Luke constructs his narrative as if Festus had the choice (cf. Rowe, *World Upside Down*, 82). This calls into question Esler’s assertion that “Roman judicial procedure prevails over corrupt and lying local governors” (*Community and Gospel*, 204). Luke is more realistic than this – the right to answer one’s accusers in person means little if the judge is biased, and the right of appeal means little if the governor ignores it. Paul’s fate is determined by Festus’ whims (and political calculations), not Roman judicial procedure. For detailed discussion, see Tajra, *Trial*, 144-51, Omerzu, *Prozefi*, 53-109.

1144 On the politics of referring provincials to the emperor see Garnsey, *Legal Privilege*, 78-9: by granting such a request a governor “would be making a concession to one party without necessarily antagonizing the other.”

as curt, by granting Paul the honor of being heard by the emperor, Festus implies that he does not harbor any ill will toward Paul. This impression is borne out later in the narrative when Festus himself admits to his belief in Paul’s innocence (25:25), portrays the opposition against Paul as motivated merely by religious differences (25:18-19), and makes a reference to Paul’s “great learning” (26:24).

5.4.3 Festus and Agrippa II (Acts 25:13-22)

The royal welcome visit provides Festus with the opportunity to display *facilitas* toward a Roman ally, Agrippa. Festus addresses Agrippa with great courtesy and elevated style: “It is an example of cultured interchange between two gentlemen whose syntax is impeccable even in casual conversation.” He candidly confesses his difficulty with Paul, eliciting a polite expression of interest from his counterpart. At the very first meeting between the two potentates, Festus demonstrates willingness to

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1146 But cf. his equally terse reply to Agrippa II (Acts 25:22): αὖρν... ὀκούση αὐτοῦ. D. Williams feels “that the sense of Luke’s account is that Festus was not particularly pleased to have Paul invoke his right of appeal” (Acts, 408, as paraphrased by Cassidy, *Society and Politics*, 202n36). Bruce (NICNT, 479) claims the opposite – Festus is relieved to get the matter off his hands. I don’t think the narrative provides enough evidence to make either judgment.

1147 Luke emphasizes the king’s Romanness by using the name Agrippa – in contrast, he called his father, Agrippa I, “Herod” (Acts 12) (O’Toole, *Climax*, 15). On the verisimilitude of this visit, see O’Toole, op. cit., 16-17, with an extensive list of references in Josephus and Tacitus to Agrippa’s other visits to various Roman dignitaries.


1149 *contra* Heusler (*Kapitalprozesse*, 100), who sees the initiative Agrippa takes here as in contradiction with Festus’ representation of the audience as his own plan in Acts 25:26 (cf. Radl, *Paulus und Jesus*, 200, cited by Heusler, 101n21, on Agrippa’s “Neugierde”; he in turn cites Overbeck, *Apg*, 433). One might ask why Festus brings up the case of Paul in the first place (given Luke’s view of Paul’s importance, certainly not merely so that “ihm... nicht der Gesprächsstoff ausgeht”), and who would have invited the military tribunes and prominent citizens of Caesarea to the affair.
receive information and advice from Agrippa as a “local expert.” His ability to turn the duration of Agrippa’s visit (ὡς δὲ πλεῖους ἡμέρας διέτριβον ἑκεῖ, Acts 25:14) to advantage, and his promptness in scheduling the hearing (αὐριον... ἀκοὖσῃ αὐτοῦ, Acts 25:22) further demonstrate his efficiency.

As was the case with Lysias, another relatively conscientious character, Festus’ account of his actions diverges from the representation of events previously in the narrative. In place of the request for Paul’s transfer to Jerusalem, Festus reports that the chief priests and their associates asked for a “sentence of condemnation against him” (κατ’ αὐτοῦ καταδίκην, 25:15). That a summary execution is meant becomes clear from Festus’ reply to this request, that the Romans do not “hand any man over as a favor”

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1150 O’Toole (Climax, 17) cites some possible Talmudic references to Agrippa’s interest in the law – two concerning Agrippa’s steward, and others that could refer either to Agrippa II or Agrippa I. Agrippa’s oversight of the temple and participation in Jewish life prior to the war suggest his familiarity with the Jewish as well as the Roman world. His rule over Tiberias, Usha, and (post-war) Sepphoris, which eventually became centers of rabbinical learning, may have bolstered a reputation for interest in the law (O’Toole, 17-18). All of this is too speculative, however, to establish how Luke could have expected his ideal reader to view Agrippa II. Contra O’Toole (18-19), Luke’s ideal reader can be expected to accept Paul’s characterization of Agrippa II at face value without any preconceived notion of Agrippa’s reputation for knowledge of the Jewish law.

1151 See Dupont, “Aequitas romana,” 529 for a summary of these differences. Dupont comments, “Aux yeux de Luc, il est parfaitment normal, que, dans un rapport composé après coup, le magistrat romain se donne un rôle plus beau que celui qu’il a effectivement tenu lors de l’événement. Le tribun Lysias ne s’y prend pas autrement...” In contrast, Festus does not fail to reproduce the aspects of the earlier narrative that reflect favorably on him – his prompt action in Paul’s case (25:17), implicitly compared to Felix’s lack of action (25:14). See Cassidy, Society and Politics, 111.
(χαρίζεσθαι τινα ἄνθρωπον) without a proper trial (25:16). This is entirely different from what Festus was previously represented as saying.

Festus also omits his invitation to the accusers to accompany him to Caesarea to prosecute Paul (25:5). His description of the prosecution’s arrival uses a genitive absolute without a subject (συνελθόντων οὖν ἐνθάδε, 25:17), which disassociates the phrase from Festus, the subject of the main verb. Thus, whereas the original narrative showed Festus suggesting to the Judean leadership that they go with him – συγκαταβάντες in the context must mean “come down along with [me]” (Acts 25:5) – Festus is much more discreet in the retelling: συνελθόντων ἐνθάδε need mean nothing more than “they gathered here.”

In his account of the actual trial, Festus continues to disassociate himself from the Judean leadership. Their behavior takes him by surprise – of course, he had no

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1152 As Dupont notes (“Aequitas,” 529-30), Paul uses the same verb to describe what Festus was not supposed to be doing.

1153 Cf. Paul’s protest at being whipped although “uncondemned.” Thus the variant of the majority text (including E and Ψ), δίκην, (judgment) in place of καταδίκην (condemnation) (Acts 25:15) makes little difference; Festus’ response presupposes that they are asking for condemnation without trial (Barrett, 2:1136).

1154 Fitzmyer excuses the lapse, claiming, “Festus suspects what is at stake and why the religious authorities want Paul transferred to their jurisdiction” (Acts, 750). The comment can certainly be understood as a way of restating the authorities’ request to reflect what they really want. However, Festus’ answer to them would still be a complete fabrication. And it is really too convenient that the change obscures the fact that what Festus suggests at Paul’s trial is exactly what Paul’s adversaries initially asked him for.

1155 Compare NRSV “when they met here” (and cf. NAB) with NIV (and NJB) “they came here with me.” The majority text removes the ambiguity in part: the genitive absolute is provided with a subject, “they” (αὐτῶν). However, the verb can still be understood in the sense “they came with [me]” as opposed to “they came together” (i.e., gathered). In favor of the minority reading, Luke employs a genitive absolute without a subject elsewhere as well (e.g., Luke 12:36, Acts 21:31), and it is easier to see its presence as a correction than to explain its absence from B pc. and its displacement (after ἐνθάδε) in C pc. NA2627 includes it, but marked as uncertain; NA27 did not. See Metzger, who seems sympathetic to NA27 (Textual Commentary, 436); Pervo (Acts, 614) agrees that it “is to be viewed as secondary.” The ambiguity created by the absence of the pronoun may be deliberate.

1156 Sherwin-White’s proposal that ὅν εἶγο ὑπενών be rendered “of which I was prepared to take cognizance” (de quibus cognoscere volebam) reduces the expression of surprise (Roman Law, 50), but see the objections of Barrett (2:1138) – he takes the relative pronoun to be genitive by attraction (taking
opportunity to discuss Paul’s case with them in advance on the way to Caesarea! Festus describes the way the prosecutors “stood around” Paul (περί οὗ σταθέντες οἱ κατήγοροι, 25:18), and asserts that “they had some disagreements with him over their own religion” (25:19). The phrase τῆς ἰδίας δεισιδαιμονίας, if not pejorative in this context, is certainly an outsider’s term, and Festus’ summary of these differences and confession of bewilderment (ἀπορούμενος δὲ ἐγὼ, 25:20) emphasize his status as outsider and thus his distance from the prosecution.

In Festus’ account it is his bewilderment that occasions his proposal of a trial in Jerusalem – evidently the residence of religious specialists who can help Festus untangle τὰ κατὰ τὸν Παῦλον (25:20). Luke previously explained the suggestion as a display of πονηρόν as antecedent), thus, “They brought no accusation of those evil things that I expected (or suspected).” However, textual support for πονηρόν is far from unanimous.

1157 ζητήματα δὲ τινὰ περὶ τῆς ἱδίας δεισιδαιμονίας εἶχον πρὸς αὐτὸν.

1158 “The governor is not so impolite as to describe the Jewish religion before the Jewish king as superstitious” (Haenchen, Acts, 672n4); cf. Conzelmann (Acts, 206), Bruce (NICNT, 483n18) and Fitzmyer (Acts, 150), who holds open the possibility: “It can, however, often mean an ‘excessive fear of gods’ or ‘superstition about demons.’” “Festus uses it as a way of referring to foreign or non-Roman religious tenets” – i.e., an outsider’s term for religion. Paul uses the term as an outsider in Athens, Acts 17:22: cf. Barrett (Acts, 2:1139): “To Paul the Jew and Christian the religion of Athens was δεισιδαιμονία… to Festus the religion of Christians and Jews was δεισιδαιμονία.” The Latin cognate term superstition can refer to “any legally unrecognized religion or to religious behavior which was uncultured and unrefined or not in conformity with the spirit of the official religious tradition of the Roman state” (Tajra, Trial, 158).

1159 For example, περὶ τινος Ἰησοῦ. According to Haenchen, Luke represents the Roman’s “complete lack of understanding for the Christian message of the resurrection” (Acts, 673); cf. Pervo: “The narrator represents the governor’s inability even to grasp the question of postmortem revival. This is unlikely, but effective” (Acts, 617). The governor’s incomprehension establishes the context for his reaction to Paul’s speech in 26:24 (Conzelmann, Acts, 206). According to Conzelmann, Luke aims to show the “incompetence of the authorities to deal with questions of religion” (207). But Luke aims for much more than that: he wants the authorities to testify to Paul’s innocence. Festus’ display of religious incompetence, while perhaps genuine, is aimed at providing justification for his suggestion of a trial in Jerusalem. In reality, he knows quite well that Paul is innocent before Roman law, as Paul claims in 25:10 and as Festus himself confirms in 25:25.

1160 Compare Aulus Gellius’ plea that a case over which he was judge mihi non liquere (Noct. Att. 14.22). Gellius was caught in the crux of either condemning a man without evidence or disregarding the claims of the prosecutor, a man he considered to be morally irreproachable. He chose to recuse himself, pleading insufficient expertise. See the analysis in Garnsey, Legal Privilege, 210-11.
favoritism (25:9). Naturally, Festus makes no mention of Paul’s criticism. Without the mention of favoritism and without Paul’s accusations, the scene is voided of tension.

Festus’ proposal is only a polite suggestion (helped along by the optative, βούλοιτο), and Paul’s dramatic appeal to Caesar (Καίσαρα ἐπικαλοῦμαι, Acts 25:11) dwindles to a simple request. Festus’ summary of Paul’s words: “He appealed to be kept for the decision [i.e. cognitio] of Augustus” (25:21), describes not an appeal to Caesar but an appeal to Festus (for transfer of jurisdiction). In Festus’ account, then, the appeal is not a last resort but simply an expression of Paul’s preference that his case be heard by the emperor. The request is expressed as a genitive absolute prefacing Festus’ command that Paul be sent to the emperor (using some of the same words Paul has, i.e., τηρεσθαι αὐτὸν). Thus Festus seemingly grants the request without hesitation. This further draws together Festus and Paul; they seem to consult with each other on the subject of the best venue for the trial without Paul’s opponents’ input.

Perhaps Festus’ account simply represents a variation on the previous narrative, just as Paul repeatedly varies his account of his divine calling on the way to Damascus. It is curious, though, that again and again the variations achieve the same effects: distancing Festus from the Judean leadership and portraying him as reasonable and sympathetic toward Paul, thus protecting him from the accusation of bias. In Festus’ version the leaders come to Caesarea, not because Festus has invited them to come prosecute Paul,

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1161 Barrett (Acts, 2:1140) is not inclined to criticize: yes, Festus leaves out his own role in the appeal, but Luke is making no attempt at verbatim rendering. Esler takes the opposite position: Festus “lies to Agrippa” (Community and Gospel, 204).

1162 ἐπικαλεσαμένου τηρηθῆναι αὐτὸν εἰς τὴν τοῦ Σεβαστοῦ διάγνωσιν. The reference is to the reigning emperor – in this case, Nero.

1163 Thus 25:20b-21 could be translated, “I asked if he should like (βούλοιτο) to go to Jerusalem… but after (or since) he appealed that he be kept for the cognizance of Augustus, I commanded that he be kept until such time as I might send him to Caesar.”
but because he has refused to condemn Paul without a proper trial. There is no hint that these leaders actually travelled with Festus to Caesarea. In Festus’ version he stands up to the Judeans, announcing that the Romans insist on proper legal procedure with prosecution and defense and do not hand people over as a favor – just what Paul has insinuated that Festus was trying to do. In Festus’ version, his suggestion of a transfer to Jerusalem is explained on a basis other than favoritism. Since according to Festus the prosecution asked for summary execution, this suggestion does not grant Paul’s opponents the “favor” they had originally asked for. In Festus’ version, Paul’s appeal to the emperor simply expresses his preference, not his estimation of Festus’ bias, and it is granted as a routine courtesy, with no hint of the kind of confrontation that actually occurred. All these changes work together to exonerate Festus from the charge of favoritism too well to be due merely to chance variations in narration. They bespeak Luke’s intent to portray Festus disingenuously misrepresenting his own conduct. The example of Lysias has demonstrated that Luke is quite capable of such subtlety. Of

1164 Thus it is Festus who lectures the Judean leaders about proper legal procedure rather than Paul who lectures Festus. It is noteworthy that Festus uses Paul’s word, χαρ/ειζεσθαι, to describe what the Romans don’t do, even though the question at this point is not favoritism but proper legal procedure. Methinks the governor doth protest too much? The verb not only seems misplaced at this point, but also lacks a dative complement (an infelicity corrected in C and a few others by changing τινα to τινι, “to hand a man over to anyone”). See Barrett, Acts, 2:1136-37, Pervo, Acts, 617n26. On the “conventional sentiment” (Pervo, 617), see e.g., Ulpian, Dig. 48.17.1: “This is the law by which we abide: no one may be condemned in his absence, nor can equity tolerate that anyone be condemned without his case being heard” (cited by Fitzmyer, 150; cf. Tacitus Hist. 1.6; Appian, Bell. Civ. 3.54). It did not go unnoted by later Christian apologists: cf. Justin, I Apol. 1.3; Athenagoras, Leg. 3; Tertullian, Apol. 1.3, 2.2 (see Fitzmyer, 150; Conzelmann, 206). Note particularly Trajan’s response to Pliny, Ep. 10.97: anonymous denunciations are contrary to the “spirit of our age.” Luke has already demonstrated the lack of respect for this principle on the Judean side: the high priest has Paul slapped for daring to defend himself, and the council is willing to intrigue to have him assassinated before he even reaches the chamber for a hearing.

1165 Compare Paul’s later account, in Rome: he was “compelled” to appeal to Caesar. Paul is careful not to blame the governor directly, citing instead the objections of “the Jews.” However, one can connect the dots between the two and draw the conclusion that Paul’s Judean opponents had an inappropriate amount of power over the outcome of the trial of a Roman citizen.
course, Festus’ desire to misrepresent the events only reinforces the impression of his guilt since it confirms that he has something to hide.

The nature of the charges presents another puzzling variation in Festus’ account. The charges are left unspecified in Acts 25:7, but they are said to be serious (“weighty,” βαρέα). That and the fact that Paul’s denials of these charges include a denial of offense to Caesar (οὔτε εἰς Καίσαρά τι ἤμαρτον, Acts 25:8), would naturally lead the reader to imagine the same kinds of politically tinged allegations as those made by Tertullus before Felix. However, Festus claims that the charges only concerned the Judeans’ “own religion” (τῆς ἰδίας δεισιδαιμονίας, Acts 25:19). Is Festus covering up something here as well?

It is more likely that Luke intended Festus’ description of the charges to be accepted as an accurate view of the matter, albeit from the standpoint of an outsider. After all, Festus’ assessment of the substance of the dispute (ζητήματα) matches the assessment of Gallio, of Lysias, and of Paul himself. Furthermore, unlike the modifications just discussed, it is hard to see how Festus would benefit from covering up political charges. The lack of concrete charges is an embarrassment to Festus, whereas

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1166 As many commentators indeed understand them. Cf. Talbert, 306, Cassidy, Society and Politics, 107: “Presumably Luke understands these allegations to have been along the lines of those which Tertullus presented to Felix.” Tajra (Trial, 138-39) even reconstructs the charges, based on Paul’s response to them.

1167 Pervo remarks, “The charitable reader will think that he [Festus] must have nodded off during the speeches summarized in 25:7-8” (Acts, 615n2). Though Paul’s response suggests political charges, their absence from Festus’ account does not qualify as a “glaring omission” (Pervo, op. cit., 617), since Luke has not informed the reader what exactly the procurator was told.

1168 See, e.g., Acts 26:3; Agrippa is well suited to hear Paul’s defense because he is γνώστην… πάντων κατὰ ἱσοδιαίους ἐθνῶν τε καὶ ζητημάτων. Otherwise put, Festus seems to accept Paul’s assessment of the conflict as περὶ ἀναστάσιος νεκρόν (Acts 24:21; cf. 23:6), though he expresses it in a way that shows that he is a non-specialist (περὶ τινος ἰησοῦ τεθνηκότος ὃν ἔφασεν ὁ Παύλος ζήν, Acts 25:19).
suspicion of *maiestas* would serve to justify his decision to send Paul to the emperor.

Finally, as Soards points out, Luke has not narrated any statements from Paul about Jesus or the resurrection before Festus. How then does Festus know about the matter? The most obvious conclusion is that the topic did come up in the trial, and it is due to these issues that Paul denies any wrongdoing “against the law of the Jews” (25:8). Thus it seems likely that Luke intends the reader to understand Festus’ description not as a fiction but as an accurate assessment of the case. If the prosecution did manage to introduce political matters into their charges, as Paul’s denial of wrong to Caesar suggests, it appears that Festus has not taken these seriously. Like other Roman governors, he sees through the politically tinged accusations to the religious dispute that motivates them, and in Luke’s perspective he is right to do so. Luke does not explain how Festus reached that conclusion, but Luke’s ideal reader knows that it is the right one.

5.4.4 The Grand Audience (Acts 25:23–26:32)

Festus has a further occasion to re-tell Paul’s story when he presents Paul to an audience consisting of Agrippa II, Bernice, and the notables of Caesarea. His introduction is worthy of a Barnum and Bailey ringmaster: “You see here the man concerning whom the whole multitude of the Judeans entreated me, both in Jerusalem and here, crying out that he ought not to live any longer” (Acts 25:24).

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1169 *Speeches*, 121

1170 Festus’ unexplained perception into the heart of the matter thus corresponds to Pilate’s conviction of Jesus’ innocence in Luke.


1172 θεώρητε τούτον περὶ αὐτού ἢπαν τὸ πλήθος τῶν Ἰουδαίων ἐνέτυχόν μοι ἐν τῇ Ἰεροσολύμωι καὶ ἐνθάδε βοῶντες μὴ δεῖν αὐτὸν ζῆν μηκέτι. Note especially ἢπαν τὸ πλήθος τῶν Ἰουδαίων and βοῶντες μὴ δεῖν αὐτὸν ζῆν μηκέτι.
largely Roman audience, Festus represents the Judeans as an undifferentiated mob, implicating all of them, not just the leaders, in Paul-hatred, and bringing to mind the mob scenes in Jerusalem.\textsuperscript{1173} How much of this is actually faithful to Festus’ own experience is an open question. Luke has spoken of no mob scenes witnessed by Festus, certainly not in Caesarea, but the language matches Luke’s representation of the crowd in Jerusalem (22:22), and the governor could well have been informed about previous events. Whatever the proportion of fact and fiction involved, Festus’ account provides spine-tingling drama and serves to show that Paul is an important and controversial character worth the attention and display (φαντασία, Acts 25:23)\textsuperscript{1174} his trial and imprisonment have now occasioned. Festus’ words are suitable to the circumstances.

In contrast to the undifferentiated and tumultuous mob of Judeans, Festus represents himself as sane, reasonable, and of a completely different mind: “But I ascertained that he had done nothing deserving of death” (Acts 25:25).\textsuperscript{1175} Before this Roman or Romanized audience, Festus represents himself as distant from, even opposed to, the Judeans and their fervent opposition to the Roman citizen Paul.\textsuperscript{1176} In place of his

\textsuperscript{1173} ἀπαν τὸ πλήθος τῶν ἱουδαίων cannot simply be dismissed as “Lukan hyperbole” (as Fitzmyer, 752); the phrase conjures not a select group of leaders but “the crowd” and mob scenes such as Acts 21:36 (Haenchen, \textit{Acts}, 676-77). According to Cassidy, Festus seeks sympathy from his Roman audience by portraying himself as confronted with such a “volatile situation” (\textit{Society and Politics}, 112). Festus’ emphasis on the universality of the opposition suggests, however, that the main emphasis is on the drama of Paul’s situation, not Festus’ own discomfiture.

\textsuperscript{1174} The import of the word is unclear: Bruce (484) claims “there is probably quiet humor” in this designation. Others suggest that the display put on for Paul’s benefit is meant to elevate Paul in the eyes of the reader. See, for example, Matthew Skinner, “Unchained Ministry: Paul’s Roman Custody (Acts 21–28) and the Sociopolitical Outlook of the Book of Acts,” in \textit{Acts and Ethics} (ed. Thomas E. Phillips; NTMonog. 9; Sheffield: Phoenix, 2005), 291, though he concedes that the term “suggests an ostentatious display” (n35).

\textsuperscript{1175} ἐγὼ δὲ κατελαβόμην μηδὲν ἄξιον αὐτὸν θανάτου πεπραχέναι.

\textsuperscript{1176} The officials of Caesarea would be Romans connected with the Roman governance of the province, and Greeks connected with municipal government, some of whom may have been Roman citizens as well. By presenting ἀπαν τὸ πλήθος τῶν ἱουδαίων to Agrippa II in this way, Festus presumes
earlier claim of uncertainty in the case, Festus now admits that he knew Paul had committed no capital crime. He assumes that his audience, including Agrippa and Bernice, will not share the Judeans’ animosity but rather be intrigued by this man who arouses such hatred.

Festus’ admission of Paul’s innocence requires further rearrangement of his account of the proceedings. Since his new-found clarity concerning Paul’s innocence undermines his previous justification for suggesting a trial in Jerusalem, he makes no mention of the suggestion this time. In fact, Festus omits any explanation of the motivation behind Paul’s appeal, or of his own reason for granting the request. One is left with the impression that Paul’s sudden and unmotivated appeal trumps any judgment that Festus may have formed about the matter. This “fiction,” which Luke himself later reinforces through the comment of Agrippa II (Acts 26:32), allows Luke to use Festus both as the agent of Paul’s transfer to Rome and as a witness to Paul’s innocence. His favoritism, properly noted and protested by the innocent Paul, explains his failure to

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1177 Luke’s ideal reader is already convinced that this is the case, because Paul, a reliable character, has said so (Acts 25:10; see discussion above). To such a reader, Festus’ statement comes as an admission, not a claim.

1178 The Western text, if represented in a marginal addition to the Harclean Syriac, contained a longer and more detailed summary that included the proposal of a trial in Jerusalem. The addition also suggests that Festus proposed that Paul be judged before the Sanhedrin, not before the governor.

1179 The juxtaposition of ἐγὼ δὲ καταλαβόμην μηδὲν ἄξιον αὐτὸν θανάτου πεπραχῆναι with the emphatic αὐτὸν δὲ τούτου ἐπικαλεσμένου τὸν Σεβάστου reinforces the impression that the appeal came as something of a surprise and complicated what Festus had in mind. See Bauernfeind (Kommentar, 267): Paul’s appeal appears here “Die Berufung des Paulus, 20f noch objekttiv dargestellt, erscheint jetzt als überflüssige Starrköpfigkeit.” Against him, Haenchen argues that Luke would not have wanted to lay the blame on Paul for his not being set free (Acts, 677n4). But the real question is, does Luke want to depict Festus as laying the blame on Paul?

1180 Note the difference in Paul’s own description of his appeal – he did not choose, but was forced, to appeal by the persistence of the Judeans (and their influence over the governor).
exonerate Paul from the beginning – now that Paul is safely in the hands of the emperor, Festus can step away from his favoritism and become an unambiguous witness to Paul’s innocence and the irrationality of his enemies’ attacks.

The picture that Festus has painted of himself in his speech before Agrippa and Bernice prepares the ground for his admission that he has nothing to write to the emperor about Paul (25:26).\footnote{According to Dig. 49.6.1: “After an appeal has been made (appellationem interpositam), records (litterae) must be provided by the one with whom the appeal has been filed (a quo appellatum est) to the person who will adjudicate the appeal (qui de appellatione cogniturus est), whether the emperor or another – such records are called dimissoria or apostoli” (quoted by Fitzmyer, Acts, 748, up to “whether;” the rest is my translation of the Latin provided by Haenchen, Acts, 677n9).} The absence of any credible (ἄσφαλες) charges against Paul should ordinarily call into question Festus’ sending Paul to the emperor in the first place.\footnote{Haenchen quotes the protest of Loisy (888): “The procurator did not have to formulate any accusation against Paul; he had only to describe the state of the matter up to his appeal” and adds, “But for such a report there was evidence at hand…” (Acts, 678). However, surely the “state of the matter” was ordinarily expected to include the crime of which the appellant was accused!} However, framing his decision as simply a polite response to Paul’s desire to have his case heard by the emperor allows him to present himself as being in the delicate position of honoring Paul’s request despite not perceiving any wrongdoing Paul can be accused of.\footnote{Note the opposing pronouns: ἐγὼ δὲ καταλαβόμεν ἡμᾶς δὲξιαν αὐτὸν θανάτου πεπραχέναι, αὐτοῖ δὲ τοῦτο ἐπικολεσσαμένον τὸν Σεβαστὸν ἐκρίνα pέμπειν (25:25).} Festus’ ostensible dilemma reinforces the motif of Paul’s blamelessness. He must seek help from Agrippa II in formulating some explanation of why Paul is on trial,\footnote{Thus the characterization of the audience as ἀνακρίσεως is both appropriate and highlights the irregularity of the proceedings; cf. Fitzmyer (752): “Festus thus regards this session as an official investigation of Paul, with Agrippa, a Herodian king and authority on things Jewish, as consiliarius”. Ordinarily Festus would have conducted such an interview to determine whether the matter should be brought to trial in the first place. Here Festus must conduct the interview to determine charges, since a trial has been preordained.} since the previous trials have given him nothing to work with, and in fact have only convinced him that Paul has done nothing wrong. The audience is a new attempt to
hold an ἀνάκρισις (25:26), an investigation of the case to determine the charges, without which remanding the prisoner to the emperor would be senseless (ἄλογον, 25:27). Kept carefully out of view by the governor is the fact that it is the aforementioned hostility of the Judeans, not Paul’s preference, that is the real reason Festus is sending Paul to the emperor despite not having “anything definite to write” (Acts 25:26).1185

Following Festus’ introductory speech, the center of the narrative shifts to Paul and Agrippa II. Festus becomes a passive observer; he interrupts once, but only to have Paul turn his attention back to the king. A brief interaction between Festus and Agrippa closes the scene. Both the outburst and the final interaction with the king contribute to Festus’ characterization. Paul’s speech does so indirectly, as it further demonstrates what kind of man it is whom Festus has refused to release.

In the absence of the need to respond directly to a prosecutor, Paul’s defense speech1186 does not address the range of charges that have been directed against him on

1185 ἀσφαλές θα γράψαι τῷ κυρίῳ οὐκ ἔχω (25:26).

1186 The narrative frame (ἀνάκρισις 25:26, ἀπολογόμαι 26:1) and the beginning of the speech (Paul says that he is making a defense Περὶ πάντων ὧν ἐγκαλούμαι ὑπὸ Ἰουδαίων, Acts 26:2; cf. 26:6, ἔστηκα κρινομένος, 26:7 ἐγκαλούμαι) make it clear that despite the absence of any mention of specific charges – Paul’s claim to be on trial because of the resurrection (26:6) does not refer to an actual charge against him but the opposite, the claim that only theological disagreements motivate the animosity of his accusers – this is indeed a forensic defense speech, if only preliminary to Paul’s anticipated defense before the emperor (Veltman, “Defense Speeches,” 255). This is true despite the fact that it morphs into a “missionary sermon” by the end (Soards, Speeches, 122, citing Schneider, Apg., 2:369-70; Conzelmann, Acts, 209; Fitzmyer, Acts, 210). The forensic character of the speech is enhanced by splashes of apologetic reasoning within the speech itself – Paul’s earlier persecution of the way as demonstration of his sincerity and of the miraculous nature of his change of allegiance, the rhetorical question “why does it seem so incredible to you that God raises the dead?” the loaded statement “I did not disobey the heavenly call,” and the evocation of divine necessity throughout (on this last, see Soards, 124-25).

The outline of the speech follows the forensic defense speech model as taught in rhetorical handbooks: 1) proem with captatio benevolentiae (2-3), designed, as Winter particularly emphasizes, to enhance the argument of the body of the speech: Paul’s pleasure at defending himself before someone who is familiar with the customs and controversies of the Jews presupposes that this is what the case is all about. Neyrey (210-11) wants to include 4-5 in the exordium as establishing the ethos of the speaker, but ethos is a main concern of the speech throughout, and 4-5 belong with the body of the speech as the beginning of the narrative of Paul’s life (see Hogan, “Comparison,” 84; he cites Quintilian 4.2.12 – the past life of the accused is a fitting beginning for a narratio). 2) narratio (4-8, Soards’ section 2, O’Toole division 1), summarizing the claims of the defense: Paul is a good Jew, a Pharisee who is on trial only because he
previous occasions (this despite his claim that he will address all the accusations of the Jews). Festus has admitted “that these accusations do not merit a Roman trial,” so Paul can safely ignore them. Instead, he simply elaborates on his previous claim that the issue is theological and that the accusations of his enemies are based on religious differences centering on the resurrection and “the hope of Israel” (26:6-7; cf. 23:6, 24:15, 21). To put it another way, Paul focuses on the one charge which he has actually preaches the resurrection of the dead. Winter extends the narratio through v. 18, but it is not clear to me how v. 19 can begin a new section of the speech – compare Soards’ outline (Speeches, 123), where the transition from 18 to 19 occurs in the middle of section 3 subsection 1! 3) probatio (9-23, Soards’ section 3, O’Toole division 2), recounting how Paul, despite being a good Jew and Pharisee, came to be associated with the controversial Nazarenes. Here Paul makes a number of claims that set his association in a positive light. He himself once opposed “the Way,” so he is not biased. He was called to join by divine revelation – the ferocity of his early opposition supports this claim, suggesting that only a deus ex machina could have changed his mind so completely. He was seized in the temple for no other reason than that he had been preaching repentance. He only preaches what the scriptures predict, by divine mandate and with divine help. Winter would like to see a refutatio of the charge of criminal conduct in v. 21, but as noted above, Paul is not responding to any of the previous charges here. Paul is interrupted before he can move to the peroratio.

This division between narratio and probatio is suggested by the comments about the resurrection in vv. 6-8, which seem to sum up the argument of the defense. Likewise, Soards follows O’Toole (27-28) in dividing the body of the speech into these two parts (4-8, 9-23) “which parallel and develop one another” (but neither interpret this as a narratio giving the defense’s version of the matter in summary form, followed by a longer probatio). O’Toole further subdivides each division into two parts: 4-5/6-8 and 9-21/22-23. Hogan, however, suggests that all of 26:4-23 should simply be considered a narratio: “one should not be overzealous in trying to find all the parts of a forensic speech” (“Comparison,” 84). For Hogan (85) the interruption saves Paul from having to prove anything he has just said. However, the story has its own internal consistency and logic: see “spashes of apologetic reasoning” above.

In Hogan’s favor, there is a certain continuity between 26:4-5, which begins Paul’s account of his life with his youth and early life as a Pharisee, and the narrative that picks up again in v. 9, chronicling Paul’s persecution and subsequent change of allegiance down “to this day” (26:22; for objections to such a structure “based on time” cf. O’Toole, 27-28). The biographical outline forms an organic whole existing alongside the bipartite structure created by the intrusion of 26:6-8. This pattern is paralleled in Paul’s earlier apology, where his complaint that his opponents cannot prove their accusations (24:13) interrupts the pattern of successive refutation of each of the charges (potentially marking off narratio and probatio in that case as well).

1187 Paul’s claim to address all the charges is climactic and cumulative: rather than addressing the charges one by one, he will go to the root of the matter (on the phrase, see O’Toole, Climax, 37-40).

1188 Hogan, “Comparison,” 84. Cf. Skinner, Locating Paul, 146. For this reason, we cannot agree with O’Toole (Climax, 2) that “the most complete statement of Paul’s defense stands in this chapter [26],” though it may be correct to say that this is the climax of Paul’s defense (O’Toole advances a number of considerations, stylistic, thematic, and apologetic, 14-15). O’Toole details how by now all the various particular charges have been dealt with, leaving the narrator free to have Paul dwell on “that which Luke sees as the real charge, Paul’s hope in the resurrection” (37-39). This is not to say, however, that Paul’s previous rebuttals of specific political charges are not important in their own right.
conceded: association with the Nazarenes. Is it a crime to be a Christian? Festus and the entire assembly answer with a resounding “no.” However off-putting they may find Paul’s story and message, all agree that “this man is not doing anything that merits death or imprisonment” (Acts 26:31). At the end of the scene, it is still not clear what Festus will put in his report about Paul. His earlier words now condemn him: he is doing something senseless by sending a man to the emperor for trial against whom he has no charges to lodge. Divine necessity, not legal logic, drives the plot forward.

Exasperation at Paul’s failure to give him anything to work with may explain Festus’ interruption of Paul’s speech (26:24). Other explanations have also been advanced. In the end, Festus’ motive remains unclear, as does Luke’s motive for

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1189 The stasis is no longer over facts, which all – narrator, reader, and finally governor – have recognized were not in the prosecution’s favor, but of the proper interpretation of the one charge to which Paul has admitted.

1190 οὐδὲν θανάτω τῇ δεσμῷ ἡ ἄξιόν τι πρῶσεω ὁ ἄνθρωπος οὗτος.

1191 Calvin: because Paul preaches the gospel, which is foolishness in the eyes of the world (cited by O’Toole, Climax, 11). Others have supposed the notion of the resurrection stuck Festus as preposterous, e.g., C. J. A. Hickling, “The Portrait of Paul in Acts 26,” in Les Actes des Apôtres: Traditions, redaction, théologie (ed. J. Kremer; BETL 48; Leuven: Leuven University Press, 1979), 502; cf. Jervell, Apg., 596). Daniel L. Smith, “The Rhetorical Function of Interrupted Speech in Luke-Acts” (Ph.D. diss. University of Notre Dame, 2011), 325-28, suggests that the interruption highlights the resurrection theme, in opposition to Veltman (“Defense Speeches,” 255), who points out that neither Paul’s speech in Jerusalem nor his defense before Felix were interrupted at this theme (though it is open to question whether the speech before Felix is really interrupted). Smith points back to the preaching of Peter and John for a similar interruption (Acts 3:26-4:3). Two things make me hesitate, however. First, this interruption is much earlier in Acts and in a completely different context; Jewish controversy over resurrection makes this interruption reasonable, whereas here Paul speaks before a largely Gentile audience. Though Luke has already shown Festus’ confusion over the concept, Gentile incredulity at the resurrection has not been a theme in the way that Jewish controversy has been – in fact, Festus’ confusion only serves to emphasize that this is not a Gentile concern but an intra-Jewish one. Second, Paul’s major emphasis on the resurrection comes earlier in the speech (and, again, references the Jewish controversy), making an interruption here, simply at the mention of the resurrection, seem rather anticlimactic if the purpose is to point up the resurrection theme. One might just as well say that what motivates the interruption is the mention of a suffering Messiah – or, with Kennedy (Interpretation, 137), that the evocation of the mission to the Gentiles is the key, as it clearly is in other instances of interruption (e.g., Acts 22:21-22, Luke 4:25-28; Smith allows for this as an additional emphasis, 327-28). However, the Jewish audience explains the interruptions in these other contexts. I’m not convinced that Luke means to underscore anything in the speech – Paul’s speech seems to have run its course, reached a climax, and Luke simply chooses to interpose a narrative interruption instead of tacking on a conclusion (Winter, “Official Proceedings,” 330), however, insists on seeing a peroratio in vv. 22-23).
constructing the narrative in this way. Two things are clear, however. First, Paul’s words are incomprehensible to the Roman governor, and even sound like lunacy (perhaps Festus’ outburst is triggered by embarrassment at having assembled this august group to hear what turns out to be the ravings of a lunatic). The outburst shows Festus to suffer from “religious density” – or perhaps simply to be a typical Roman not prepared to credit the extravagant claims made by adherents of foreign superstitions. Second, despite his incomprehension, Festus continues to view Paul with a degree of esteem. If Paul is raving, it is his “great learning” that has brought this about.

Eye-witness testimony cannot be discounted a priori, however unlikely one deems it that Luke would have had access to such testimony. To A. Malherbe (“Not in a Corner,” 206-7) the outburst is a back-handed compliment, because philosophers are sometimes thought mad – he cites Dio Chrysostom’s denials of madness and allusions to a divine mission (Discourse 34, Or. 45.1). He also cites O’Neil’s reference to Justin, Dial. 39.4 where Trypho accuses Justin of madness and Justin denies it (Theology of Acts, 15n8).

Those who claim that this episode shows Paul comfortable among the great of the world must take into account this jarring reaction from the MC. Plato recognizes a kind of madness that is divinely inspired (Phaed. 265a, 9), and Philo associates prophecy with such divine madness (QE 2.49; cf. LXX Jer. 36:26f.). However, given the context of an interruption, the remark is not likely meant to express admiration and encouragement, even though it is tempered by Festus’ reference to Paul’s learning. For more references see O’Toole, Climax, 125-28.

Pervo, Acts, 620; Haenchen: Roman officials do not understand the religious issues and thus are not competent to judge (Acts, 617). With Paul’s rejoinder that he speaks σωφροσύνης μάτα (Acts 26:25), Luke counters any impression that Festus’ reacts to Paul’s manner of speaking. It is Paul’s words, not his behavior, that bewilder Festus.

It may be that Luke wanted the speech interrupted and gave Festus the job simply for the sake of convenience, not in order to convey anything about the governor. However, the display of incredulous astonishment does fit Luke’s earlier hints at the governor’s lack of understanding (Acts 25:19) and with Paul’s response to the outburst (25:25).

Agrippa’s response, though it probably does not indicate agreement, does show that Christian claims are comprehensible to him due to his familiarity with the Jewish theological framework. For various interpretations, especially those of earlier commentators, see O’Toole, Climax, 11-12, 141-45: the view that the comment was meant seriously was popular among early commentators, almost all of whom used a text with the verb ginesthai in place of poiesai. O’Toole endorses this view: “Agrippa II comes as close to being a Christian as one can without conversion” (143). The spirit of Agrippa’s remark cannot be understood based on its wording, but only based on Paul’s response: the expression “whether short or long” (καὶ ἐν ἰλίγη και ἐν μεγάλῳ, Acts 26:29) would seem superfluous had he taken Agrippa’s comment to be sincere.

He is no ordinary madman and thus not an appropriate candidate for appeal to Dig. 48.4.7 (Modestinus) that a person should be excused from charges of maiestas if they were not of sanae mentis at the time of the offense (contra Walaskay, 57, mentioned as a possibility by Tajra, Trial, 169). Nevertheless, Festus does imply that Paul is an eccentric and thus not to be taken too seriously.
show that Festus is impressed with his prisoner, however queer his Jewish religious assertions may appear to the Roman governor. Similarly, Paul responds to Festus with deference and courtesy. He denies the accusation but makes no attempt to convince the governor; instead he turns to Agrippa and makes an appeal based on the Jewish scriptures. The inappropriateness of Festus’ interruption and the lack of comprehension it reveals are not emphasized in the same way that Paul emphasized his favoritism earlier. It is understood that Festus is not equipped, as Agrippa is, to understand what Paul is saying. It seems to him, as a bystander, like madness, but it does not strike Agrippa the same way.

This section of the narrative closes with Agrippa’s comment to Festus, on departing from the audience hall, that Paul could have been released had he not appealed to Caesar (26:32). The reader is aware that Paul’s appeal to Caesar was necessitated by Festus’ favoritism. Thus Agrippa unwittingly states what Festus should have done.

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1197 Festus’ reaction to Paul’s speech coheres with a dynamic perceptible throughout the last chapters of Acts. Agrippa II is represented as the proper audience for Paul’s speech, while Festus is marginalized. Paul makes no attempt to dispel Festus’ incredulous incomprehension; instead, he politely acknowledges Festus’ remark but emphasizes that he speaks for Agrippa’s benefit. Cf. Pervo, Acts, 620: “After a polite acknowledgment, Paul returns to his primary hearer, Agrippa.” On Agrippa as the primary audience cf. Heusler, Kapitalprozesse, 113 – she cites 26:2, 3, 7, 13, 19. O’Toole (Climax, 19-20) lists a number of indications that despite its narrative audience the speech is really intended for the Christian reader (cf. Dibelius, “Speeches,” 73-74). Despite Paul’s frequent references to the mission to the Gentiles (26:17, 20, 23) Agrippa, not Festus or the other Romans in the room, appears to be the appropriate target for his mission efforts. Thus Paul apologizes for the confusion his discourse causes Festus: it is intended for one who “knows about these things” and to whom Paul can “speak freely” (ὅν καὶ Παρρησιαζόμενος λαλοῦ) (Acts 26:26); to such a person the truth and reasonableness of his words will be clear, even if they are not to an outsider. This dynamic emphasizes the Jewishness of Christianity, a motif that continues to be reinforced until the end of the book: when Paul arrives in Rome, Luke only describes Paul’s conversations with his fellow Jews, and he makes no mention of any converts, aside from noting some openness among Paul’s Jewish audiences. Luke prefers not to dwell on Christianity’s attractiveness to Gentiles at this stage.


1199 The remark is particularly significant because no other character has explicitly said that Paul could have been released without standing trial. Despite their protestations of Paul’s innocence, both Lysias and Festus seem to be operating on the assumption that a trial was necessary.
His assessment makes it clear that releasing Paul would have been a perfectly reasonable action for the governor to take. Luke has his cake and eats it too: through the character of Agrippa he poses the idea of Paul’s release, while through the character of Festus he provides an explanation for what actually happens.

Agrippa’s remark also suggests that the audience has promoted a certain level of intimacy between the two men. The king volunteers his impression of Paul with frankness but makes no sign that he suspects any improper conduct on Festus’ part. His expression suggests that he accepts Festus’ account of the case – Paul has asked on his own initiative to be tried before the emperor, and thus he must be sent to the emperor for trial whatever the governor’s opinion of the merits of the case against him might be. Thus not only does Agrippa’s comment reinforce the impression Festus gave earlier, that the decision was taken out of his hands once Paul appealed, but it also shows the audience’s (here called οἱ συγκαθήμενοι αὐτοῖς) as well as the president express their opinion that Paul is innocent conforms the conclusion of the hearing to the consultation that would have occurred between the judge and his consilium at the end of a real trial, adding further weight to the “verdict” (O’Toole, Climax, 29). The members of the audience first withdraw (ἀναχωρῆσαι) from the audience chamber, then begin to discuss the case with each other (Acts 26:31, reading the aor. ptcp. as indicating consecutive action with NIV, NAB, etc., contra NRSV). Still, it is too much to characterize their activity as “meeting in accordance with standard Roman procedure” (Tajra, Trial, 170) – this is not a real trial, and there is no indication that Agrippa consults with the other audience members.

1200 See Cassidy, Society and Politics, 114-15. To Cassidy, the comment “serves to put distance between [the king] and the governor” because it “at least implicitly criticizes the course that Festus has followed” (115). Cassidy does not note, however, that Agrippa’s comment entirely conforms to Festus’ own representation of his behavior to the assembled dignitaries prior to Paul’s speech: he did want to set Paul free (he found him not guilty) but was prevented by Paul’s untimely appeal. Agrippa’s comment reinforces Festus’ version, that only Paul was to blame for his continued imprisonment and that Festus can not extricate the prisoner from his situation. Agrippa does not know what the reader knows: that Paul’s appeal was actually motivated by Festus’ display of partiality during the hearing. Thus the comment constitutes dramatic irony: only the reader can properly appreciate the critique implicit in it.
governor and the client king parting on good terms. Once again a Roman governor
and a Herodian monarch have arrived at a mutual entente during the course of a trial.

5.4.5 Conclusions

Comparison is quite important to Luke’s portrait of Felix and Festus. With his
efficiency and independence, Festus provides a clear contrast to the corruption of his
predecessor, a man whose fearful reaction to Paul’s preaching suggests that he may be
guilty of all sorts of immorality and injustice beyond that described by the narrative.
Nevertheless, Luke also makes it clear through direct characterization that even Festus is
swayed by the attraction of favoritism.

Otherwise, Luke uses only indirect characterization. Festus is primarily
characterized through his words but also, at the beginning of the narrative, by his prompt
actions. Festus demonstrates his diligence immediately upon his arrival and shows
dispatch in the case of Paul. Luke’s early and repeated chronological references place
emphasis on this point. Festus demonstrates fair-mindedness by not being too quickly
convinced of Paul’s guilt, despite the vehemence of the chief priests and other local
elites. He is perceptive and discerning enough to reach the correct conclusion about the
nature of the accusations against Paul. Festus demonstrates both *facilitas* and good
judgment in his conduct toward Agrippa II and in the esteem he shows for Paul, in part
by granting him a trial before the emperor, in part by testifying to his own opinion that

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1201 O’Toole (*Climax*, 17) notes that Festus’ support for Agrippa II in a conflict with the temple
leadership (Jos. *Ant*. 20.189-96) would suggest that there was in fact a good relationship between the two.
Josephus does not provide any clarity on Festus’ motives, however.

1202 Similarly, the words of the rest of the people, οὖν ἰδὼν θανάτου ἢ δεσμὸν ἥξον [τι] πρᾶσσει ὁ
ἀνθρώπος οὗτος (Acts 26:31), stand in the place of the words of the centurion at the cross, ὁντος ὁ
Paul is innocent, and in part by finding him worthy of an audience before a local client
king and the notables of Caesarea.

Despite Luke’s emphasis on Festus’ positive qualities, his partiality as a judge
introduces a note of ambivalence into the narrator’s portrait of him. His desire to “do a
favor for the Judeans” (το/uni1FD6ς ίουδαίοις κάταθσθαι) associates him with Felix, who
acted with the same motivation. Festus lacks many of Felix’s faults,1203 but he is no more
immune to the influence of the local political powers than was Felix.1204 The note of
favoritism introduces an ugly blot on Festus’ character that lingers throughout the rest of
the narrative. First the reader is treated to Paul’s denunciation of Festus’ intention to give
Paul to the prosecution. Then Festus’ successive retellings of the events leading up to
Paul’s appeal remind the reader of what he is keeping silent. Finally, Agrippa’s
assessment of Paul’s case constitutes an unintended indictment of Festus’ conduct.

The concern of favoritism, which was only one aspect of Luke’s portrait of Felix,
is a dominant motif in his narrative about Festus. The Judean leaders want a favor from
Festus, but he does not grant it. Then Festus wants to do a favor for the Judeans, but Paul
protests, insisting that no one can “make a favor” of him. Festus spends the rest of the
narrative giving accounts of the trial that do not include any display of favoritism by him.

1203 Although Calvin apparently read a “passion for gain” into Festus’ behavior (2.262; see Barrett
2.1127). Cf. John Chrysostom’s cynical comment on the purpose of Festus’ time in Jerusalem – to be
available to those who wished to bribe him (Hom. Act. 51).

1204 His reversal of his original policy remains unexplained. Various attempts have been made to
understand it: Festus’ growing awareness of the extent of the chief priests’ power (Talbert, 306-7), or his
exposure to additional pressure from Paul’s opponents as he travelled with them to Caesarea. It is also
possible, as I have suggested above, that his insistence on a trial in Caesarea had more to do with efficiency
than with not wishing to grant the Jerusalem leadership a favor, although Festus certainly would have been
aware that Caesarea was a less congenial location for the prosecution. None of these explanations seem
inevitable, however. In the end, the seeming change in Festus’ policy is not adequately explained by the
narrative.
Thus the narrative presents a double image of Festus – on the one hand conscientious, energetic, and impartial, and on the other favoring Paul’s influential opponents in Paul’s trial. Why the abrupt change? Luke so deliberately establishes Festus as a conscientious governor early in the narrative that it is tempting to see the favoritism as driven by narrative necessity rather than by his underlying view of Festus. Luke must explain why Paul must appeal to Rome without making Paul seem guilty in any way. He provides a reason out of his stock of motives, one that he had already ascribed to Felix. But aside from this, his intention is to portray Festus, and Rome, favorably.

Haenchen takes such a view. He argues that Festus’ later accounts serve to rehabilitate him (and Rome), leaving a positive view of Rome and of relations between Christians and Roman officials:

The preceding scene had made Paul appeal from the governor to Caesar. This introduced a wrong note – though toned down as far as possible – into the harmony which otherwise prevailed between Paul and the Roman officials. By the fact that our scene and the next still precede Paul’s departure from Caesarea, Paul’s relations do not end with a dissonance. … Luke uses this opportunity to simplify the description of the trial and at the same time to exonerate Rome. … It is no concern of his that Festus appears plagued with a bad conscience; no, Festus is an honorable man, thoroughly imbued with the fundamental principles of Roman constitutional law and, therefore, painfully correct. … Festus is personally rehabilitated before the reader. He is ultimately only a poor heathen who cannot be blamed for his lack of understanding and who indeed was so well-meaning. A bright light falls on the Roman state…

Some interpreters prefer to see only one or the other. For example, A. R. Gordon (D.A.C., ed. Hastings, 2:617) writes, “The rehearsing of the case before Felix’s successor, the brave and honorable Porcius Festus, would no doubt have resulted in the Apostle’s acquittal, had he not chosen, in the exercise of his rights as a citizen, to entrust his life and liberty to Roman justice rather than expose them to the malice of his enemies in Jerusalem…” Gordon explains Paul’s appeal much as Festus does and makes no mention of the reason Paul was threatened by the malice of his enemies in Jerusalem. He is even able to divine that “Paul was sent to Rome with a dimissory letter strongly in his favour” (cited in Cadbury, “Trial of Paul,” 313n2).

Haenchen, Acts, 674-75.
Haenchen’s argument requires that the reader set aside Luke’s own narrative and construe the course of events the way Festus narrates them. Some modern readers certainly seem to have done that. However, one must ask whether this way of reading really matches Luke’s intentions.

Upon closer examination, Luke does not seem eager to play down Festus’ favoritism as much as possible. Instead, Paul’s eloquent response dramatically underscores the fault of the governor, ascribing to him an intention on which the preceding narrative had left room for doubt. Had Luke chosen the motif of favoritism reluctantly, desiring for Festus and Rome to come out looking good in the end, he need not have had Paul make quite so much fuss about the injustice that was being done him. Furthermore, as examined above, Festus’ revision does not just leave out the motive of favoritism behind his suggestion – it changes the narrative in a number of ways that work together to distance him from the prosecution. The narrative seems carefully crafted to demonstrate the governor’s thorough “reframing” of the events leading up to Paul’s appeal.

Thus two sides of Festus must remain standing side by side. His diligence and insight coexist with his willingness to play favorites and to misrepresent his own conduct and motives in the service of a blameless image. Whatever Festus’ positive traits, in him Luke has not given a portrait of a model Roman governor. Yet as Tacitus’ narrative

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1207 Walaskay, for example, writes “Felix’s successor, Festus, protects Paul, insisting on the full measure of Roman justice and, at the same time, insuring that Paul and his gospel will reach Rome” (56). Astonishingly, Walaskay manages to evaluate the trial without even mentioning Festus’ intention τοῖς ἱοῦδαίοις γάριν καταθέσθαι (Acts 25:9). I suspect that interpreters’ desire to like Festus plays a role in how readily they accept the later account of events and dismiss the earlier. Likewise, a reader who comes to the text with the assumption that the authorities tend to be biased and self-serving will be quick to recognize the significance of Festus’ favoritism and slow to accept his side of the story.
suggested, popularity-seeking is not the same kind of sin as accepting bribes. Festus can still serve as a witness to Paul’s innocence. Indeed, his display of partiality toward Paul’s opponents strengthens this testimony. He shows no sympathy toward Paul, but instead is inclined to favor his opponents. Only when their influence is negated by Paul’s appeal does the governor begin to acknowledge that Paul has committed no crime. 1208

With the contrast between Felix and Festus Luke has shown Paul receiving similar treatment from two quite different governors. Everyone knew that there were wicked and corrupt governors, and of course such governors could be expected to be inimical to the Christian movement. However, with Festus Luke demonstrates that relatively competent and upright governors can also treat Christians unfairly as a result of favoritism and popularity-hunting. Governors need not be wicked to do wrong by the Christian movement.

Luke seems to speak to an audience that values the opinion of a Roman court and thus needs to ascribe the governors’ failure to acquit Paul to their own individual moral failings. In so doing, he implies that Roman government and Roman law could be an adequate judge of things Christian. By emphasizing the unfairness of the judges, Luke holds open the possibility that without the distortion of favoritism an honest and capable Roman governor could be expected to reach the right verdict on the Christians. The governors’ collusion with Paul’s enemies is based on contingent factors such as ulterior political motivations and a desire for popularity, and thus does not demonstrate that there is any necessary opposition between Roman government and Christian church.

Reading Luke-Acts’ portraits of governors in light of other first-century narrative portraits does not solve all problems or resolve all ambiguities. Luke-Acts must be read in its own light, with careful attention to its own internal logic and rhetoric. The study of Luke’s portraits drew some conclusions simply through close reading of the text and/or by using other sorts of first century texts as reference points. However, reading other first century narratives featuring Roman governors with attention to the rhetorical impact of their characterization contributed to an awareness of typical characteristics and their rhetorical significance, as well as typical concerns and means of characterization, that proved fruitful when applied to Luke-Acts.
CONCLUSIONS

This investigation of the representation of Roman governors in Luke-Acts was undertaken in the hope of clarifying the political perspective of its implied author and the political concerns it addresses. The attention to narrative rhetoric and the comparison of the style and substance of the characterization of governors in roughly contemporaneous narratives has contributed a variety of insights relevant to the study of Luke-Acts and to ancient literary politics. In what follows I will summarize the major conclusions of this study.

Tacitus, Philo and Josephus provide an avenue into conventional expectations by which governors were judged in the literature of the early empire. These include military prowess, diligence in their duties, prudence and concern for the basic welfare of the subjects, friendliness and approachability, impartiality as a judge, and resistance to the influence of favoritism or financial inducement. Competent management and administrative reforms were looked on with favor.

Regardless of the prevalence of corruption and favoritism both in practice and in the popular imagination, governors in narratives are expected to demonstrate complete innocence of such behavior. Corruption of any sort is harshly judged. Blameworthy governors are frequently hypocritical, seeking in various ways to conceal their misbehavior and malicious intentions. Governors elicit blame not only if perceived as corrupt, but also if perceived as either lax in their duties and weak in their authority or
unduly harsh in punishing malefactors or dealing with civil unrest. A governor subjected to critique could be held guilty of all three faults, but need not be.

In various ways the narratives reflect awareness of the high reputation attached to service as a governor, and of the need for governors to command the obedience of their provincial subjects and the military personnel under their purview. Governors could be criticized not only for dishonesty or cruelty but also for inability or disinterest regarding the maintenance of discipline, order, and obedience.

With the exception of military prowess, these are the standards that are invoked in Luke’s portraits of governors. Judicial impartiality and the possibility of corruption and/or favoritism are his main concerns, but he also touches on the issues of diligence and efficiency, active concern for subjects, friendliness and courtesy, cruelty and violence, and hypocrisy. Additionally, Tertullus’ address and Paul’s admonitions to Felix show that Luke is familiar with themes common to rhetoric about governors.

Though Luke constructs his governors within this common set of expectations he does not characterize them in a single mode: they vary in integrity from blameless to corrupt. The greater part of Luke’s governors fall in between these extremes, exhibiting both commendable and blameworthy behavior and characteristics. The most honorable governor is the least fully characterized. No governor serves as a model.

Luke rarely uses direct characterization in his portraits of governors; only at crucial moments does he open momentary windows into the governors’ thoughts, feelings and motivations. These windows often confirm the disreputable motives for the governors’ behavior, but sometimes reinforce their sincerity or dependability in responding favorably to Jesus and his followers. Luke uses the device of comparison in
characterizing Felix and Festus. Lysias’ apparent concern for Paul’s safety contrasts with Felix’s willingness to keep him in custody indefinitely; Festus’ prompt attention to Paul’s case immediately marks him as of a different quality than his predecessor.

The governors’ motivations and actions are not always consistent. This is not due to the author’s interest in producing “round” characters so much as to his rhetorical interests. Most prominent among these is the need to acquit Jesus and Paul of any charges that might stand in a Roman court. Luke’s governors serve his purpose by acting unjustly toward his heroes, thereby demonstrating that their condemnation or prolonged imprisonment at the hands of Roman officials was not due to their guilt. More importantly, they serve that need by demonstrating that regardless of their behavior they view the Christians as innocent. Pilate is both the most important and the best example. Like Pilate, Festus serves both as an example of unfair treatment and as a witness to Paul’s innocence in Roman eyes. Felix primarily plays the former role, Gallio primarily the latter.

Luke’s representation of the condemnation or imprisonment of Jesus and Paul as resulting from impropriety by provincial governors parallels defenses of provincial populations mounted by Philo and Josephus, designed to demonstrate that their punishment reflects maladministration on the part of their judge, not crime on the part of the accused. Luke’s narratives reflect other rhetorical motifs visible in the first century as well. He draws a connection between improper behavior by governors and damage to Roman interests (Barabbas). In contrast, Paul is shown to be honorable and to support good governance. Indeed, through his criticism the inscribed author implies that he desires Rome’s attention to civil peace and judicial propriety.
Luke accepts that governors vary in quality and integrity. In other literature such variation is sometimes used to dissociate abusive governors from the emperor or the empire as a whole. It is possible that Paul’s appeal at the end of the work functions in a similar way, suggesting the possibility of more impartial treatment from the emperor in order to balance the critical view of the individual governors in the narrative.

The Roman governors in Luke-Acts do not make strong role models for a potential readership among Roman officials. Nor do the portraits of Roman governors suggest the author’s goodwill toward or admiration of Rome. Though generally reticent to connect Roman governors with cruelty and violence, he does level a sharp critique against individual governors on issues of judicial fairness and impartiality. Interpreters have not always done justice to the prevalence of this critique in Luke’s portraits of governors. The amount and sharpness of the criticism militates against Walaskay’s view that Luke seeks to commend the Roman Empire to his audience. Roman justice compares favorably to the disorder and vigilantism attributed to the Judeans, but still does not bring positive results, due to the favoritism, bias and corruption of its administrators.

Although the conversion of Paulus suggests that Rome and the church are not incompatible in Luke’s mind, Luke’s governors are more often indifferent to and uncomprehending of Jesus and his followers. Luke avoids portraying the governors or the forces under their command as actively hostile or disrespectful, but shows much more interest in portraying governors as convinced that Christians are harmless than in portraying them as convinced they are admirable. Thus on the whole Luke’s portraits of governors do little to encourage thoughts of cooperation between Rome and the church.
Interpreters sometimes overstate the degree to which Roman governors show respect or appreciation for the representatives of Christianity before their tribunals.

The frequency with which Luke’s portraits of governors serve to demonstrate the innocence of the Christians, with the evident influence this rhetorical concern has over the content of Luke’s characterizations, supports Esler’s understanding of Luke-Acts as an exercise in legitimation. If Luke-Acts is addressed to a Christian audience, it is an audience that needs to be reassured that Christians are not guilty in the eyes of Rome. That is to say, the implied audience of the work values Rome’s judgment. Thus although the portraits of governors can be thought to contribute to equipping the church for witness, Cassidy is wrong to minimize the apologetic dimension of the work. The author equips Christians inclined to view Rome with respect with a master-narrative which assures them that accusations and charges against them (official or otherwise) are due neither to their violations of Roman law nor to the inherent evil of the Roman order, but to the shortcomings of particular officials who fail to protect them from malicious prosecution.

The main stream of rhetoric supported by the portraits of governors suggests that first and foremost Luke sought to reassure his readers that Christianity is not criminal and that the Romans themselves recognize this, whether they admit it or not. Interpreters have not always given the emphasis on innocence its due. The representation of governors primarily serves to establish that Christians have done nothing wrong, not that they are respectable. As far as the representation of governors is concerned, the representation of Christians as respectable and admirable serves to reinforce their innocence, not the other way around. This is not to deny that the claim to respectability is important to Luke in its
own right, but to say that the claim to innocence should not be minimized by being subordinated to it. This suggests that Luke’s rhetoric is more defensive than Sterling allows for, although this is a matter of emphasis, not of substance.

Thus Luke is both critical of the empire and supportive of it. At times he is critical of imperial agents’ behavior toward Jesus and the Christian movement, and of the motivations of that behavior, be they ingratiating or pecuniary in nature. His portraits of governors, while not rabidly hostile to Roman rule, do reveal the blemishes on the Roman system of provincial government. Yet despite this, Luke’s writing implies a fundamentally positive attitude toward the Roman system. He shows concern that Christians not be looked upon with disfavor by Rome, a concern that, given the Christian audience to which Luke’s work is directed, cannot merely be chalked up to apologetic interests. He demonstrates that whatever its flaws Roman rule is superior to native Judean governance (or the governance internal to Judean communities in the diaspora). Finally, he demonstrates appreciation for Rome’s espoused values, and implies that even if Rome does not live up to those values, it potentially could. Thus Luke is a colonial subject who, even while mounting a critique of the practices and tendencies embodied in the empire’s treatment of Christians, expresses a fundamental attraction to the empire and its espoused values. His alienation from the violence of a Pilate or the corruption of a Felix is matched by his attraction to the power that can shield the Christians from their enemies if only it maintains impartiality and independence.

Of itself, the study of the characterization of Roman governors does not provide for a complete view of the politics of Luke-Acts, but points to the potential fruitfulness of such a comparative narrative-rhetorical reading for other areas of inquiry:
• the author’s treatment of subordinate Roman figures such as the tribune, the centurions, and ordinary soldiers. How does the author’s view of these military personnel conform to or differ from their presence in other narratives of the era?

• the role of Roman client-kings in the narrative. In what way are they representatives of Rome? Do they exhibit characteristics that mark them as “Roman” or “un-Roman”?

• the author’s treatment of municipal officials in Roman colonies, such as the Philippian duoviri and the jailer.

• the representation of Jewish officials and authority figures seen in contrast with their Roman counterparts. One might ask what literary types they are most assimilated to. Do they conform to the traditional depiction of the tyrant? Or do they bear traits typical of eastern rulers as they are portrayed in Hellenistic and Roman literature?

• the emperor as the ultimate representative of Rome. Does the invocation of the emperor at the close of Luke-Acts diminish the extent to which the Roman governors should be viewed as representative of Rome? What is the rhetorical effect of the open ending on the political level?
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