

WHY FESTUS, NOT FELIX? PAUL'S *CAESAREM APPELLO*

MICHAEL J. G. GRAY-FOW¹

Abstract: *This essay addresses the question of why Paul waited to appeal his case to Caesar until Festus had succeeded Felix as governor of Judea. It examines the sequence of events in the light of the character and background of the two men, of Paul's own experiences at the hands of Roman authorities, and of the relevant Roman laws and procedures bearing on his case.*

Key Words: *Paul, Felix, cognitio, Roman citizen, provocatio, Porcian Laws, Roman legal procedures, Romans 16, Aristobulus, Narcissus, trial, appello Caesarem*

I. INTRODUCTION

In the summer of AD 60, the newly-arrived Roman governor of Judea, Porcius Festus, was faced by an appeal from his court to the emperor's judgment in Rome.² The appellant was the apostle Paul, exercising his right of *provocatio* as a Roman citizen. Paul had languished in custody for two years under Festus's predecessor Claudius (or Antonius) Felix, and the question here is why Paul waited until Festus became governor before appealing his case to Caesar.

The answer lies in what Paul discovered about the new governor and how he came by that knowledge. Paul's imprisonment followed a riot in Jerusalem where he was arrested by the Roman commander (who later claimed to have rescued him on discovering he was a Roman citizen).³ Whisked off by night to Caesarea and the governor to protect him from a murder plot, he spent the next two years in jail while Felix hoped he would buy his release. When Felix's term ended he left Paul in custody "to please the Jews," which if true perhaps indicates Felix's concern that adverse reports of his brutal if effective governorship should not follow him to

¹ Rev. Michael Gray-Fow is an independent scholar who has taught at universities in Wisconsin and Illinois and was dean and director of counseling at two Wisconsin military academies. He may be contacted at tiiugf@idnet.com.

² The date is approximate but traditional. The summertime follows from Claudius's decree on when governors should leave Rome for their provinces: Cassius Dio, *Roman History*, 60.11.6; K. P. Donfried, "Chronology," *ABD* 1:1016; J. Finnegan, *Handbook of Biblical Chronology* (Peabody, MA: Hendrickson, 1998), 397–99; B. Witherington III, *The Paul Quest: The Renewed Search for the Jew of Tarsus* (Downers Grove, IL: InterVarsity, 1998), 325–27.

³ B. Rapske, *The Book of Acts in its First Century Setting*, vol. 3: *Paul in Roman Custody* (Grand Rapids: Eerdmans, 1994), 152–53.

Rome.⁴ The book of Acts says Porcius Festus was confronted with this problem prisoner only three days after he arrived.⁵

II. PAUL'S BACKGROUND

Despite his own writings and the volumes written about him we know very little about Paul the man. A second-century description (*Acts of Saint Paul*) may contain a genuine recollection of a small bald-headed man with crooked legs, a rather hooked nose, and eyebrows that met. Accurate or not, it became the dominant artistic image.⁶

Raised as a Pharisee at Tarsus in Asia Minor, he would have known Hebrew and Aramaic. He knew Greek (his letters show Hellenistic schooling and Tarsus was famous for education), which he would have used with Felix and Festus, since educated Romans knew Greek.⁷ Like many who encountered Roman officialdom, he had probably picked up some Latin (the trial language of record), and may actually have said *Caesarem appello*, not the reported *Καίσαρα ἐπικαλοῦμαι*. He studied in Jerusalem with the great Gamaliel ha-Zaken and was a *νεανίας* at the slaying of Stephen (AD 34/35?).⁸ *Νεανίας* (Vulgate *adolescens*) is usually translated as “young man,” though since Acts credits Paul with an important commission from the Sanhedrin immediately afterwards, he cannot have been very young. Equally Paul’s self-description as *πρεσβύτης*, “old man,” in one letter cannot be dated, and some translations favor amending *πρεσβύτης* (Vulgate *senex*) to “ambassador” (*πρεσβεύτης*).⁹ The safest assumption is that when he appeared before Felix and Festus he was “middle-aged.”

III. PAUL THE ROMAN CITIZEN

Two factors governed that appearance: he was a Roman citizen, and (since Felix hoped for a bribe) he seemed to be a man of means. Paul’s Roman citizenship is never questioned in our sources, though claiming it falsely was severely pun-

⁴ One manuscript tradition (the “Western Text”) omits “the Jews” and claims it was to please Felix’s Jewish wife Drusilla. B. M. Metzger, *A Textual Commentary on the Greek NT* (Stuttgart: Deutsche Bibelgesellschaft, 1975), 492.

⁵ Paul’s arrest and two trials are told in Acts 21:30–26:32, traditionally ascribed to Luke. Cf. J. A. Fitzmyer, *The Acts of the Apostles* (AB 31; New York: Doubleday, 1998), 49–51; L. Alexander, “Acts,” in *The Oxford Bible Commentary* (Oxford: Oxford University Press, 2001), 1028.

⁶ “Acts of Paul and Thecla” 2, in *The NT Apocrypha* (ed. W. Schneemelcher; 2 vols.; rev. ed.; Louisville: Westminster/John Knox, 1991–1992), 2:239; G. Duchet-Suchaux and M. Pastoureau, *The Bible and the Saints* (Flammarion Iconographic Guides; Paris: Flammarion: 1994), 268; P. and L. Murray, *The Oxford Companion to Christian Art and Architecture* (Oxford: Oxford University Press, 1996), 277.

⁷ Strabo, *Geog.* 14.5.13. Cf. D. F. Watson, “Education: Jewish and Greco-Roman,” DNTB 899; D. Aune, *The Westminster Dictionary of NT and Early Christian Literature and Rhetoric* (Louisville: Westminster/John Knox, 2003), 342.

⁸ Acts 7:58; Finegan, *Biblical Chronology*, 395; R. Riesner, *Paul’s Early Period: Chronology, Mission Strategy, Theology* (Grand Rapids: Eerdmans, 1998), 59–63.

⁹ Phlm 9.

ished.¹⁰ A few years earlier at Philippi (a Roman colony) Paul had been beaten and imprisoned, only revealing his citizenship to the dismayed magistrates the next day by which time friends could have brought proof.¹¹ This would be a copy of his birth registration, required for all Roman citizens under Augustus's *Lex Aelia Sentia* (AD 4) and *Lex Papia Poppaea* (AD 9). After Philippi, Paul probably always carried proof, and when he was seized in Jerusalem, he immediately informed the commander Claudius Lysias of his status.¹² Paul was a Roman citizen by birth, meaning his father was one, though when the family acquired citizenship is unknown.¹³ During the time of the triumvirs Roman citizenship had been scattered freely among the cities of Asia Minor and for a while some favored communities could avoid the religious rituals involved, obviously important to Jews.¹⁴ (However, Jerome claimed Paul's parents came originally from Giscala in Judea.)¹⁵

IV. PAUL AND MINOR OFFICIALS

When Paul had been first seized, Lysias had him bound and intended flogging him (a common Roman approach to getting the natives to tell the truth), and when he discovered Paul was a Roman citizen became afraid because of the binding.¹⁶ In his report to Felix he omits all mention of the binding and claims he rescued Paul from an angry mob, his nervousness paralleling that of the authorities at Philippi.¹⁷ At Philippi, Paul and his companions had been flogged and imprisoned in shackles; in Jerusalem, Paul had been bound and threatened with flogging. Both the Philippi *archons* and Claudius Lysias had reason to be concerned, for protection from abuse at the hands of the authorities was a venerable privilege of Roman citizens.

V. THE RIGHT OF APPEAL (*PROVOCATIO*)

The privilege was embedded in a succession of laws, the most recent being the *Lex Iulia de vi Publica* (17 BC).¹⁸ However the protection had long been associ-

¹⁰ Epictetus, *Discourses* 3.24.41; Cicero, *On Duty* 3.11.47; Valerius Maximus, *Memorable Deeds and Sayings* 3.4.5; Suetonius, *Claudius* 25.3; Cassius Dio 60.17.4–7; O. F. Robinson, *The Criminal Law of Ancient Rome* (London: Duckworth, 1995), 94–95; P. van Minnen, “Paul the Roman Citizen,” *JSNT* 56 (1994): 43–52.

¹¹ Acts 16:19–38. C. Koukouli-Chrysantaki, “Colonia Iulia Augusta Philippensis,” in *Philippi at the Time of Paul and after his Death* (ed. C. Bakirtzis and H. Koester; Harrisburg, PA: Trinity, 1998), 13–29; V. Kesich, *Formation and Struggles: The Birth of the Church AD 33–200* (Crestwood, NY: St. Vladimir's, 2007), 75.

¹² Paul certainly remembered his experience at Philippi, perhaps specifically as an offense against his Roman citizenship (1 Thess 2:2). E. Best, *The First and Second Epistles to the Thessalonians* (Peabody, MA: Hendrickson, 1988), 90.

¹³ Claudius Lysias admitted he had bought his citizenship: Acts 22:28.

¹⁴ J. P. V. D. Balsdon, *Romans and Aliens* (Chapel Hill, NC; University of North Carolina Press, 1979), 95; L. T. Johnson, *The Acts of the Apostles* (SP 5; Collegeville, MN: Liturgical Press, 1992), 383–84.

¹⁵ Jerome, *On Famous Men* 5. Jerome's claim is generally discounted, but in view of Acts 21:39 he must have felt he had some grounds for it.

¹⁶ Acts 22:29.

¹⁷ Acts 17:38–39; 23:26–30.

¹⁸ Justinian, *Digest* 48.6.7–8 (Ulpian, *On the Proconsular Office* 8; Paulus, *Sentences* 5.26.1).

ated with the Porcian Laws associated with the ancestral clan of the Porcius Festus before whom Paul was eventually tried. Their dates are uncertain, the earliest perhaps c. 200–190 BC, connected with either M. Porcius Cato Censorius (cos. 195 BC) or P. Porcius Laeca (praet. 195 BC). Later members of the Porcian clan took pride in these laws, and magistrates of the mint alluded to them: *libertas* on a coin of M. Porcius Laeca (125 BC); illustrated act of *provocatio* on one of P. Porcius Laeca (110 BC); and, probably, head of Liber on one of M. Porcius Cato (89 BC).¹⁹

The *provocatio* allusion was borrowed glory, but by the late Republic this venerated right of a citizen to appeal his case to the people was popularly identified as much with the Porcian Laws as with the Valerian Laws which first enacted it. Legend claimed the Valerian laws went back to 509 BC and P. Valerius Poplicola, were annulled by the Decemvirs in 451–450 BC but then reenacted in 449 BC. Livy claimed they extended originally to only a mile outside the city, a restriction increasingly outdated with the spread of Roman rule. The Porcian Law of 195 BC extended it to cover the army away from Rome, soon understood to cover all Roman citizens wherever they might be. Cicero's insistence that the Porcian Laws only extended the protection indicates that already by his day the two sets of laws were being popularly conflated.²⁰ Legal thinking about when *provocatio* was invoked (before or after conviction) is unclear; but short of convicting Luke of outright falsehood we must accept his obvious implication that Paul's appeal was before conviction.²¹ (That it was *provocatio* not the later right of *appellatio* that Paul invoked seems also clear since the earliest written evidence for the latter right dates from the second century.)²² Although older translations of Acts 26:29 described Paul in chains before Festus, some modern ones render *δεσμοί* here as "imprisonment," a translation found elsewhere in the NT and classical authors.²³ Here and in Acts 28:20 where Paul describes a chain (*ἄλυστις*) he wears at Rome we have apologetic speeches (with flourishes) that Luke puts into Paul's mouth. Since Paul's citizen status is a major factor at both Caesarea and Rome, it is intrinsically unlikely that the Porcian laws would be so publicly violated by real chains.²⁴

¹⁹ Cicero, *In Defense of Rabirius Postumus* 3.8; 4.12; Sallust, *War against Catiline* 51.22; Livy 10.9.4; J. Pölonen, "Plebeians and Repression of Crime in the Roman Empire: from Torture of Convicts to Torture of Suspects," *Revue des Droits de l'Antiquité* 51 (2004): 225. Robinson, *Criminal Law*, 79–80; A. N. Sherwin-White, *Roman Law and Roman Society in the NT* (Grand Rapids: Baker, 1992), 58–59; J. R. Melville-Jones, *A Dictionary of Ancient Roman Coins* (London: Seaby, 1990), 257–58.

²⁰ Cicero, *On the Republic* 2.31.54–55.

²¹ Pölonen, "Plebeians and Repression," 225–28; Justinian, *Digest* 49.5.2 (Scaevola, *Fourth Book of Rules*).

²² Sherwin-White, *Roman Law and Roman Society*, 68–69. However, for all practical purposes *provocatio* had become *appellatio* from Augustus onwards. J. A. Crook, *Law and Life of Rome, 90 B.C.–A.D. 212* (Ithaca, NY: Cornell University Press, 1967), 72–73.

²³ For *δεσμοί* in the NT, see A. Schmoller, *Handkonkordanz zum griechischen Neuen Testament* (12th ed.; Stuttgart: Württembergische Bibelanstalt, 1973), 111; BDAG 219.

²⁴ Fitzmyer, *Acts*, 124–28; Aune, *NT and Early Christian Literature*, 285–88.

VI. PAUL'S IMPRISONMENT AND CLAUDIUS FELIX

Chains or no, Paul was unquestionably a prisoner for two years while Felix was governor. Why did he not invoke *provocatio* during this time? The answer lies in Paul's knowledge of Felix's character, learned from the Jerusalem believers and his own discernment.²⁵ Claudius (or Antonius) Felix was not entirely without charm, as Suetonius says he married three queens and the emperor Claudius liked him. Tacitus, however, described him as savage, lustful, and exercising royal power with the spirit of a slave; referring to his time as governor and connecting it with the *patientia* of the Jews that led eventually to the Jewish Revolt.²⁶ At Rome he was overshadowed by his brother Antonius Pallas but presumably also claimed royal descent from the long defunct kings of Arcadia. They belonged to the powerful imperial freedmen employed by Claudius to look after the nuts and bolts of the administration, with Pallas in charge of finances (from which he amassed a prodigious fortune).²⁷ Most of what we know about Felix comes from Josephus, who claims his appointment was requested by the High Priest Jonathan whose subsequent criticism led to Felix having him murdered.²⁸ Felix as governor failed to control the growing brigandage, and there were riots even at his headquarters in Caesarea Maritima.²⁹ None of this would have escaped the notice of the Christian community in Jerusalem by the time Paul arrived. He would have spent much time with them and heard much about the governor's record and character.³⁰

At Caesarea, Paul was kept under guard in "Herod's praetorium," an odd mix reflecting the governor's official residence in the old palace built by Herod the Great. He had the distinction of a centurion watching over him and was allowed visitors; Felix exercising his discretionary authority (*coercitio*) over the level of confinement. Later jurists claimed such discretion was usual, based on the accused's rank, wealth, reputation, and even presumed innocence.³¹ Only suspected wealth and the hope of a bribe would have counted here. Obviously Felix believed Paul had money.³² Why?

²⁵ Acts 18:22–23; 21:15–30. Paul had last been in Jerusalem in AD 52 when Felix became governor, but only for a short time.

²⁶ Suetonius, *Claudius* 28; Tacitus, *Histories* 5.9–10. Only two of the queens can be identified. Cf. F. E. Brenk and F. Canali De Rossi, "The 'Notorious' Felix, Procurator of Judaea, and His Many Wives (Acts 23–24)," *Bib* 82 (2001): 410–17; *Prosopographia Imperii Romani* (2nd ed.; ed. E. Groag and A. Stein; Berlin: Berolini & Lipsiae, 1933), 1:828.

²⁷ Tacitus, *Ann.* 11.29; 12.2, 25, 53, 65; Cassius Dio 60.30.6b; 33.3a; 61.3.2; 62.14.3; Pliny, *Letters* 7.29; 8.6; L. Friedlander, *Roman Life and Manners under the Early Empire* (New York: Barnes & Noble, 1968), 4:32.

²⁸ Josephus, *Ant.* 20.137, 160–166. Jonathan was probably a former high priest. Cf. Luke 3:2; John 18:13, 24; Acts 4:6; M. Grant, *The Jews in the Roman World* (New York: Dorset, 1984), 159–61.

²⁹ Josephus, *Ant.* 20.161, 169–72; *J. W.* 2.253–270; M. Stern, "The Period of the Second Temple," in *A History of the Jewish People* (ed. H. H. Ben-Sasson; Cambridge, MA: Harvard University Press, 1976), 258–59.

³⁰ Acts 21:17–26.

³¹ Acts 23:35; 24:23; Justinian, *Digest* 48.3.1 (Ulpian, *On the Proconsular Office* 2).

³² Acts 24:26.

VII. PAUL A MAN OF MEANS?

Once Paul was in custody it would be prudent for Felix to discover all he could about him, and he probably knew Paul had brought a large collection from the churches of Greece and Asia Minor for the Christian community in Jerusalem.³³ That it had already been handed over was irrelevant.³⁴ He undoubtedly believed Paul could raise more money from his fellow believers. According to Luke, Felix was “well informed about the Way,” perhaps through his current wife Drusilla, a Herodian princess. He may have known about Paul’s travels (itself an indicator of some means) and that he came from a privileged background, implied by his citizenship, education, and family connections that included a nephew who could discover a Sanhedrin plot and convince a Roman commander about it. From Felix’s standpoint Paul was clearly a person of consequence in the Christian community, and he may have seen Paul’s choice of working as a tentmaker in the light of some philosophers who also deliberately took up manual trades.³⁵ It is perhaps relevant that later in Rome, Paul was able to pay his own expenses as a prisoner under house arrest.³⁶ Felix had initially asked Paul about his home province since Roman legal practice fluctuated over trying the accused in his home province or where the crime was said to have occurred. His decision to keep Paul at Caesarea was probably in the hope of a bribe.³⁷ Luke is our only source for the hope of a bribe; and the information may well have come directly from Paul when asked why he had not appealed his case to the emperor earlier.³⁸

VIII. *PROVOCATIO* NO GUARANTEE

The answer is almost certainly that based on what he knew he did not expect Felix to respond. Historically, invoking *provocatio* was no automatic guarantee that it would be observed. In the late Republic it had been egregiously violated in Sicily by Verres (73–71 BC). Around the same time Paul was at Caesarea, a Roman governor in Spain made sport of crucifying a Roman citizen, and in AD 69 a Roman admiral was put in chains by another Roman leader. In Roman Egypt, a Roman veteran was flogged by a local magistrate (AD 153), and another by an Egyptian. Paul himself

³³ There is no obvious reason why the Christian community in Jerusalem should be more needy than any other one. Paul’s motive may have been to stress the solidarity of his Gentile churches with the mother church; Rom 15:26–28; cf. 1 Cor 16:1–4; 2 Cor 8:1–9.

³⁴ However, it may not have been accepted: Johnson, *Acts of the Apostles*, 6.

³⁵ On the social mix of early Christians, cf. Origen, *Against Celsus* 3.55; W. Meeks, *The First Urban Christians: The Social World of the Apostle Paul* (New Haven, CT: Yale University Press, 1983), 51–73; D. F. Watson, “Roman Social Classes,” *DNTB* 1003; P. Comfort, *Encountering the Manuscripts: An Introduction to NT Paleography and Textual Criticism* (Nashville: Broadman & Holman, 2005), 44–46; Acts 18:2–3; 1 Cor 4:12; 1 Thess 2:9; J. S. Jeffers, *Conflict at Rome: Social Order and Hierarchy in Early Christianity* (Minneapolis: Fortress, 1991), 13–15.

³⁶ Acts 28:30; Rapske, *Roman Custody*, 173–82.

³⁷ Acts 23:34–35; 24:22; Sherwin-White, *Law and Society*, 28–31, 55–57.

³⁸ On the issue of the “we” sections in Acts, cf. Fitzmyer, *Acts*, 98–103; Johnson, *Acts*, 4; Aune, *NT and Early Christian Literature*, 481–82.

records being beaten with rods (a Roman punishment) on three occasions.³⁹ Paul therefore may not have appealed his case to the emperor under Felix because it had not worked in the past. (In fact, Felix did send some prisoners to Rome: not Roman citizens but some Jewish priests then pardoned through the influence of Nero's wife.)⁴⁰ Felix's detention of Paul was not intrinsically illegal. Imprisonment as a punishment after conviction was unknown to Roman law (apart from condemning to the mines, almost equivalent to a death sentence); but before trial a governor could exercise his discretion on the basis, true or fictitious, of investigating the offence.⁴¹

IX. PORCIUS FESTUS

Clearly Paul would only have invoked his right of *provocatio* under Festus if he believed Festus would respect it, implying he knew something about the new governor. Since he only met him ten days after Festus took office, we must ask: What did Paul know about Festus, and how did he know it? The first question is the easier one. He knew from Porcius Festus's name that he belonged to the Porcia clan whose main claim to fame was those Porcian Laws that had become bound up in popular thinking with the right of *provocatio*. He may also have known that unlike Felix, the new governor had no powerful brother back in Rome who could cover any misdeeds. (Although Pallas had been dismissed from office in the year 55, he still commanded enough influence to save Felix from prosecution over his governorship.)⁴² Moreover, when Paul faced Festus, the new governor's relatives in Rome were debasing themselves for Nero's benefit, and the clan could only find solace in their venerable connection with the Porcian laws and the extended right of *provocatio*.⁴³ The question that remains is how Paul knew about Festus.

X. NEWS OF PAUL'S IMPRISONMENT

The answer lies in the sixteenth chapter of his Letter to the Romans: Paul's greetings to the Christians at Rome.⁴⁴ The letter (probably written from Corinth around AD 55/56) establishes that Paul knew some of the believers at Rome personally, recommended some who would be there shortly, and sends cordial greetings to the rest. Paul had intended to go to Rome after delivering the collection to

³⁹ Cicero, *Against Verres* 2.5.140–142, 161–163, 170; Suetonius, *Galba* 9.1; Tacitus, *Histories* 3.12; A. S. Hunt and C. C. Edgar, eds., *Select Papyri, Volume II: Public Documents* (LCL 282; Cambridge, MA: Harvard University Press, 1977), 187 [#254]; N. Lewis, *Life in Egypt under Roman Rule* (Oxford: Clarendon, 1983), 23–24; 2 Cor 11:23–25. 1 *Clement* 5.6 claims Paul was in bonds seven times.

⁴⁰ Josephus, *Life* 13–16. Josephus went with them, and they all survived shipwreck. S. Mason, *Josephus and the NT* (2nd ed.; Peabody, MA: Hendrickson, 2003), 170, 174.

⁴¹ In Roman practice, prisons were only used to detain prior to trial or for places of execution.

⁴² Josephus, *Ant.* 20.182.

⁴³ Cassius Dio 61.17.4.

⁴⁴ Older debates about whether this chapter really belongs with the letter have been replaced by a consensus in its favor. Cf. J. Ziesler, *Paul's Letter to the Romans* (London: SCM, 1989), 19–24; Meeks, *Urban Christians*, 201 n. 41; R. Brown, *An Introduction to the NT* (ABRL; New York: Doubleday, 1997), 575–76.

the Jerusalem church and was paving the way for his visit.⁴⁵ With the active communications between scattered Christian communities shown by Paul's own letters, news of his detention in Caesarea would spread quickly and would be of particular concern to the Christians at Rome. Felix's character being widely known, they would be anxious to know how he dealt with Paul. They could not know that he would leave Paul's fate to his successor but once they discovered Felix's term as governor was ending they would inevitably wonder about his successor if Paul was still in prison at Caesarea. Whether they could find out anything depended on who they were.

XI. THE CHRISTIAN COMMUNITY AT ROME

The community was made up of Jews and Gentiles, and those Paul names came from both groups. The Jews had been expelled by Claudius following riots (probably over Christianity) but returned after his death (AD 54).⁴⁶ That a Christian community of any kind existed indicates freedom of movement and association and implies a socially mixed group; with some at least having a measure of relative affluence.⁴⁷ Keeping their ears open and reading the published announcements, they would soon learn about Felix's designated successor. Provincial governors were appointed at the beginning of the year but did not take up their appointment until the summer sailing season, giving ample time for information about Porcius Festus to reach Judea before he himself arrived.

XII. ARISTOBULUS AND NARCISSUS

In the list of names Paul mentions in Romans 16, two in particular are tantalizing, enough to raise at least a possibility. Paul refers to those "of [the household of] Aristobulus" and those "of [the household of] Narcissus," though in the second case only to those "in the Lord."⁴⁸ A Roman "household" (*familia*) included everyone under the head's authority: relatives and slaves, and even freedmen were expected to show continuing deference (*obsequium*).⁴⁹ Whoever Aristobulus and Narcissus were, the members of their households are clearly and immediately identifiable by that name only to the Christian community at Rome. Obviously they must have been people of some prominence. Can we go further?

⁴⁵ Acts 19:21; Rom 1:9–15; 15:22–29, 32; Ziesler, *Romans*, 19–24.

⁴⁶ Suetonius, *Claudius* 25.4; J. W. C. Wand, *A History of the Early Church to AD 500* (London: Methuen, 1963), 15.

⁴⁷ Meeks, *Urban Christians*, 56–59. Missing from his list is Pomponia Graecina, charged around AD 57 with "foreign superstition" and whose family is mentioned in the Catacombs. Cf. R. Lanciani, *Pagan and Christian Rome* (Boston: Houghton, Mifflin, & Co., 1893), 9; *Martyrologium Romanum* [Jun. 30th] (Turin, 1905), 155; J. P. V. D. Balsdon, *Roman Women: Their History and Habits* (New York: Barnes & Noble, 1983), 248.

⁴⁸ Rom 16:10–11 in the Greek text; v. 11 in the Vulgate. "Household" has to be supplied in translation from either.

⁴⁹ Justinian, *Digest* 50.16.195.1; B. Rawson, "The Roman Family," in *The Family in Ancient Rome: New Perspectives* (ed. B. Rawson; Ithaca, NY: Cornell University Press, 1986), 12–13.

The temptation to nail down who they were has proven irresistible: Aristobulus has been identified with a grandson of Herod the Great, who was a friend of Claudius and known to have lived in Rome, and Narcissus as a colleague of Felix's brother Pallas among the powerful imperial freedmen at the palace. Both had perhaps recently died when Paul wrote Romans and their households probably absorbed into the palace establishment, while still perhaps retaining their previous designations for a time.⁵⁰

Nothing beyond the two names justifies this entirely conjectural identification. Aristobulus was not an uncommon name, and Narcissus was a favorite name for slaves. Yet while Aristobulus as a Judean princeling would be unknown to most Romans, he would be known to the Jewish community in Rome, including its Christians, and to any Roman the name "Narcissus" on its own would immediately suggest the egregious imperial favorite. Obviously if Paul's Aristobulus and Narcissus were indeed these individuals then, their former households incorporated now at the palace might well overhear talk about Felix's likely successor.

XIII. HOW ROMAN CHRISTIANS DISCOVERED NEWS

Yet even without such conjectures Rome's Christians would find out early. In the Roman world there was no privacy from household slaves, the wallpaper to their masters' lives. It would never occur to aristocratic Romans that they need to be guarded in front of their slaves who were with them everywhere.⁵¹ In senatorial houses they would hear discussions of the official "Senate Proceedings" (*Actus Senatus*) whose publication had been banned by Augustus. Provincial appointments might appear in the less elite "Daily Gazette" (*Acta Diurna*), which seems to have been distributed to provinces and frontier garrisons.⁵² Since the written word was always read aloud in the ancient world and some slaves were trained to read (as the background accompaniment to meals if not simply for the text), it is quite possible that such records were read out by lowly members of the household.⁵³

When Paul wrote his Letter to the Romans, Christians were viewed by the Roman authorities as a subset of the despised but formally tolerated Judaism, free to meet and worship when they could.⁵⁴ Only after the Great Fire of AD 66 would such gatherings become illegal and dangerous. Since Paul was one of the most

⁵⁰ Josephus, *Ant.* 18.135; *J. W.* 2.221; D. L. Balch, "Paul, Families, and Households," in *Paul in the Greco-Roman World: A Handbook* (ed. J. P. Sampley; Harrisburg, PA: Trinity, 2003), 259; Ziesler, *Romans*, 352; Suetonius, *Claudius* 28; Tacitus, *Ann.* 12.1–2, 57, 65; 13.1; Cassius Dio 60.34.4–5; Seneca, *Apol.* 13; ILS 1632, 1666; Friedlander, *Life and Manners* 4.41. Narcissus died AD 54; Romans probably dates from AD 56.

⁵¹ P. Veyne, "The Roman Empire," in *A History of Private Life: I. From Pagan Rome to Byzantium* (ed. P. Veyne; Cambridge, MA: Harvard University Press, 1987), 51–75; Seneca, *Ep.* 47.

⁵² Asconius, *Pro Milone* 14; Suetonius, *Iulius* 20.1; *Augustus* 36; Tacitus, *Ann.* 5.4, 16.22; R. Syme, *Tacitus* (Oxford: Clarendon, 1997), 186–88, 225–26, 281–96; M. Bunson, *A Dictionary of the Roman Empire* (Oxford: Oxford University Press, 1995), 2.

⁵³ W. V. Harris, *Ancient Literacy* (Cambridge, MA: Harvard University Press, 1989), 255–59; J. P. V. D. Balsdon, *Life and Leisure in Ancient Rome* (London: Bodley Head, 1969), 44.

⁵⁴ D. E. Aune, "Worship, Early Christian," *ABD* 6:973–89; Pliny, *Epistulae* 10.96.

widely-travelled and well-known figures in the young church, news of his detention by Felix in Judea would spread rapidly through the scattered Christian communities. That at Rome was in the best position to know how long Felix would remain governor and who would succeed him.

XIV. EVENTS LEADING UP TO THE TRIAL

We can now work out a likely sequence of events. In AD 56, Paul's letter to the Christians at Rome announced he intended coming there after going to Jerusalem. In AD 58, he was arrested in Jerusalem and held at Caesarea by Felix, deciding not to invoke his right of *provocatio* as a Roman citizen. News of his detention was relayed to all Christian communities including the one at Rome. Like everyone else in Rome they would know of Nero's dismissal of Felix's brother Pallas, leaving Felix's continued tenure as governor of Juda in doubt.⁵⁵ Sometime in AD 59, Nero's appointment of Porcius Festus to succeed Felix would have leaked out, the official announcement coming in January AD 60. Since Festus would not sail until the summer this gave the Roman Christians some months to glean what they could about Festus and pass it on via the Jerusalem Christians to Paul, allowed by Felix to receive visitors.

XV. PORCIUS FESTUS AS GOVERNOR

All we know about Porcius Festus is in The Acts of the Apostles and Josephus, though he had presumably held the office of praetor as was common before a provincial governorship. His first name (*praenomen*) is unknown; his name (*nomen*) Porcius identifies him simply as a member of the Porcian clan, but his last name (*cognomen*) Festus is unattributed to any other known member.⁵⁶ A conscientious governor who took vigorous action against brigands, he allowed an appeal to Rome by the Temple authorities (having initially ruled against them) in a dispute over a wall built by the young king Agrippa II. His appointment was the work of the Praetorian Prefect Burrus and the philosopher Seneca, currently advising the twenty-three-year-old Nero, and since the previous governor had been a mere freedman, it was hardly a plum placing.⁵⁷ After a short tenure, Festus died in office (AD 62).⁵⁸

The Christians at Rome would have gathered what information they could about Festus and passed this on to Jerusalem for transmission to Paul in Caesarea. There may not have been much to learn; he apparently made no mark before his appointment but presuming he had held a praetorship, he must have been over

⁵⁵ Pallas retained enough influence to protect Felix after his recall from Jewish charges of misgovernment. Pallas was later (AD 62) killed by Nero; Felix's fate is unknown. Josephus, *Ant.* 20.182.

⁵⁶ A Porcia Festa is mentioned on a dedication to Apollo from a Spanish spa, but the family seems to have enjoyed only local municipal honors and has probably no connection with our Porcius Festus. H. Dessau, ed., *Inscriptiones Latinae Selectae* (Chicago: Ares, 1979), 3232.

⁵⁷ Burrus's death and Seneca's retirement in AD 62 removed any constraints on Nero. Paul's (first?) trial at Rome (AD 60) was probably before Burrus. Tacitus, *Ann.* 13.2; 14.51–52.

⁵⁸ Acts 24:27–26:32; Josephus, *Ant.* 20.182–197; *J. W.* 2.271; Grant, *Jews in the Roman World*, 166–74.

thirty-nine.⁵⁹ Most importantly, the more educated believers would have discovered what it meant for Festus to be a Porcius; that presuming Paul was still incarcerated at Caesarea when Festus arrived, the apostle would be dealing with a man whose family pride (such as survived under Nero) was bound up with the Porcian Laws popularly connected with the right of *provocatio*.

XVI. TRIAL PRELIMINARIES

As the newly-arrived governor, Festus would have been at sea in the complexities of Jewish religious disputes. In fact, what followed had more to do with legal ploys and procedures than theological arguments. According to Acts, the order of events (which there is no reason to dispute) went as follows.

First, Festus went to Jerusalem and denied a petition by the Jewish leaders to transfer Paul there. (Luke claims a plot to murder Paul *en route* but it is not clear why the Jewish leaders would have risked embarrassing the new governor this way, and it may be a doublet of the earlier plot.) If Claudius Lysias was still on the governor's staff, he could have alerted him to such a danger.

Second, Festus convened the trial for Caesarea and limited the prosecution presenters to prominent members of the Jewish High Council. In the week or so before the trial opened, the Council's request and Festus's response could have been relayed to Paul, adding to the information he had about the new governor.

XVII. THE TRIAL BEFORE FESTUS

Third, the trial opened at the governor's headquarters in Caesarea (probably in front of it; cf. John 18:28). The High Council's delegation presented its case, and Paul rejected the charges. (Luke has Festus later informing King Agrippa that he was following Roman legal practice in having the accused face his accusers and being given opportunity for a defense.)⁶⁰

Fourth, Festus then asked Paul if he wanted the venue moved to Jerusalem, a puzzling question since Festus had already rejected this idea. Luke claims this was a favor for the Jews, and Festus may have decided that he would have to work with these people or was more impressed by the prosecution case than Luke indicates. Giving Paul the option was a concession, and while Festus may have been seeking to calm the Jews, he wanted to appear fair to Paul.⁶¹ Luke has Festus later admit to King Agrippa that he was baffled by the whole affair, hence the offer to transfer the trial to Jerusalem, though it is unclear how Luke could have known about this exchange.⁶² At this stage, the whole affair still fell within Festus's authority (*cognitio*) as governor, and he could have transferred the trial venue if he chose.

⁵⁹ Age requirements had been set for the magistracies under the Villian Law of 180 BC.

⁶⁰ Acts 25:14; Appian, *Civil Wars* 3.8.54.

⁶¹ Sherwin-White, *Roman Law and Roman Society*, 67–68.

⁶² Acts 25:19–20.

XVIII. PAUL APPEALS TO CAESAR

Fifth, since Paul has been asked a question by Festus, he is given an opportunity to reply. In Acts, his response is short, beginning with a reminder that he stands before a Roman tribunal, not a Jewish one; he reaffirms his innocence and then before Festus can order the trial transfer Paul appeals his case directly to the emperor. It is a public appeal before Roman witnesses and immediately alters the legal situation.

Sixth, Festus then conferred with his (Roman) advisers. Since the issue is now a Roman legal question, the Jewish representatives had no part to play. A Roman governor's entourage usually included younger friends learning the ropes of provincial administration, family members on the make, and those with more experience in legal and military matters. Any one of these could make adverse reports back to Rome if it suited their interests.⁶³ Even if Festus was tempted to ignore Paul's appeal to Caesar, which given his family background was unlikely, he would have been giving a handle against himself to any dissatisfied member of his entourage. Given the outcome, we can assume that Festus was advised to uphold Paul's appeal.⁶⁴

XIX. THE REPORT TO ROME

Seventh, Festus's legal difficulties were not over. He was required to send materials on to whoever would judge the case in Rome detailing the original charges and the fact of appeal to Caesar. (Such materials were termed officially *libelli dimissorii*, but curiously were also known as *apostoli*.⁶⁵) While the governor and his advisors were probably still laboring over a dossier that explained the legal issues from a Roman viewpoint without getting entangled in Jewish religious controversies, Festus received a courtesy visit from Agrippa II and his sister Berenice.⁶⁶ Client king of Trachonitis (northern Jordan) along with parts of Galilee, and nominal Guardian of the Jerusalem Temple, Agrippa II had been raised in Rome but might well be able to give advice as a Jewish prince. Luke describes Festus as detailing Paul's story to Agrippa more in the way of conversation, with Agrippa volunteering to hear Paul out of curiosity. Festus may well have invited such an offer, and Luke recognizes Festus's dependence on Agrippa for what he was going to write about Paul.⁶⁷

XX. PAUL IS SENT TO ROME.

Events beyond this do not concern us here. Luke claims that Festus and Agrippa agreed that Paul would have been acquitted in Caesarea if he had not appealed his case to Rome, though how Luke would know this opinion remains un-

⁶³ Cf. Tacitus, *Ann.* 13.52, 15.21.

⁶⁴ Fitzmyer, *Acts*, 746.

⁶⁵ Justinian, *Digest* (Marcian) 49.6.1. Marcian belongs to the early third century. It is unknown if the nickname *apostoli* was used in the first century.

⁶⁶ Acts 25:13.

⁶⁷ Acts 25:22, 26.

clear.⁶⁸ Acts breaks off with Paul spending two years under house arrest in Rome, though later tradition credits him with more travels.⁶⁹

⁶⁸ Acts 26:31–32.

⁶⁹ *1 Clem.* 5.6–7; Eusebius, *Church History* 2.22.1–2; “Muratorian Fragment,” in J. Stevenson, *A New Eusebius: Documents Illustrative of the History of the Church to A.D. 337* (London: S.P.C.K., 1963), 124, 145; *The Lives of the Holy Apostles* (trans. I. E. Lambertsen; Buena Vista, CO: Holy Apostles Convent, 1988), 47.