The Provincial Contexts of Paul’s Imprisonments: Law Enforcement and Criminal Procedure in the Roman East

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Abstract
This article explores the legal contexts which led to the multiple imprisonments experienced by the Paul of the letters (as attested in particular by Phil. 1.13) and depicted also in Acts, contrasting these with the numerous occasions where the apostle faced opposition or even violence from local populations and authorities without being jailed. By looking at the realities of law enforcement operations and criminal procedures in the Eastern provinces of the Roman Empire, this article helps reassess two major issues with regard to the rise of Christ-groups from the middle of the first to the beginning of the second century, namely: For what reasons were Christians arrested and imprisoned by Roman authorities? What was the agenda of the author of Acts in paying so much attention to the legal context of Paul’s arrest and later transfer to the emperor’s court?

Keywords
Apologetics, criminal procedure, law enforcement, martyrology, prison, Roman provincial administration

In his letters, the apostle Paul refers several times to being ‘in chains’ or ‘in prison’. In some instances these expressions might be understood metaphorically;

1. Rom. 16.7; 2 Cor. 6.5; 11.23; Eph. 3.1; 4.1; Phil. 1.7, 13-14, 17; Col. 4.3, 10, 18; 2 Tim. 1.8; 2.9; Phlm. 1, 9-10, 13, 23.
that is, Paul presents himself as ‘a prisoner in the Lord’ or as ‘a prisoner in the name of Christ’ and in this way elaborates on the humility and dependence discourse we find elsewhere in his letters, in particular through his use of the vocabulary of slavery to describe the type of relationship linking the believers to God. Ryan Schellenberg (2018), however, has convincingly argued in a recent paper that most references to chains in Paul’s letters echoed actual imprisonments that the apostle experienced repeatedly during his journeys through Asia Minor and Greece. This stands in sharp contrast with the narrative of the Acts of the Apostles, where only one episode in this period contains a scene in which the apostle is jailed (Acts 16.23-39 in Philippi). The inescapable conclusion of this discrepancy is that not all of the imprisonments suffered by Paul during his missions were mentioned in the narrative of Acts.

This article aims to explore the contexts and legal procedures which led to the imprisonments of the apostle mentioned in Acts as well as in his letters (in particular Phil. 1.13), contrasting them with the numerous occasions where the apostle faced opposition or even violence from local populations and authorities without being jailed. In the first section, a distinction will be made between the specific situations depicted in Acts. This will help outline the different means – law enforcement measures, criminal procedures or simply mob violence, depending on the circumstances – used to contain what was seen as a threat by the communities that Paul visited because of his disruptive preaching, and will clarify the charges which were launched against the apostle by his (Jewish and/or pagan) opponents. The comparison between the treatment of the apostle according to Acts during the different steps of his journeys through Asia Minor and Greece, as well as in Judea, with what we know from other evidence of the realities of law enforcement in local communities in the Roman Empire will allow us to make some observations about Paul’s social status. The second section will attempt to resituate the imprisonment of Paul that can be inferred from his mention of detention ‘in the praetorium’ in Phil. 1.13 within its plausible legal context. In light of the other cases where Paul was said to have been arrested or jailed in Acts, it will be argued that the apostle was detained on remand in the headquarters of a provincial governor as part of a preliminary investigation after charges were launched against him. The final section of the article will address the question of why the author of Acts overlooked Paul’s earlier imprisonment by a Roman governor prior to his detention in Judea and will examine the

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2. See, e.g., Rom. 6.22; 7.25; 1 Cor. 7.22; Acts 20.19.
3. Later, of course, Acts relates a long judicial sequence starting from Paul’s arrest by the Roman officer Claudius Lysias in Jerusalem (Acts 21.31-33) and continuing with his multiple hearings before two consecutive Roman governors in Caesarea and then his transfer as a prisoner to Rome to be judged before the emperor’s court (Acts 27.1–28.31), a sequence totaling more than four years of detention.
potential implications of this omission for our understanding of the author’s agenda. It will be argued that the selection of Paul’s imprisonments by the author of Acts, and probably also the rewriting of some of the episodes of his arrests, were part of an overall strategy that aimed to establish the apostle’s innocence in the eyes of Roman law and to make his transfer to Rome unavoidable.

I. The Occasions for Paul’s Imprisonments: Mob Violence, Law Enforcement Measures and Criminal Procedure in Acts and Beyond

In principle, imprisonment was not a punishment in Roman law. Prison was the place to which criminals, offenders or simply suspects were brought after they were arrested by law enforcement authorities, and where they were held pending trial. Detention was, in theory, only a transitional stage during the criminal procedure while the accused waited for the judge to investigate the case and give a hearing (Krause 1996: 64-91). However, since access to justice for defendants – as for plaintiffs – depended to a great extent in the Roman Empire on social relationships and on the ability to get patronage from powerful people with connections to the elite who controlled the judicial apparatus, detention on remand, in particular for lower-class people lacking the appropriate influence networks, could last a very long time, even years, and in some cases for the remainder of a prisoner’s life. This was especially true for the most serious cases, which exceeded the local courts’ competences and therefore had to be brought before the governor’s jurisdiction, since Roman provincial courts were itinerant and were notoriously overburdened because of insufficient staff and administrative resources (Dalla Rosa 2012).4

Jailing was not the result of a court sentence in either of the two episodes of Acts where Paul was imprisoned. In Philippi, Paul’s imprisonment was a temporary law enforcement measure taken by local officials in an emergency situation. As rightly noted by Paul himself, the apostle and his companion Silas were put in jail without any trial (16.37: ἀκατακρίτους). The duumviri of the Roman colony decided to have Paul and Silas whipped in the forum and then imprisoned to calm an angry mob and avoid a riot. The complaint of the female soothsayer’s masters who brought Paul and Silas before the officials – namely, that they were disturbing public order by disseminating Jewish customs which were allegedly forbidden for Roman citizens to adopt5 – was not formally registered as an accusation,

4. The governor only stopped for a few days in assizes corresponding to some of the main cities of each province, and for practical reasons this was not possible every year.

5. Pilhofer 1995: 189-93. For an alternative interpretation, see De Vos 1999. For law enforcement measures taken by Roman power against self-proclaimed religious experts, see Wendt 2015.
and the *duumviri*’s immediate reaction was merely a police measure to calm the situation. That the imprisonment of Paul and Silas was not intended to be a punishment is shown by the fact that the *duumviri*, immediately the next morning, asked the civil servants accompanying them and serving as police officers (οἱ ῥαβδοῦχοι) to go and release them, without knowing either what had happened during the night (the miraculous earthquake which opened the prison’s doors and broke the prisoners’ chains) or, at this stage, that the apostle was a Roman citizen (16.35). It was not the *duumviri*’s intention to investigate the case or hold a trial, and the resolution of the situation, as the outraged Paul remarked, remained informal (16.37: λάθρᾳ). The same was true of the way the officials, embarrassed and scared after they learnt that the apostle had Roman citizenship, urged Paul and Silas to leave the city (16.38-39). Since protection against physical coercion was in principle among the privileges provided by Roman citizenship, the *duumviri* wanted to get rid of them as soon as possible to avoid being accused of having unlawfully beaten and imprisoned Roman citizens.

The same kind of scenario occurred in another Roman colony, Pisidian Antioch, although in this case Paul did not end up in chains. Under pressure from the Jewish community, the local notables, male and female together (τὰς σεβομένας γυναῖκας τὰς εὐσχήμονας καὶ τοὺς πρώτους τῆς πόλεως), rose up against Paul and Barnabas, who were expelled from the city (13.50). It is likely that this ‘persecution’ (διωγμός) involved local officials who engaged their police forces to drive Paul and Barnabas out of the territory of the colony. This expulsion, however, was not the result of a legal procedure, but simply a law enforcement measure, as in Philippi. In most of the other places he visited, the apostle also had to face the hostility of local populations (be they pagans or Jews) due to his preaching and had to escape furious mobs. It does not seem, however, that local officials played any role in Paul’s expulsions from Iconium (14.5-6), Lystra (14.19-20) or Beroea (17.13-14). According to Acts, in all of these cases the hatred of local populations was stimulated by the Jews who persuaded the crowd to harass and brutalize Paul until the apostle eventually decided to flee or was driven out of the city by the mob. The spontaneous gathering of the people at the

6. In order to enhance the impact of divine intervention, the Western text’s expansion of Acts claims, on the contrary, that the officials decided to release Paul because they were afraid of what happened during the night – see Metzger 1994: 398.
7. For the police forces at the disposal of local officials in Roman colonies, see Brélaz 2005: 203-13.
8. In Iconium, pagans and Jews with their leaders (τῦν τοῖς ἄρχοντи) are said to have chased Paul and Barnabas. These leaders could also include in theory the officials of the colony (ἄρχοντες also in Philippi: 16.19). But since the mob tries to stone Paul (which was rather a typical Jewish punishment: see also 14.19 in Lystra), it is better to take these as Jewish notables. In Jerusalem too, Paul was driven out from the Temple by Jews who tried to kill him (21.30-31).
theater in Ephesus also took place outside any official context (19.29-40). Led by the silversmiths, who accused Paul of undermining Artemis’s worship because of his preaching against idols, the crowd ran to the theater in a disorderly way, as if a popular assembly were to be held to address the issue (19.32). In the end, the unlawful character of the gathering (19.29-40: συστροφή as opposed to ἐννομος ἐκκλήσια) was emphasized by the highest official of the city, the secretary of the people, who spoke before the crowd. He said explicitly that the plaintiffs should instead lodge a complaint of sacrilege before the governor’s court (since sacrilege, which was the charge made by the silversmiths against Paul, was punished under Roman criminal law), or wait for a formal assembly to be held to bring the issue before the people (19.38-39). In this case, the absence of any valid charge against Paul – at least in the eyes of the secretary (19.37) –, and the lack of an official framework for this strife, might have led the Romans to blame the city for launching an uprising (19.40).

The picture that emerges from the episodes in Philippi and Pisidian Antioch is that local officials were able to take law enforcement measures against suspects promptly, especially to avoid mob violence and riots. This is perfectly consistent with what we know from other evidence about the realities of day-to-day law enforcement in the local communities of the Roman East (Brélaz 2005: 69-230). Local officials and their police forces were allowed to arrest wrongdoers and to exert physical force against them to prevent them from doing harm to the community, without launching any legal procedure. This latitude of action was part of the administrative, not judicial, duties of local officials. As is apparent from the way Paul was treated by the duumviri in Philippi, such initiatives could sometimes lead to excesses and abuses, such as suspects being beaten or put in jail without any prior investigation or hearing. Acts of violence of this kind, including arbitrary arrests, committed by local officials especially in the countryside, as well as by Roman soldiers and imperial officials on their way through the provinces, were frequently denounced by villages and local communities in their complaints to the imperial and provincial authorities (Hauken 1998; Brélaz forthcoming). In the most serious situations, local authorities, or simply the crowd, sometimes went far beyond their prerogatives and exercised summary justice against people whose cases should have been heard formally in a trial or transferred to the governor’s court.10

Unlike the cases where law enforcement measures were taken against Paul by local officials or popular violence was unleashed against him, three situations in Greece involving the apostle might have led to a formalized criminal procedure, had it not been interrupted because of the lack of valid charges or because of the unwillingness of the judicial apparatus to investigate the case further. In

9. On the office of γραμματεύς (τοῦ δήμου) in Ephesus, see Kirbihler 2012.
10. Several cases are depicted in Apuleius’s novel The Metamorphoses – see Riess 2001.
Thessalonica, for instance, some Jewish inhabitants stirred the crowd against Paul (17.5-10), as had happened previously in Asia Minor in the Roman colonies of Pisidian Antioch, Iconium and Lystra. Since the angry mob was unable to find Paul and Silas, their hosts were pursued and brought before the highest officials of the city (named *politarchai*) by the Jews, who accused the apostle and his companions of breaking the political and legal order of the Empire by claiming that Jesus was their lord and ‘king’ (implying a challenge to the emperor). The officials seem to have been considering the possibility of launching a criminal procedure against them, since, unlike the *duumviri* in Philippi, they only agreed to release Paul’s fellows on bail. This kind of bail requirement, which was attested in Greek judicial practices as in Roman law, suggests that the *politarchai* intended to compel the apostle’s companions to appear once again before them, this time for a formal hearing (Cassayre 2010: 256-59; Krause 1996: 66-77). The believers in Thessalonica were aware of the legally binding nature of the forthcoming procedure and of the risks faced by the apostle in the event of an arrest, and for that reason helped Paul and Silas escape secretly from the city at night. Since Paul eventually fled from Thessalonica, we do not hear any more regarding the outcome of the procedure launched by the *politarchai* in Acts, nor of the fate of Paul’s companions. The first time he could have been charged before a court and risked formal detention under the law, the apostle evaded judgment.

By contrast, the speech that Paul delivered before the Areopagus in Athens most likely took place during a preliminary investigation (17.18-33). As a matter of fact, the Areopagus kept its judicial powers during the imperial period – in particular in the field of criminal law – and on a far broader scale than in most other cities, since Athens was a *civitas libera* and thus, in theory, not subject to the governor of the Roman province of Achaia; the court was entitled, for example, to pronounce death penalties against Athenian citizens (Fournier 2010: 137-57, 495-500). The words used to describe how Paul was physically apprehended to be brought before the Areopagus (ἐπιλαβόμενοι τε αὐτοῦ ἐπὶ τὸν Ἄρειον πάγον ἠγαγον, 17.19a) and the reason put forward by the philosophers for his apprehension – namely the assumption that the apostle was trying to introduce new deities to Athens, which at least during the Classical and Hellenistic periods was punished as a crime of impiety11 – suggest that the case was referred to the Areopagus in its capacity as a court (17.18-19). Technically speaking, Paul’s speech was the answer to the question of the philosophers about the nature of his teaching in the context of a hearing before the Areopagus. In the end, however, the investigation did not go further, and apparently a proper criminal procedure was not launched on this occasion. Even if some members of the Areopagus nonchalantly told Paul they would hear him once again at a later date, the apostle was free to go away

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11. Socrates’ conviction for his teaching evidently served as a model for the whole passage – see Jipp 2012.
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and was not detained further (17.32–18.1). Paul’s first (and last) appearance before the Areopagus did not result in a formal accusation.

Lastly, Jewish inhabitants of the Roman colony of Corinth, taking advantage of the proximity of the governor of Achaia, whose permanent headquarters stood in the city, brought Paul before the proconsul’s court straightaway, where they accused him of ‘persuading people to worship God in ways that are contrary to the law’ (18.12-16). The governor, however, refused to address the issue and to receive the Jews’ complaint, arguing that no offence was committed under the ordinary (Roman) law. Considering that the accusation was rather about the interpretation of Jewish law, the proconsul declared that he was unable to deal with the complaint and referred the plaintiffs to the jurisdictional privileges possessed by Jewish communities in the Roman Empire with regard to their religion (Giovannini and Grzybek 2018). Since according to the governor there were no legal grounds to launch a procedure and have a hearing, the plaintiffs were dismissed, and the apostle was released. Paul continued to stay freely in Corinth afterwards (18.18).

Contrary to the events in Philippi or Corinth, a formal criminal procedure was launched against Paul in Judea (Tajra 1989; Omerzu 2002; Mandas 2017). The situation began, however, with simple law enforcement measures, as in Philippi: Claudius Lysias, the commander of the Roman garrison in Jerusalem, intervened to stop a Jewish uprising against Paul (21.27-32). Roman troops that were not stationed on the external borders of the Empire, but within the provinces and even in cities such as Jerusalem, were typically entrusted with law enforcement tasks and police operations of this kind, helping governors fulfill the tasks assigned to them by the emperor with regard to public security (Brélaz 2005: 231-84; Jördens 2011; Fuhrmann 2012). The commander arrested and chained Paul and was about to question him, but was prevented from doing so because of the confusion and the hostility of the Jews. Eventually, Lysias decided to transfer Paul to the military barracks to question him, convinced that he was the Egyptian leader of a group of brigands who were plaguing the region (21.33-40). Paul’s detention in Jerusalem was not a punishment, legally speaking, but the result of a provisional arrest. While in custody, Lysias had Paul flogged to learn more about his deeds and why the Jews were opposed to him (22.24-29). He also arranged meetings with the Jews – including before the Sanhedrin – so that each party had the opportunity to state their position (21.39–22.23; 22.30–23.10). All this was part of a preliminary investigation and constituted typical law enforcement in the pre-trial stages of a criminal procedure. In accordance with what we know from legal sources to be the requirements of Roman criminal procedure,12 the commander then transferred Paul to the governor in Caesarea with an escort,

12. Marcian (2 de iud. publ.), Dig. 48.3.6. See Brélaz 2011.
submitting a report about the preliminary examination of the suspect and a reasoned opinion about his guilt or, in this case, his innocence, since, much like the proconsul in Corinth, the commander held that Paul did not commit any crime and had been accused only under Jewish law (23.23-33).

From this time on, the governor of Judea himself, Felix, began to inquire into the case. The first examination of Paul was very brief since the governor wanted to wait for the plaintiffs to come to Caesarea before holding the hearing (23.33-35). A formal charge was then laid against Paul before the governor by the Jewish high priest Ananias for igniting tensions between the Jews and for desecrating the Temple (24.1-9). At this stage, Felix’s intention was to ask Lysias, who had arrested Paul in Jerusalem, to come to Caesarea to hear the case (24.22). Once again, this is perfectly consistent with what we know of the regular criminal procedure: governors acting as judges frequently asked law enforcement agents (local police officials or, as in this case, Roman soldiers or officers), who were responsible for the arrest of suspects and for the preliminary investigation (interrogatio), to show up during the hearing (cognitio) in order to compare the statement of the accused with the report (elogium) these officials had sent to the governor.13 Throughout this process, Paul was detained on remand in the governor’s headquarters in Caesarea.14 In the end, however, Felix did not hear the case, leaving Paul imprisoned for two years until his successor Festus entered in office (24.27). The charge was re-established by the Jews with the new governor, who held a hearing in the presence of the plaintiffs (25.1-12).15 Although Festus – like the officer Lysias before him – determined that Paul’s actions did not breach (Roman) law (25.25-27; cf. 26.30-32), the very fact that the apostle appealed to the emperor’s court in order to deny the ability of the Sanhedrin to judge him (the solution put forward by Festus) interrupted the process of the governor’s jurisdiction. Precisely for procedural reasons, Paul was then transferred to Rome (25.12, 21; 26.32).

In neither of the two instances in Acts depicting Paul’s imprisonment did the assumed possession of Roman citizenship by the apostle play any role in favor of his final release or acquittal. In Philippi, the duumviri had already ordered the release of Paul and Silas before their police officers told them that the latter were Roman citizens (16.35-39). The officials were scared in retrospect not because they had arrested a Roman citizen, which they were allowed to do, but because

13. Marcian (2 de iud. publ.), Dig. 48.3.6.
14. See below n. 21.
15. The procedure followed by the governor was once again exposed in detail by Festus himself to King Agrippa (25.14-21). Technically speaking, the hearing of Paul before King Agrippa was still considered a part of the investigation by Festus (25.22-27), although the apostle had already exercised his right of appeal. For the term ἀνάκρισις meaning ‘investigation’, see Marcian (2 de iud. publ.), Dig. 48.3.6.
they had him whipped and put in jail without charges and without any legal procedure (16.37-38: ἀκατακρίτους). Indeed, the duumviri did not even hear Paul or attempt to verify the accusations of the soothsayer’s masters, and they instantly decided to have him beaten. In exactly the same manner, the Roman commander in Jerusalem was afraid of the potential implications of what he had done, namely that he had a Roman citizen whipped and imprisoned without charges (22.24-29: ἀκατάκριτον). Lysias’s reaction, once he learned that Paul had Roman citizenship, was to hold a preliminary hearing before the Sanhedrin, in the presence of Paul’s accusers, in order to determine whether or not there were grounds to launch a criminal procedure against him (22.30). Given the Jews’ continued hostility and physical threats against Paul, and because they accused him of breaching their law, Lysias eventually decided to transfer the case to the governor (23.10; 23.23-33). Paul’s Roman citizenship, however, did not allow him to speed up the procedure. As a matter of fact, the possession of Roman citizenship in the Eastern provinces of the Empire during the first and second centuries CE did not imply that the holder was a member of the local elite and enjoyed judicial privileges in this regard – apart from the possibility, used by Paul, to escape local (in this case Jewish) jurisdiction and to appeal to the emperor’s court (Ando and Lavan forthcoming). At no point did the Roman officials mention his Roman citizenship to argue for his innocence. The governor Felix left Paul in detention on remand in Caesarea for two years without holding a trial (24.27). In Rome, too, Paul remained under house arrest for two years waiting for the trial (28.30). Although Paul was granted by the governor Festus the request to appear before the emperor and although the conditions Paul experienced in detention were lessened during these four years awaiting trial (first in Judea, then in Rome) – the apostle having the opportunity to keep contacts with his friends, to receive visitors and eventually to stay in a private house under military guard – the fact that the apostle remained in custody without trial for so long is an illustration of the structural dysfunction of the Roman judicial apparatus at both levels, provincial

16. The information that Paul was ‘released’ by Lysias (22.30) is only meant to emphasize that the commander, once he learned that he was a Roman citizen, certainly ordered to stop Paul’s illegal coercion and torture. Paul, however, was not free to go: all of his subsequent movements – appearance before the Sanhedrin (22.30), custody in the barracks (23.10), transfer to Caesarea (23.23-33) – were the results of Lysias’s decisions and were made under military escort. Lysias’s claim in his letter to Felix (23.27) that he decided to remove Paul from the raging crowd as soon as he knew that he was a Roman citizen is false and was an attempt by Lysias to prevent any blame from the governor for arresting (and abusing) a Roman citizen without due process.

17. Throughout the investigation by Festus, Paul was kept in prison (26.29). He was transferred to Rome under military escort as a prisoner (27.1).

18. Acts 24.23; 28.16-17, 23, 30-31. See also Acts 27.3 during a stop in Sidon on the way to Rome.
and imperial, and of the deep social inequalities which were typical of the administration of justice in the Roman Empire. As time went on, the distinction between those who possessed Roman citizenship and those who did not, which was prevalent in the Republican period, was replaced by a distinction between upper-class and lower-class people. This distinction was formalized in Roman criminal law during the second century CE where two different categories – the honestiores and the humiliores – were now used in the determination and the enforcement of sentences (Aubert 2002). Belonging to the honestiores depended on wealth, reputation and the ability to be a participant in the councils of local communities, regardless of the possession of Roman citizenship, and usually meant lighter punishments compared to what could be inflicted on humiliores. Even though there is no clue in Acts about the outcome of Paul’s trial in Rome, we can hardly argue in the light of how he was treated by the Roman provincial administration in Judea that the apostle was considered part of the upper class of Roman society.19

2. A Detainee in the praetorium (Philippians 1.13): The Legal Implications of Paul’s Presence in a Governor’s Headquarters

The beginning of Philippians is the only instance in Paul’s letters where a reference to the apostle’s experience of imprisonment can be related to a specific place, in this case ‘the praetorium’ (Phil. 1.7, 12-14). Even though Paul does not explicitly state that he was imprisoned in the praetorium, we can confidently assume that his statement that the reason for his imprisonment was obvious to anyone ‘throughout the praetorium’ (ἐν ὅλῳ τῷ πραιτωρίῳ), as anywhere else, implies that he was detained in this very place. Prior to the influential interpretation of J.B. Lightfoot, discussed in contributions to this issue by Michael Flexsenhar (2021) and Heike Omerzu (2021), New Testament scholarship for a long time considered that by the praetorium Paul meant the Castra Praetoria, that is, the barracks of the imperial (named ‘praetorian’) guard in Rome, and that this demonstrated that Philippians was written by the apostle during his custody in the Empire’s capital (Flexsenhar 2019b: 21-24). However, although the Greek transliteration πραιτώριον, much like praetorium in Latin sources, can be used in the singular to refer to the institution of the praetorian guard as a whole, it was not used as a name for the Castra Praetoria.20 Moreover, the word praetorium/

19. Cf. Schellenberg 2018. For a slightly different reconstruction of Paul’s social status, see Chapa 2015.
20. Durry 1938; Ricci 2018. In its attempt to argue that Paul was detained in the Castra Praetoria, the Western text’s expansion in Acts 28.16, with the mention of Paul’s transfer to the στρατοπεδάρχης, is inaccurate, since that title was the Greek equivalent for praefectus castrorum (a category of officers active in military camps not related to the praetorian guard), not for praefectus praetorio, the commander of the guard.
πραιτώριον had other meanings as well. In its original meaning, it denoted the headquarters of a praetor. From there, the word came to mean the headquarters of the senior officer in a military camp (Schmidt Heidenreich 2013: 105-12), the headquarters of the governors in the provinces (Haensch 1997: 374-77) and, by extension, any official building, including inns along main roads or within cities which were used by soldiers and imperial officials and were maintained by imperial power or local communities (Kolb 2016). While military camps did also include prisons, and while it is perfectly conceivable that the soldiers escorting Paul and his fellow prisoners stayed in inns called praetoria/πραιτώρια during their stopovers on the sea journey from Caesarea to Puteoli in Italy (if the itinerary of Acts is reliable on this point), the most probable place for the apostle to have been ‘in chains’ is the headquarters of a governor. This interpretation of the word πραιτώριον in Phil. 1.13 is supported by the other instances of the same word in the New Testament, which all refer to the headquarters of the governor of Judea (in Caesarea as well as in Jerusalem).21

In theory this praetorium could have been located in any of the cities used as permanent headquarters by a Roman governor in the various provinces Paul visited according to Acts. One could mention Syrian Antioch, Paphos (Cyprus), Thessalonica (Macedonia), Corinth (Achaia), Ephesus (Asia), Patara (Lycia), Caesarea (Judaea) and probably also Ancyra in Galatia, even if Acts does not explicitly mention the apostle visiting this city (Haensch 1997). On the other hand, the use of the word πραιτώριον in the gospels to refer to the official building used by the governor of Judea himself during his stays in Jerusalem (Mt. 27.27; Mk 15.16; Jn 18.28, 33; 19.9), even though his permanent headquarters were in Caesarea, shows that πραιτώρια attached to the Roman provincial administration could be located in cities other than those usually considered provincial capitals. Among the various possibilities listed above, a consensus has lately emerged within New Testament scholarship – among other reasons, to establish chronological consistency between Paul’s letters and his various journeys and deeds narrated in Acts – that the πραιτώριον where Paul wrote Philippians should be located in Ephesus (Omerzu 2015; but see too Campbell 2021, who, in his response to the articles in this issue, makes a significant case for Corinth).

The reasons and context for Paul’s detention in a governor’s headquarters can be reconstituted with a reasonable degree of probability in light of the other episodes in Acts where Paul faced mob violence, law enforcement measures or criminal procedures, as discussed above. The scenario must have been the same as other cases where the apostle was brought before officials, like in Pisidian Antioch, Philippi, Thessalonica or Athens. An angry mob of ‘pagans’ (as in

21. Caesarea: Acts 23.35 (ἐν τῷ πραιτώριῳ τοῦ Ἡρώδου – see Taylor 2017). Jerusalem: Mt. 27.27; Mk 15.16; Jn 18.28, 33; 19.9. On the contrary, the military barracks used by the Roman garrison in Jerusalem are called παρεμβολή: Acts 21.34, 37; 22.24; 23.10, 16, 32.
Philippi) or Jews, or a mix of both populations (as in Pisidian Antioch or Thessalonica), presumably apprehended Paul and brought him before the authorities, blaming him for disrupting public order. While most other imprisonments experienced by Paul and incidentally mentioned in his letters must have been temporary detentions following law enforcement operations, as in Philippi, the lasting presence of Paul in the praetorium, which is implied by the apostle’s depiction of his connection with people within the governor’s headquarters, suggests that he was at that time under investigation by Roman provincial administration.22

The fact that the apostle was detained in a governor’s headquarters suggests that his accusers had direct access to the provincial administration, as in Corinth, where the Jews brought Paul before the governor’s court straightaway, apparently without referring the matter to the local officials of the Roman colony beforehand. This might be seen as another piece of evidence in favor of Ephesus as the place where Paul was held in custody in a praetorium. As the secretary of the people reminded the crowd in Acts 19.38, Ephesians had the proconsul on hand, and so it was easier for Ephesians to lodge a complaint before the governor’s court than, say, for individuals coming from a small city in the inner part of the province of Asia, who would have had to travel to the nearest assize center in the hope of meeting the governor during his judicial tour. Epigraphic evidence does indeed suggest that the city of Ephesus took advantage of the presence of the permanent headquarters of the proconsul of Asia to access the governor’s arbitration directly, and to request confirmations and privileges from him more frequently.23 One should note, however, that hosting the seat of the provincial administration did not necessarily mean for a city that every single complaint emanating from a private individual was directly lodged before the governor’s court, as we can see in the case of Paul’s accusation in Thessalonica, where his opponents, unlike in Corinth, applied to the local officials rather than to the court of the proconsul of Macedonia, though he had his headquarters in the city (Acts 17.5-9). The involvement of the governor depended on how serious the offence was, given that imperial power constantly tried to limit access to provincial justice to those cases that exceeded the jurisdiction of civic courts (Fournier 2010: 503-91) and depended also, in practical terms, on his availability: as was rightly pointed out by the secretary in Ephesus, the governor’s jurisdiction was open for the specific duration of the assizes only (Acts 19.38). Therefore, an alternative scenario for the context of Paul’s detention in a praetorium would be that the apostle was first arrested by local officials in a provincial city and was transferred

22. See also Schellenberg 2018. The people described as ‘those of Caesar’s household’ in Phil. 4.22 most probably were staff members of the Roman provincial administration active in the praetorium where Paul was detained. See Flexsenhar 2019a: 27-44.
23. Brélaz 2007. However, the proximity of the governor could also prove to be a threat to the Ephesians in case an uprising breaks out, as pointed out by the secretary (Acts 19.40).
to the governor’s headquarters in a second phase only, to continue the criminal proceedings. By transferring Paul, local officials would have been following the typical procedure and acting in the same way as the commander Lysias in Jerusalem who sent Paul to the governor in Caesarea: officials responsible for law enforcement in local communities of the Empire, just like Roman soldiers, were entitled to undertake law enforcement measures (such as arresting offenders and suspects and detaining them on remand) and to carry out a preliminary investigation, but were then expected to transfer the case to the governor’s court as soon as it became clear that the suspect might have committed offences which exceeded their judicial authority (Brélaz 2005: 108-14, 271-75; Fournier 2010: 368-94).

In the case of Paul’s detention in the praetorium, the charges launched against him seem to have been quite serious, if the apostle’s assumption that he might have been risking death (Phil. 1.20-21; 2.17) accurately reflected his situation. Among the various charges launched by ‘pagan’ and/or Jewish accusers against Paul (or his fellow believers) during his missions through Asia Minor and Greece, the accusation that was most serious and most likely to have led to a criminal procedure before Roman jurisdiction was the charge laid by the Jews before the local officials in Thessalonica that Paul’s companions were acting against the emperor’s laws by acknowledging the rule of another king, namely Jesus, and that they were thus promoting subversion against Roman rule (Acts 17.5-9). For that reason, the officials requested a bond in exchange for the release of the suspects on bail. Given the seriousness of the charge – rebellion against the emperor was an offence which was explicitly punishable by Roman criminal law – had Paul and Silas not escaped, the next stage of the procedure would probably have been for the politarchai to transfer them to the governor’s court, which, as we have seen, stood in the same city. In this context, transfer to Roman jurisdiction would have been required anyway on account of Paul’s possession of Roman citizenship, provided that the apostle would have invoked this status and privilege, since local communities in the provinces, including free cities such as Thessalonica, were not allowed to impose a death penalty on Roman citizens and since Roman citizens were able to choose Roman jurisdiction over local courts for any matter. In the case of the detention to which Paul refers at the beginning of Philippians, it seems probable that opponents of the apostle coming from competing Christ-groups within the local Jewish community of the city where Paul wrote his letter were responsible for the accusations against him and his subsequent arrest (Phil 1.15-17, 27-30).

In any case, if we accept the mainstream view of where Paul wrote Philippians, the occasion for his imprisonment in Ephesus must have been different from the event narrated in Acts 19.29-40 since, according to its author, the Ephesian silversmiths never launched a formal complaint against Paul, as they were invited to do by the secretary of the people, and Paul was not arrested by the local officials, but was free to go. In the context of Phil. 1.13, just as later in Caesarea,
Paul was probably detained on remand in the praetorium, pending trial, for the period which the governor required for his investigation.24 The fact that Paul was obviously released after his detention suggests either that he was acquitted after the trial or, even more likely, that after examining the evidence the governor determined that there were no legal grounds to hold a trial against him. This was the reason why the proconsul of Achaia dismissed Paul’s accusers in Corinth, arguing that he did not have the authority to render judgment over a situation that he considered to fall under Jewish law (Acts 18.12-16). This would also be the outcome of the preliminary investigation of the officer Lysias in Jerusalem (Acts 23.29), as well as of the hearings conducted by the governor Festus in Caesarea, who would have been ready to release Paul had the apostle not appealed to the emperor’s court (Acts 26.31-32). Even if we consider that the charge that led to Paul’s imprisonment in the praetorium was as serious as subversion against Roman rule, we have to admit that the governor did not accept it as valid. By claiming that the reason for his detention – namely, his devotion to Christ – was known to everyone in the praetorium and anywhere else (Phil. 1.12-14), Paul strengthened his argument that, as a believer in Christ, he was innocent in the eyes of Roman law and suggested that he was confident that the charges launched against him would not withstand scrutiny.

3. Rewriting Paul’s Imprisonments and the Agenda of the Author of Acts

The reference by Paul to detention in a praetorium in Phil. 1.13 as part of a preliminary investigation conducted by the office of a Roman governor provides unequivocal proof that the apostle experienced other imprisonments than the only two jailing episodes described in Acts. Why would the author of Acts have omitted such an important event implying a direct confrontation between the apostle and Roman power? How can we account for the discrepancies between Paul’s letters and the narrative of Acts with regard to the apostle’s imprisonments?

Where Acts misaligns with the epistles on the matter of imprisonment, the main goal of its author was to demonstrate Paul’s innocence in the eyes of both the Roman and the Jewish laws through his narrative. The apostle explicitly proclaimed his innocence in this regard before both his Jewish accusers and the governor Festus (Acts 25.8).25 This focus explains why the author of Acts puts

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24. For the praetorium as venue of investigations and trials in later martyrological literature, see Aubert 2010.
25. See also Acts 28.17-18, where Paul, in his speech to the Jewish leaders in Rome, offers a slightly different reconstruction of the process: he would have been arrested in Jerusalem by the Jews and handed over by them to the Romans (see also 21.10-11); moreover, he would have appealed to the emperor because the Jews would have opposed the decision by the Romans to release him. This reconstruction was intended to increase the Jews’ responsibility in the arrest and prosecution of Paul.
such a great emphasis on how Paul was treated during his various stops on his journeys through Asia Minor and Greece. His description of recurrent episodes of mob violence in most of the cities the apostle visited – sometimes because of ‘pagans’ alone (as in Philippi and Ephesus), but mainly because of Jews who did not accept his preaching (as in Pisidian Antioch, Iconium, Lystra, Thessalonica, Corinth) – was intended to show that Paul had to endure arbitrary reactions from local populations and opposition entirely lacking in legal grounds. Moreover, the fundamental structure of the narrative of Acts as a whole is Paul’s movement towards Rome in accordance with his expressed intention, which he announced in Acts 19.21 and was later affirmed as the fulfilment of a divine order (23.11; 27.23-24). Paul consciously decided to go to Rome to accomplish the mission which was assigned to him by God, to give ‘testimony’ of the gospel and of his faith and eventually to suffer like the Lord.26 Here, legal argumentation plays a crucial role in the author’s agenda, which is why he pays such close attention to criminal procedure and describes it so plausibly, in particular throughout the last eight chapters, from Paul’s arrest in Jerusalem to his transfer to Rome. Even if the apostle could have been released on the grounds that the governor Festus did not consider any of the charges launched against him by the Jews to be valid, Paul’s appeal to the emperor’s court as a Roman citizen made his transfer to Rome unavoidable for procedural reasons (Acts 26.32). Paul’s appeal was a way for him to both deny the Sanhedrin any legitimacy in trying him under Jewish law and also to plead his innocence in the eyes of Roman law in the heart of the Empire, before the emperor himself. The apostle’s transfer to Rome is thus justified in Acts on both theological and legal bases.

In order to fulfill this agenda, some of the other instances where Paul was imprisoned but which did not fit the pattern of the narrative seem to have been deliberately overlooked by the author of Acts.27 Paul’s imprisonments in Acts were presented as an informal law enforcement measure in Philippi and as part of a preliminary investigation within a criminal procedure in Judea. In this context, there was no narrative need for another jailing episode in a governor’s

26. The vocabulary of martyrdom in the etymological sense of witnessing is recurrent throughout Acts. See, e.g., Acts 1.8; 1.22; 2.32; 3.15; 4.33; 5.32; 8.25; 10.39-43; 13.31; 20.21; 22.14-20; 23.11; 26.16-22; 28.23. For discussion, see Bowersock 1995; Fuhrmann and Grundmann 2012.

27. What I am suggesting here is that the author of Acts’ primary intention was not to provide a historical transcript of Paul’s missions by thoroughly depicting all of his deeds, but rather to issue a sort of manifesto exonerating Paul under Roman law. This implied a selection of the many adventures experienced by Paul (if the author of Acts was even aware of all of them) and a good share of reconstruction of the facts, hence some discrepancies between the epistles and Acts, in this case the jailing episodes. To what extent the narrative of Acts is accurate with regard to Paul’s activity is still a major issue of contention in current scholarship, as is clear from the different positions articulated by the contributors to this issue.
headquarters. A description of Paul being detained on remand might have seemed repetitive alongside the later story of Paul’s arrest in Jerusalem and might even have spoiled the whole judicial sequence in Judea – given that, after his detention in the praetorium, Paul was in all likelihood released without a conviction. This is especially likely given that a specific episode in the narrative was assigned the iconic function of proving Paul’s innocence under Roman law (which would later be restated by the officer Lysias and by the governor Festus (23.29; 25.25; 26.31)): in Corinth the proconsul Gallio decided not to hold a trial on the grounds that valid charges against Paul were lacking (18.14-16). In this regard, the Philippi episode was also among the key moments selected by the author of Acts to show Paul’s innocence in the eyes of Roman law, and more specifically to demonstrate the illegality of the power exerted by Roman authorities against the apostle. Probably for this reason, the status of Philippi as a Roman colony is mentioned at the very beginning of the episode (Acts 16.12), whereas none of the many other Roman colonies visited by Paul in Asia Minor and Greece is explicitly labelled as such in Acts (Brélaz 2017). By making it clear from the very beginning that the apostle is in a Roman context in the colony of Philippi, the author of Acts makes the violence used by local officials against Paul even more obvious and outrageous: the duumviri of the colony, who were Roman citizens themselves, were not supposed to beat and jail one of their fellow-citizens without any formal procedure. This denunciation of arbitrary treatment in the Philippi episode foreshadows similar events in Jerusalem. It is no coincidence that the same expression ἀκατάκριτος (‘without any charge’) appears in both instances to characterize how Paul was treated, and in close proximity to the apostle’s invocation of Roman citizenship (16.37; 22.25). Through these examples, the author of Acts suggests that, far from breaching the Roman law, Paul was himself a victim of misconduct and abuses from the representatives of Roman power: the officials of a Roman colony in Philippi and an officer of the Roman army in Jerusalem. The author uses the same strategy to undermine the Sanhedrin’s judicial authority when the high priest orders that Paul be slapped, and the apostle replies that, in using violence within the Sanhedrin while he was supposed to judge ‘according to the (Jewish) law’ (κατὰ τὸν νόμον), Ananias was himself acting ‘in violation of the law’ (παρανομῶν: Acts 23.2-3).

28. If one accepts the view argued by Douglas Campbell (2014: 122-54; 2021) that Philippians was written by Paul during his stay at Corinth (rather than in Ephesus), one would have to admit that the apostle’s detention in the praetorium in this city pending hearing by the governor was deliberately omitted in the narrative of Acts in order to emphasize that the charges laid against him were unfounded.

29. The Greek technical equivalent (ὁ στρατηγὸς) of the title of their office is deliberately used in Acts 16.20-22, 35-38.
This focus on legal issues – which, for the long judicial sequence in Judea, might imply the author’s use of trial transcripts or at least of accounts produced by the various local Christ-groups (Weiss 2013) – and these critiques of the infringement of criminal procedure by local and Roman officials are typical of Christian apologists of the second and third centuries (Bryen 2014). The *Martyrdom of Pionios*, for instance, includes a scene, very similar to the episodes in Acts discussed in this article, where the ability of the civic officials of Smyrna to conduct a preliminary investigation was challenged by Pionios, who required the intervention of the provincial governor of Asia as part of a formal criminal procedure.30 Moreover, it is commonly assumed that the writers of the *Martyrdom of Polycarp* and of the *Passion of Perpetua and Felicity* had access to minutes of the proceedings of their hearings and trials, or to the martyrs’ own memoirs written just before their execution (Musurillo 1972; Bremmer and Formisano 2012; Zwierlein 2014). In this regard, the narrative of the Acts of the Apostles can be considered a model for later apologetics. A similar emphasis on the judicial context can also be seen in the earliest documents of the *Acta Alexandrinorum*, which might date back to the mid-first century CE, although strictly speaking the legal argumentation plays a marginal role in this propagandist literature, unlike in Acts (Harker 2008; Vega Navarrete 2017).

The considerable attention paid by the author of Acts to the legal demonstration of Paul’s innocence might be seen as a further argument in support of the view that Acts was written at a rather late date, between the very end of the first century and the early second century (Brélaz 2019). It is of course not my intention here to address all the aspects of this vexed and very sensitive question, about which there still is no consensus among New Testament scholars. I would like to suggest only that the agenda of the author of Acts in his struggle to exonerate the apostle and his first followers from the charge that they had breached Roman law seems to fit the context of the very late first and early second centuries particularly well. In a provocative paper, Brent Shaw has recently argued that the common view according to which Christ-groups suffered persecution as early as the reign of Nero was the result of a later tradition, and that Christians probably were not being investigated by Roman power before the beginning of the second century.31 By contrast, Pliny’s famous letter to the Emperor Trajan indisputably shows that, by that time at the latest, Christians had been explicitly identified as a group potentially subverting the political and social order of the Empire by their refusal to worship the emperor and that they could be accused for that reason of lese-majesty (Pliny, *Ep.* 10.96-97). Moreover, Tacitus (*Ann.* 15.44) and Suetonius’s (*Ner.* 16.2) references to disdain for a specific social

30. Robert, Bowersock and Jones 1994: ch. 15.
31. Shaw 2015. For a rebuttal of this theory, see Jones 2017, and for Shaw’s subsequent response to Jones, see Shaw 2018.
group known as ‘Christians’ in Neronian Rome would, according to Shaw, be based on knowledge about and elite attitudes toward Christ-groups from the early second century when these authors wrote, possibly information gleaned from Pliny’s own account. If he is correct, what the author of Acts relates of the charges against Christ-groups might be read as a response to the same climate of rising concern about Christian conduct and thought among Rome’s governing elite. In particular, the reference in Acts 17.6-7 to the charge that was reportedly launched by the Jews before the local officials in Thessalonica, that Paul and his followers were ‘acting contrary to the decrees of Caesar, saying that there is another king named Jesus’, as well as the explicit assertion by Paul that he had ‘in no way committed an offence against the law of the Jews, or against the Temple, or against the emperor’ (Acts 25.8), might be seen as direct answers to these concerns and to the risks experienced by Christians at the beginning of the second century. In a context of increasing distrust of Roman authorities towards Christians, the author of Acts would have found it necessary to demonstrate their innocence from the very beginning of the diffusion of the gospel, starting with the apostle Paul himself, hence the numerous law enforcement and judicial episodes in Acts which provide frequent opportunities to emphasize the arbitrary treatment of the apostle, including sometimes by local and Roman officials, and to have his innocence acknowledged by local officials (as in Ephesus) and by Roman governors themselves (as in Corinth and Caesarea).

The puzzling end of Acts should probably also be understood along the same lines. Based on Acts’ explicit statement in 28.30 that the duration of Paul’s custody in Rome was two years, we can infer that the author was well aware of the outcome of the apostle’s detention on remand, pending trial before the emperor, but deliberately decided not to disclose it in the narrative. Instead of admitting that, in contradiction of what had been suggested throughout Acts regarding Paul’s innocence and of the reported view of the governor of Judea, the apostle was presumably found guilty of disturbing public order on this occasion – and, it follows, that he was eventually convicted by the emperor’s court and put to death, or exiled (Santalucia 2015), all things that are elaborated and described in later tradition and apocryphal literature – the author preferred to finish his narrative with the picture of Paul continuing to preach in the capital of the Empire until his very final days. In this context, the author’s emphasis on the apostle’s relative freedom of action and speech during his house arrest strengthens his claim that Paul was innocent and that no imprisonment could stop him from spreading the gospel. In contrast with Paul’s actual situation as a prisoner in Rome, the very last words of Acts offer a challenge to the detention that he likely endured: the apostle kept ‘proclaiming the kingdom of God and teaching about

32. See Shaw 2015: 90-91.
the Lord Jesus Christ with all boldness and without hindrance’ (μετὰ πάσης παρρησίας ἀκωλύτως: Acts 28.31; cf. Phil. 1.20).

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