

Paul – A Legal Case Study (Pt 1)

Some lawyers do tax work, others concentrate on immigration or wills and trusts. Some negotiate business deals, or write contracts. Not me. For almost 35 years, my legal practice has focused on cases in the court houses. I handle matters that end up in court.

While most of my work is civil litigation, helping those involved in a civil dispute, I have also had to deal with criminal matters in the courts. I work in an arena rife with disputes and dangers, including criminal cases, as well as civil cases with criminal overtones.

Even longer than I have been a lawyer, I have spent time with the Christian rabbi and apostle Paul. For four decades, I have translated Paul's writings, studying his life and teachings. Only recently, however, when my friend Weston wrote me about starting a study of Paul from the time of Paul's arrest in Jerusalem, did I begin to consider Paul in a fresh way.

Starting with the arrest, I began studying Paul under a different lens. I wanted to see him through my lawyer's glasses. I wondered what it might have been like if I found myself in the first century with Paul seeking my legal counsel after his arrest. I decided to study and write on Paul from that perspective, convinced that seeing Paul through a different lens, might inform and move people in a fresh way.

While there is a great world of "historical fiction," including some based on alternate histories (a la Harry Turtledove), that is not my goal here. I have no interest in writing this as a fictional drama based on real events. Rather, my goal is to restrict myself to the record (to use lawyer vernacular) focusing on real historical data and the facts as we know them. I want to do that, however, in ways that are structured around legal analyses and my workup of a legal case.

Join me on this journey, and see if you don't find something new to respect and appreciate from the life and teachings of Paul as we take up his defense. Be part of my legal team. I may even give you assignments! At least, I will tell you what assignments I would give my associates and legal assistants.

Some of you may recoil thinking, "I don't like Paul -- he's a chauvinist" or some similar concern. No matter! Join me anyway! Every client deserves a lawyer. Be willing to get to know Paul, and give him zealous representation. We don't pick our clients based on whether or not we like them. Others of you may want to reject this book and read no further because you think, "I don't like the Bible or Bible stuff. It just doesn't interest me." Fair enough, but humor me for a few chapters. Most everyone likes a legal thriller. Courtroom dramas are often hits on television, and you might find this interesting anyway...

Chapter 1

A Lawyer Takes Up a New Case

I got a call from a prominent lawyer. He needed my professional help. My potential client (we will call him “Jim”) had been arrested for driving while under the influence of alcohol. The facts were relayed to me over the telephone.

Jim explained to me that he was pulled over for driving the wrong way down the street. I was a bit unclear on his explanation, so I asked him whether he meant he was driving down a one-way street going the wrong way? Or was he driving in the opposing lane? He answered, “Neither,” and proceeded to explain that he had pulled out of the underground parking garage of his office (in one of Houston’s downtown skyscrapers) and proceeded to drive down the block on the sidewalk, rather than the street.

This was not looking good.

After clarifying that I heard him right, I asked him to continue. He told me a police officer pulled him over. (I wondered to myself how much more “over” you could get when you were already on the sidewalk!). The officer asked Jim to get out of the car and take a breathalyzer test. This involves breathing into a tube and a machine determines the blood alcohol level. Jim refused. The officer then put Jim through a “field sobriety test.” This involves things like closing your eyes and bringing your index finger to your nose while standing on one foot. Walking on a line is another feature of the exam.

The officer videoed Jim as he tried to pass the field sobriety test. Once Jim failed it, the officer arrested Jim for driving under the influence and carted him off to jail.

My approach in Jim’s case was textbook. We are taught in law school how to handle these things. I started by asking Jim about his history. I wanted to know his driving record. Had he been arrested before? Did he have a history of alcohol or substance abuse? Where was he going? Why? What had he been doing before he got in the car? What about before that? Before that? Did he have anyone with him? Were there any witnesses to his activities in the hours leading up to the arrest? I needed to know about Jim’s health and whether it could at all be relevant.

I also needed to know all I could about the actual events. I wanted to see the video tape. I wanted any possible witness statements. I wanted to see the arrest record, and read how the police officer wrote up the events.

Jim filled me in and in the process, I learned his defense. Jim was a diabetic. He told me that he had nothing to drink in the hours leading up to the events in question. He had some witnesses, but not enough to account for his every moment. Jim said that he was

having a diabetic episode and the events were explained by low blood sugar levels and his resulting mental confusion.

I took the films to a well-known diabetes doctor and asked him for his opinion. The doctor said it was possible that low blood sugar was the cause, but he was suspicious about it. To all appearances, it seemed that Jim was well over the limit for intoxication.

I sat with Jim and told him the options. First, we could plea bargain. We could make our best case to the prosecuting attorney and perhaps get Jim a “deal,” minimizing the penalty and putting the case behind him. A second option was to fight. This might allow a better plea bargain later, it might end up in a dismissal, or it might end up with Jim doing time. This was a serious matter and Jim needed to carefully weigh his personal conviction about his sobriety, lest he wind up with a conviction in a different sense of the word!

My approach in Jim’s case is typical. When a new client comes in, you hear the story or events. You then find out all you can about the client. You listen to the client’s story behind the story. You analyze the facts, check for witnesses or other evidence, and then you assess what you have, weighing it against the law. Only then can you apprise your client of what course of actions are available. This also enables you to give your best counsel about what your client should do. The final choice, however, is always up to the client.

I want to use this approach with Paul. The initial story we can read in the “write up” of Paul’s arrest. It is found in the New Testament book of Acts, chapters 21 through 23. The events unfolded in Jerusalem, the Jewish capital city, and the location was the Jewish temple. The year was likely 57AD, nine years before the beginning of the first Jewish/Roman war.

The Events Surrounding the Arrest

Paul had arrived in Jerusalem just a few days prior to the arrest. He was bringing money to the Christians in Jerusalem. Paul had collected the money from various Gentile churches around the Mediterranean, and the arduous task of carrying such valuables safely could not have been easy. With no banks, no wire transfers, limited currency, and no ability to write checks (much less debit cards), the holding and moving of funds was extremely treacherous.

Paul made it safely with the money, arriving in Jerusalem. During this time, the Jewish temple served as a banking repository for such valuables. An important voice to this is the first-century Jewish historian Josephus (37AD – after 100). We know from the writings of Josephus, as well as the discovery of the “copper scroll” among the caves around the Dead Sea, that the temple was almost the equivalent of a Swiss bank today. It

housed valuables for all sorts of people and organizations. The copper scroll gives an inventory of riches that were secreted from the temple and hidden in the desert when it seemed the temple might be overrun by Rome. This was during the Jewish uprising against Rome in 66-73AD.

The Jews hid a massive amount of temple treasures, but plenty of booty was still left behind. The Romans grabbed it as they dismantled the temple almost stone by stone searching for every last cent. A triumphal arch was built in Rome celebrating the victory, and one can still see in the relief carved, the temple treasures being carted off.



Once in Jerusalem, probably with money in hand, Paul took four local Jewish Christians who had taken a “Nazarite vow” with him to the temple. Church leaders were concerned because rumors were circulating in Jerusalem that Paul had denigrated the Jewish law among Jews outside Jerusalem. To try and mute these rumors, the church leadership urged Paul to purify himself under Jewish law and pay the temple expenses associated with the four others and their Nazarite vow.

The Nazarite vow was based on the instructions in the Old Testament law book of Numbers, chapter 6, verses 2ff. There, God instructed Moses that those who took a Nazarite vow were to abstain from wine, strong drink, or even grape juice, grapes, or raisins. The hair was to remain uncut; and the person with the vow was to avoid contact with any dead person.

Jewish tradition imposed these vows for a period of 30 days, unless the person taking the vow specified a different time period.¹ Once the time of the vow was over, the person was to shave his head and purify himself before the Jewish temple authorities. These vows were frequently accompanied by a sacrifice or payment in the temple.

Paul was told to join with these men in the rite, including paying their associated expenses. This was planned to show Paul's willingness to honor the historic laws of Moses. Hopefully it would put to rest the rumors, and bring a measure of peace for Paul during his stay in Jerusalem.

Paul went to the temple as planned. The purification process was a seven-day ritual, and Paul and the other four faithfully followed the Jewish law each day. On the seventh day, some Jews from Asia (Ephesus and the surrounding areas) recognized Paul. They stirred up other Jews against him. They falsely accused Paul, telling everyone who would listen that Paul had gone all over the Mediterranean teaching against the temple and the Law of Moses.

This was a religious issue, but also an economic one. The temple was the center of Judaism, whether the Jew lived in Israel, Egypt, Rome, or elsewhere. All Jews were taught to return regularly to Jerusalem for festivals, sacrifice, and other religious rituals. If the Jews quit regarding the temple and the law of Moses so highly, religious pilgrimage ("tourism" in economic terms) would grind to a halt, and Jerusalem would become just another mountain town with an interesting history.

Paul's accusers also falsely stated that Paul had defiled the temple by bringing Gentiles into the holy areas where they were not allowed.

The temple had an outer court that allowed Gentiles, many of whom also used the money changers and made deposits within the temple. Importantly, however, Gentiles were not allowed into the inner court. That was only open to Jews. To some degree this may have been a protection measure for the temple treasury, but it also was rooted in a religious distinction. In the temple's inner courts, Judaism's most important rituals were performed.

Josephus recorded that there was a notice at the foot of the stairs into the inner court expressing in Greek that no one but Jews could go further.² Josephus further recorded

¹ "A Nazirite vow which is unspecified [as to length] is for a period of thirty days." Jacob Neusner, *The Mishnah: A New Translation* (Yale University Press 1988) at 440 (*Nazir* 3:A).

² Josephus, *The Jewish War* Bk. 6 Ch. 2:4 quotes the Roman Titus saying, "Have not you, vile wretches that you are, by our permission, put up this partition-wall before your sanctuary? Have not you been allowed...to engrave in Greek...this prohibition, that no foreigner should go beyond that wall?" Josephus

that before the Jewish revolt and Rome’s destruction of the temple (68-70AD), even Romans could be sentenced to death for violating this law.

Archaeologist C. S. Clermont-Ganneau uncovered one of those inscribed stones that served as one of the warnings Josephus mentioned. The stone is now in the Istanbul Archaeology Museum. Here is a photograph of it:



The Greek is in capital letters without accents or spaces between words (typical for that time), but in more familiar Greek font with accents and spaces it reads:

μηθένα ἀλλογενῆ εἰσπο
ρεύεσθαι ἐντὸς τοῦ πε
ρὶ τὸ ἱερόν τρυφάκτου καὶ
περιβόλου ὃς δ’ ἄνλη
φθῆ ἑαυτῷ αἴτιος ἔσ
ται διὰ τὸ ἐξακολου
θεῖν θάνατον

The Greek means:

No outsider shall go inside the area surrounding and protecting the sanctuary. Whomever is caught will have himself alone to blame for the following death.

continues, “Have we not given you leave to kill such as go beyond it, though he were a Roman?” Trans. William Whitson.

The accusations that Paul violated this holy area quickly burned through the Jews in the city and a mob scene ensued. Paul was grabbed and physically pulled from the Temple. The Temple gates were shut and the people prepared to kill Paul.

The Arrest

Word of the riot reached the Roman tribune and he grabbed several hundred soldiers with their centurion leaders and intervened. Roman forces were typically grouped in troops of 100 soldiers, each led by a centurion (from the Latin word for 100 - *centuria*). Once the soldiers arrived, the crowd stopped beating up on Paul. Upon the Tribune's orders, the soldiers seized Paul and put him in chains.

Once Paul was in chains, the tribune tried to figure out what had happened. There was no official spokesperson for the mob, and everyone was shouting one thing or another. The crowd's roaring was such that the tribune couldn't understand a clear answer. The tribune decided to send Paul to the soldiers' barracks that were just off from the temple, so he could sort out the events, but even that didn't go smoothly. The crowd was so violent and persistent that the soldiers had to carry Paul through them.

As Paul was about to be sent into the barracks, he turned to the tribune and spoke to him in Greek. The tribune was shocked to hear Paul speak in Greek. He thought Paul was an Egyptian. The tribune asked Paul,

You know Greek? Aren't you the Egyptian who recently stirred up a revolt and led the four thousand terrorists out into the wilderness?³

The tribune was likely thinking about an Egyptian who came to Jerusalem claiming to be a prophet three years earlier, around 54AD. Josephus explained that this Egyptian terrorist led thousands to the Mount of Olives as part of a plan to capture the city of Jerusalem. The Roman authorities managed to kill many of the rebels, but the Egyptian instigator apparently escaped.⁴

³ Acts 27:37-38. The Biblical translations are my own, absent some indicator otherwise.

⁴ Josephus, The Jewish War, Bk 2 Ch 13:5,

But there was an Egyptian false prophet that did the Jews more mischief than the former; for he was a cheat, and pretended to be a prophet also, and got together 30,000 men that were deluded by him; these he led around from the wilderness to the mount which was called the Mount of Olives, and was ready to break into Jerusalem by force from that place...The Egyptian ran away, with a few others, while the greatest part of those that were with him were either destroyed or taken alive." Of interest, the tribune references the story as if the Egyptian led 4,000 men. Josephus has the count at 30,000. Most scholars agree the number must have been 4,000. The error by Josephus makes sense when we realize the Greek for 4,000 (Δ) is very similar to the Greek for 30,000 (Λ).

Paul replied,

I am a Jew! [The Greek reads very emphatically] I am a citizen of Tarsus, Cilicia, which isn't some small obscure town.

Paul then asked the tribune for a chance to address the crowd. The tribune allowed it.

Paul stood safely on the steps of the barracks and held his hand out in the posture one assumed in the day when one was giving a speech. The people hushed to hear what Paul would say.

Paul spoke to the people in Hebrew (or Aramaic, a dialect of Hebrew). Paul gave the assembled people an account of his life, his conversion, and his ministry since that fateful day.

This conversion account of Paul's is one of three that Luke recorded and put in his book of Acts. All three accounts are consistent in their history, but Paul naturally changed his emphasis in each telling to fit his audience better. For example, here Paul didn't emphasize the Greek roots of his life, but the Hebrew roots. It is as if Paul's life were a two-sided coin. At times, he emphasized the description of the head's side; other times he emphasized the tail's side.

Paul began his speech with the statement,

Men, brothers and fathers, listen to my defense that I now place before you.

I would not call Paul's "defense" a defense. It is apparent to me that Paul's purpose wasn't to win his liberty; Paul's purpose was to win people to Christ. Paul didn't give a speech designed to appease the crowd or vindicate his actions to the tribune who could grant his freedom.

Paul spoke of his past as a persecutor of the church and of those who believed that Jesus was the Messiah. Paul called these Christian Jews followers of "the Way" or "the Road." He gave references for those who might not remember or know. Paul informed them that if any doubted his zeal, they could see he acted as the arm of the highest courts and authorities in Israel.

Paul then told the crowd about his fateful trip to Damascus. Paul was headed there to imprison more Christian Jews when the unexpected happened. Paul explained that while on the road, a great light from heaven appeared. Paul fell to the ground in response. Paul then heard a voice, "Why are you persecuting **me**?" Paul said, "Who are you?" The

voice replied, “Jesus of Nazareth, **whom you are persecuting.**” It was clear that when Paul persecuted believers of Jesus, Jesus viewed it as Paul persecuting Jesus himself!

Paul told the audience that hearing this, he acknowledged the voice as the Lord, but asked what he was supposed to do. The voice told him to go to Damascus and he would find out from there. Paul was blinded by this episode, so as he explained to the Jews, he had to be led to Damascus.

Paul continued his story explaining that once he got to Damascus, he was met by Ananias, a holy Jewish Christian, well-spoken of by all the Jews. Ananias restored Paul’s sight, calling Paul “brother” in the process, and then gave Paul certain instructions. Paul was told he was to be God’s witness to others, and it was to start with Paul being baptized into the name of Jesus, washing away his sins.

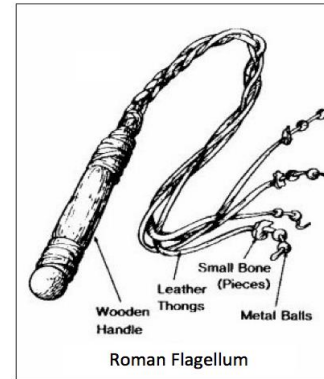
Paul explained that he left Damascus and returned to Jerusalem. Back in Jerusalem, Paul went to the temple to pray. While praying, Paul fell into a trance, and God again appeared to him. God told Paul to leave Jerusalem because the Jews there wouldn’t accept his testimony. Paul protested a bit, suggesting they would listen because he had been the church’s chief prosecutor. Surely, they would take his change of heart and message seriously. God’s reply was that Paul should leave, for God was sending Paul far away to the Gentiles.

Up to this point, all had been going fine, but once Paul invoked God as behind his work with the Gentiles, plainly saying God had sent him to them, the crowd erupted. They began shouting, throwing things, and getting violent. When the riot started back up, the tribune decided, “enough of this,” and ordered Paul into the barracks to be examined by flogging. Doubtlessly the tribune had not understood Paul’s speech in Hebrew/Aramaic, so he was getting to the bottom of things as best as he could.

I don’t want to short the tribune. Paul knew he was being arrested when he begged to speak. It was a chance for Paul to make peace with the crowd, but instead Paul incited the crowd to greater violence. Paul seemed a trouble-maker, and not knowing what Paul said, the tribune was doing his job keeping the peace.

Right before the flogging began, as Paul was stretched out, Paul asked a centurion nearby whether they could flog a Roman citizen. The centurion stopped the proceeding immediately and went immediately to the tribune. When the tribune was told that Paul was a Roman citizen, the tribune came to Paul and questioned him about it. Paul had previously told the tribune he was a citizen of Tarsus, but not Rome!

We should note here that this flogging was different than the lashes Paul had received in synagogues earlier. Synagogues used lashings as a form of discipline. A Roman flogging was a torture technique. It was done with a *flagellum*, a leather whip that had bones and metal built into it. The process killed many and left others maimed.



It was illegal for the tribune to have a Roman citizen flogged, so he stopped the torture before it started. The tribune then began talking with Paul about citizenship. The tribune was also a citizen, and told Paul he had paid a large sum for that right. Perhaps the tribune was intrigued with Paul, but he might have just been a bit sarcastic, suggesting that times must have changed if someone like Paul was able to buy citizenship. No doubt Paul did look pathetic having been manhandled and abused for the last few hours.

Paul responded to the tribune that rather than buying his citizenship, Paul was born into it. That was impressive to anyone in the day. It meant that Paul's family was a notable family, and there was no telling whom Paul might know in a position of authority. The tribune went home for the night, worried about what had already happened to Paul while in custody.

The following day, the tribune returned to duty, still facing the problem of Paul. The tribune took another approach to figure out Paul and his story. Calling a gathering of the Sanhedrin, the Jewish ruling council, the tribune took Paul to the assembly. This would allow the Sanhedrin to judge Paul, and the tribune would not be violating any of Paul's rights as a Roman citizen.

In Acts, we see a picture of Paul before the Sanhedrin, the chief priest, and the council. Paul looked at them intently, and began to explain his position. As before, Paul was not trying to establish innocence. Paul was working to proclaim Jesus.

Paul began by setting forth his own clear conscience for the way he had lived. At this, the High Priest Ananias ordered those near Paul to slap him across the face. Such an order, even from the High Priest, violated Jewish law, which prohibited punishment until one was proven guilty. Paul called out the High Priest (not knowing that he was in fact High Priest) exclaiming, "God is going to strike you, you whitewashed wall!"⁵ Paul was reprimanded for speaking ill of the High Priest and he apologized, explaining that he was unaware of who had spoken. Paul then shifted his appeal to the group.

⁵ Paul was prophetic in this. Jews assassinated Ananias in the revolt of 66 because of pro-Roman policies. He was caught hiding under an aqueduct! (See Josephus, *The Jewish War*, Bk 2, Ch 18:9).

When a Sanhedrin was called to sit in judgment, a different number of members was used depending upon the allegations. There was a larger number of men who were allowed to sit in judgment as a Sanhedrin, or legal panel. Some offenses were judged by panels of three members sitting as a Sanhedrin. Other offenses were presided over by panels of 21. Paul looked at this Sanhedrin and realized that both Pharisees and Sadducees were present in the panel. Paul then appealed to his own beliefs as a Pharisee, adding that he was at least a second-generation Pharisee. Paul pointed out that at the crux of his faith was the resurrection of the dead (Jesus being the first of many). The issue of resurrection was a core difference between Sadducees and Pharisees and it was as if Paul lit a tinderbox.

The Pharisees came to Paul's defense believing the Sadducees had no right to assume it impossible that a spirit or angel might speak to Paul. The ensuing ruckus frustrated any hope the tribune had of getting resolution. So again he pulled Paul away by force, and put Paul back into the Roman barracks.

That night, as Paul was in Roman custody, God came to him in a special way. Luke recorded,

The Lord came upon Paul the following night and said, 'Be courageous and confident, for as you testified about me in Jerusalem, in the same way, you must also testify about me in Rome.'

Now the stage is set. We begin the question. If someone came to me that night and hired me to represent Paul. What would I have done?

To be continued...

POINTS FOR HOME

1. *"The God of our fathers appointed you to know his will, to see the Righteous One and to hear a voice from his mouth; for you will be a witness for him to everyone of what you have seen and heard. And now why do you wait? Rise and be baptized and wash away your sins, calling on his name."* (Acts 22:14-16).

This is pretty incredible to think about. No matter where we've been, no matter what we've done, God wants to rendezvous with us one-on-one and draw us into his will. He has tasks designed just for us. He takes our gifts, talents, even our shortcomings, and puts us into strategic places for his kingdom. It all starts with a relationship in Jesus.

2. *“They seized Paul and dragged him out of the temple, ... and as they were seeking to kill him, word came to the tribune of the cohort ... Then the tribune came up and arrested him and ordered him to be bound with two chains.”* (Acts 21:30-33).

Even when we are “right” with God, bad things happen. The Christian walk isn’t an easy walk. It is a real walk. We experience evil, injustice, physical pain, isolation, and more. But as Christians we don’t experience it alone. As our final point for home underscores.

3. *“The following night the Lord stood by him and said, ‘Take courage, for as you have testified to the facts about me in Jerusalem, so you must testify also in Rome.’”* (Acts 23:11).

There is a blessed assurance when walking in God’s will. When the storms rage around us, we trust in the master of the storms. When evil of this world seems to overpower us, we stand under the protection of an Almighty God. The fact that we walk with God means that in anything we face, we can take courage. God has his plans and purposes, and we praise him.