

**Paul – A Legal Case Study**  
**Chapter 9**  
**The Accusations Against Paul**  
**Analysis of the Judge**

Whenever I try an asbestos case, one recurring difficulty always arises. Asbestos produces diseases with a long latency period. By this, doctors mean that the exposure to the asbestos typically happened decades before the realization of the disease.

People who come to me with mesothelioma have a cancer that was caused by asbestos, but often the exposure might have been 40 or 50 years earlier. This poses two major time challenges. First, careful reconstruction must take place to help identify when, where, and to which products the victim had asbestos exposure. Memories need jogging, records must be scoured, witnesses must be located, and more. We have even bought 50-year-old items off EBay to test them for asbestos.

The second “time challenge” comes from putting the past into context. In legal terms, this is often called the “state of the art” defense. If, for example, someone was exposed to asbestos fifty years ago by working with pipe insulation, the question arises whether the manufacturer of that insulation knew, or with the exercise of reasonable care, could have known of the inherent dangers of the asbestos.

There was a collection of asbestos companies that banded together to suppress studies about the hazards of asbestos. They formed a group called “The Industrial Hygiene Foundation” in the late 1930’s. This foundation manufactured and manipulated evidence to hide and distort the science that showed the hazards of asbestos. It is a sordid story, that leaves one disgusted as the documents get examined carefully.

As the truth came out about The Industrial Hygiene Foundation, companies abandoned it, lawsuits were filed against it, and it quickly went into bankruptcy. All of its assets were dissolved and it ceased to exist. The bankruptcy was held in Pittsburgh, Pennsylvania, and I went and bid on all of the files, library, and assets of the Foundation (save the real estate). I did so in order to have all of its 70-year history ready for research.

People from around the world still come to the “library” I set up to research these materials.

History is important. It places events into a context that makes sense. Without that context, we always run a huge risk of either misunderstanding or missing out on the fuller meaning of historical events. It is no different with Paul.

If we are to understand the charges against Paul, some of them require a careful reconstruction of history. Fortunately, we have some powerful historical resources we can use to put the events into context.

### **The Accusations**

In Acts 24, Luke details the first encounter Paul had with the charges brought by the Jews. Roman law required that the accusers come in person to present the charges, but they were allowed to have a professional lawyer do the actual presentation and legal work.

Unlike America today (and most other countries), there were not official prosecutors of the state. In other words, there was no “District Attorney” or “U.S. Attorney” like we have in America where these people are paid to prosecute crimes against the state. Instead, the parties hired their own lawyers, and the complainants who believed Paul broke the law came in with their hired lawyer to conduct the prosecution. Luke gives the core facts in verses 1-9.

And after five days the high priest Ananias came down with some elders and a spokesman, one Tertullus. They laid before the governor their case against Paul. And when he had been summoned, Tertullus began to accuse him, saying:

“Since through you we enjoy much peace, and since by your foresight, most excellent Felix, reforms are being made for this nation, in every way and everywhere we accept this with all gratitude. But, to detain you no further, I beg you in your kindness to hear us briefly. For we have found this man a plague, one who stirs up riots among all the Jews throughout the world and is a ringleader of the sect of the Nazarenes. He even tried to profane the temple, but we seized him. By examining him yourself you will be able to find out from him about everything of which we accuse him.”

The Jews also joined in the charge, affirming that all these things were so.

Tertullus was the hired gun. His name was Roman, and there is no indication he was a Jew. Tertullus began his presentation by trying to endear himself to the judge and jury, the provincial governor (“procurator”) Felix.

Under Roman law, Felix had full “*imperium*,” or ability to conduct the trial determining what behavior was acceptable or what was a violation of Roman decorum and law. His decision against Paul would not be final since Paul was a Roman citizen, but it would be

important nonetheless. Ultimately, as a citizen of Rome, Paul had the right to have Rome's first citizen and supreme judge rule on his case. That, of course, was Caesar.

One can readily identify Tertullus's efforts to endear himself to the court through his opening, "Since through you we enjoy much peace, and since by your foresight, most excellent Felix, reforms are being made for this nation, in every way and everywhere we accept this with all gratitude." This opening, however, was much more than an attempt at endearment, as I will explain later.

After his introduction, Tertullus transitioned into what he wanted. "But, to detain you no further, I beg you in your kindness to hear us briefly." He then set out Paul's "criminal" behavior:

1. "For we have found this man a plague, one who stirs up riots among all the Jews throughout the world."
2. "And is a ringleader of the sect of the Nazarenes"
3. "He even tried to profane the temple."

These are interesting charges. Later, as I detail the actual defense I would offer on Paul's behalf, I will detail the legal implications of these charges. Before the trial, however, aware of these charges, I would set to develop the facts I reasonably anticipate being relevant at the trial, and try to see the charges through the eyes of the judge.

This requires me to research the actions of Paul where I believe the prosecutor will try to make his case, as well as analyze the mindset of the judge on such things. I have already dealt with the issue of Paul stirring up riots "among all the Jews throughout the world." At this point, the focus is on the second and third accusations, that Paul was "a ringleader of the sect of the Nazarenes" and that Paul "tried to profane the temple." I will need to know what is insinuated in these accusations so that I can be properly prepared for trial.

### **Paul as a Nazarene Ringleader**

Accusing someone of being a "Nazarene ringleader" certainly sounds ominous. What was Tertullus implying? What would Felix think was behind this accusation? To best understand I would research to find the meaning and ancient usage of the term. I would also want to understand what events were high profile at the time in the Jewish/Roman world with a careful eye toward whether those might impact the accusation.

## *“Nazarene” as a Term*

“Nazarene” might strike one as a bizarre term of indictment. One can more readily understand Tertullus calling Paul a “plague.” The idea of Paul being a disease that could devastate communities and civilizations sounds bad, but being a ringleader of “Nazarenes,” what is that about?

In the New Testament, the term “Nazarene” (spelled two different ways in Greek) is used a number of times. At its root, it is a reference to a village in Galilee, northern Judea. Every time “Nazarene” is used in the New Testament, it is in reference to Jesus. Jesus, while born in Bethlehem, was reared and lived almost 30 years in Nazareth. The small village Nazareth was about 70 miles north of Jerusalem.

Because Jesus’s Hebrew name was so common (“*Yeshua*” or in modern English, “Joshua”), as with other common names (“Mary,” for example), there was often an identifier added to the name. Jesus was frequently identified as “Jesus of Nazareth” or a “Nazarene.” In more common English, we could read that as “the Yeshua that came from Nazareth.”

There is a bit more to the label of Jesus as hailing from Nazareth than simply geography. There is an unusual passage in Matthew’s gospel about why Jesus was called a Nazarene. In Matthew’s second chapter, the 23<sup>rd</sup> verse reads:

And he went and lived in a city called Nazareth, so that what was spoken by the prophets might be fulfilled, that he would be called a Nazarene.

This passage is not referencing that Jesus would take a “Nazarite vow,” like I previously discussed in the section on Paul paying for Nazarite vows of certain Jewish Christians. Additionally, one can search throughout Hebrew scriptures and one won’t find a specific prophecy that the Messiah would come from Nazareth.

Matthew’s comment would make sense to an ancient Jew reading it as a play on the word “Nazarene” from its Hebrew root *nzr* (נצר). This word is translated “shoot” in the Messianic prophecy found in Isaiah 11:1,

There shall come forth a shoot from the stump of Jesse, and a branch from his roots shall bear fruit.

In a dual sense, Jesus was a “Nazarene,” and by extension, his followers could be called “Nazarenes.”

Ancient Jews antagonistic to the idea that Jesus was Messiah also used the term “Nazarene” in one of several forms to describe Christians. Again, it likely had a dual

meaning. First, Christians followed Jesus the Nazarene. Moreover, while Messianic Jews saw the idea of Jesus being a Nazarene in the sense of the shoot prophesied in Isaiah 11:1, the unbelieving Jews more readily thought of the “shoot” or “branch” of violence referred to in The Wisdom of Ben Sirach, a book of ethical teachings in Judaism written about three centuries before Jesus. (“The children of the ungodly put out few branches; they are unhealthy roots on sheer rock” 40:15.)

This would be consistent with the usage by Tertullus. Paul as a ringleader for the “Nazarenes” was not only being associated with Jesus, but was also the lawbreaker and violent sort discussed by Ben Sirach. I suggest that Tertullus chose this also because of the overlaying fact that Nazareth was a Galilean town. (In the next section on current events and analysis of the judge I explain why.)

There are a number of Jewish sources beginning with the “Blessing in Regard to the Heretics” and going through the Talmud, that use a form of the Hebrew root *NZR* to refer to Jewish believers in Jesus as Messiah. Around 200AD, the Early Christian attorney Tertullian wrote that, “the Jews call us [Christians] *Nazarenos*.”<sup>1</sup> By the fourth century, the reference to Christians as “Nazarenes” seems to be in the past. The Christian historian Eusebius wrote, “We who are now called Christians received in the past the name Nazarenoi.”<sup>2</sup>

To best understand the impression that it might have left on Felix, the current events of Paul’s day need careful scrutiny.

### *Ancient Current Events and Analysis of the Judge*

The Roman Empire itself had some notable events of Jewish disruptions of peace in the decades before Paul. Furthermore, the events of Paul’s arrest are within ten years of outright rebellion and war of the Jewish people against Rome. The attitudes of the day are important to understand. These attitudes are especially important for how they matter in the mind of the judge.

The first judge for Paul will be Felix, the Roman Procurator for Judea. The Bible gives some background on Felix, but not as much as I’d like. Any insight I can get on Felix is important because he is the ultimate judge for my client. My insight into Felix would include his actions in other similar cases. This might show his predisposition to Paul and the charges brought against Paul. I am looking to answer questions like, “Is the judge a

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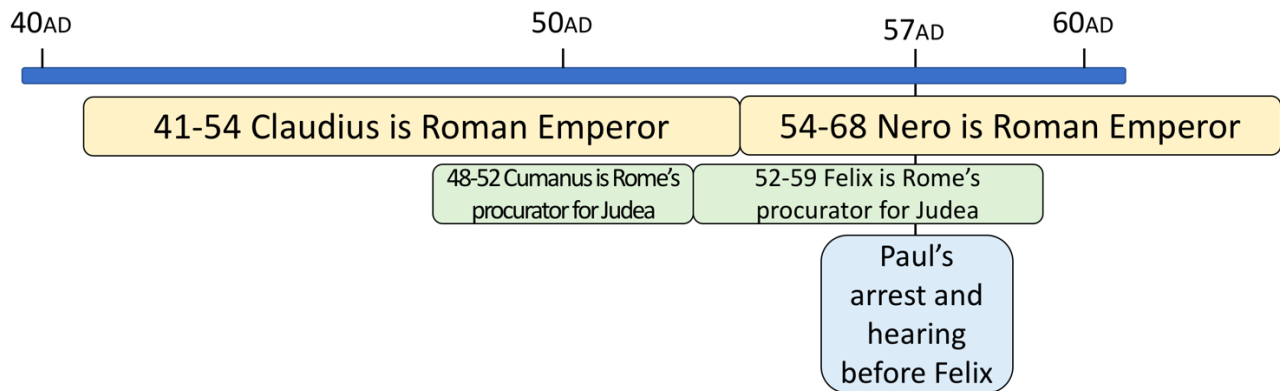
<sup>1</sup> *Against Marcion*, 4.8.

<sup>2</sup> See Eusebius, *Onomasticon*, at the section “Gospels,” “Whence the Christ was called a Nazorite (Our Lord and Savior was called). Formerly (as a taunt were called) the Nazarenes are now the Christians.”

law-and-order judge?” “Does the judge pay much attention to things or is this aspect of his job a nuisance he dismisses with as little effort as possible?” “Is the judge heavy handed and harsh with his punishments or is he light?”

Because I am addressing this almost 2,000 years later, the politics of the day are not as fresh in most people’s minds. A basic timeline helps.

### Timeline of relevant events and history



Paul’s arrest and hearing is in 57. Nero is the Roman emperor, although he is only 20 years old at the time. He took the throne after the death of his great-uncle Claudius. The procurator Felix had been in his job for five years, taking the place of the prior Procurator, Cumanus. My initial historical focus is on Cumanus and Felix.

I want to know how and why Felix got the job after Cumanus. Was Felix tied in to the Jerusalem power structure? Was he tight with Rome? Did he come to power by stabbing his predecessor in the back? (literally or figuratively!) All of these questions are important, so my investigation rightly begins with the predecessor to Felix, Cumanus. Digging into this information, I hit a treasure trove of relevant material that also gives insight into the allegations being lodged against Paul.

Some of my best historical data comes from the first century Jewish historian Josephus. Josephus hailed from Galilee, spent a great deal of time with Jerusalem, lived through these events, and wrote his histories from Rome in service of the emperor. His data is highly reliable, and wasn’t written with Paul in mind. It was written for his Roman overlords to better understand the Jewish people.

As I walk through the relevant history, keep in mind the following comments and allegations made by Tertullus. Note particularly the words I emphasize in bold. He began his speech to Felix, “Since **through you we enjoy much peace**, and since **by your foresight**, most excellent Felix, **reforms are being made** for this nation, in every way and everywhere **we accept this with all gratitude.**” This was carefully articulated in a way that set up the attitude for Felix to receive the accusations that followed.

Social Psychologist Robert Cialdini calls this “pre-suasion.” It sets up the mindset of the judge or listener so that when the message is actually delivered, the listeners frame of mind receives the message in a way where the persuasive effect is almost automatic. “Pre-suasion” is a psychological way to set the stage for persuasion.

Why do I call this “pre-suasion”? History tells the tale. These words of Tertullus would have triggered certain important historical actions both from Felix and from his predecessor. That immediate history to Felix would make Felix very pre-disposed against Paul, once Tertullus launched his specific allegations against Paul. Consider the history.

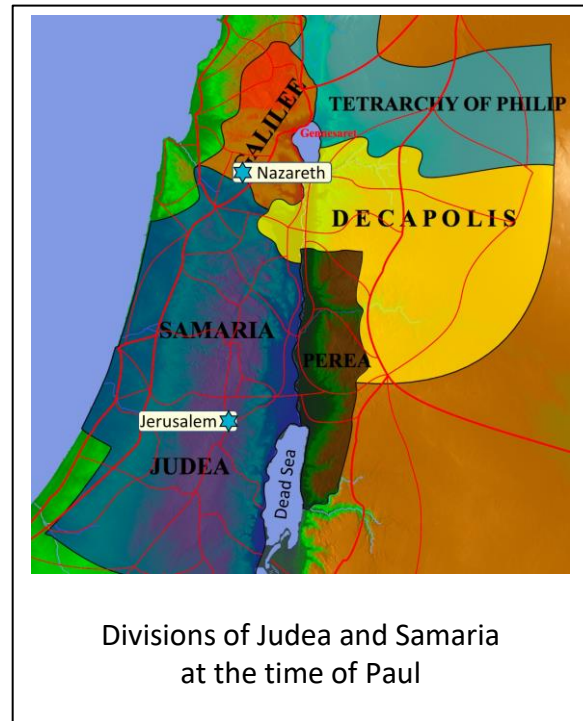
Felix’s predecessor Cumanus was procurator from 48 to 52. As such, Cumanus was in charge of keeping the peace in the area of Judea. He was poor at his job. Two events stand out as particularly illustrative. In one, during a Passover festival in Jerusalem when the crowds had filled the temple courts, the army for which Cumanus was ultimately responsible was standing on the tower adjacent to the temple. One soldier turned around, putting his back to the people. The soldier then lifted his skirt and mooned or flashed the people, making grotesque noises in the process. It was akin to pretending to defecate on the people and Temple.

The Jews were appropriately insulted and cried out for Cumanus to punish the soldier. Some of the younger, hotheaded Jewish men and others who were generally troublemakers, picked up rocks and began throwing them at the troops. Cumanus didn’t reprimand the soldier; instead he sent for reinforcements. Because the Temple was adjacent to the Roman barracks, the reinforcements would have come quickly. The new troops came into the actual Temple courts and the Jews knew it was trouble. The Jews stampeded out of the Temple and in the violent melee that followed thousands of people died. The normally joyous Passover became a time of mourning.

If this was the only event that had occurred under Cumanus, things might have been different. However, it was only one of multiple problems. The straw that broke the camel’s back, or at least that wound up costing Cumanus his job, occurred later.

Just a few years before Paul's arrest, some Jews from Galilee were coming to Jerusalem for a festival. Their route cut through Samaria. The map on the right shows the major roads as well as Jerusalem and Nazareth. One clearly sees that Nazareth was in Galilee, an important idea planted in the head of Felix when Tertullus accused Paul of being a "Nazarene." That should be kept in mind as the story of Cumanus's demise is studied.

As the Galileans traveled through Samaria, one of the Jews was murdered by a Samaritan. Cumanus was petitioned by the Jews to intervene in the tragedy, but Cumanus chose to do nothing. Furious, some Jews in Jerusalem gathered a small force of vigilantes and, led by a Jew named Eleazar, went to the Samaritan village and killed everyone, regardless of age or gender. The Jewish brigand then burned the Samaritan village.



At this point, Cumanus got involved and began arresting and killing large numbers of Jews suspected in the incident. While many Jews dispersed in the face of Cumanus's actions, others continued outlaw ways with more robberies, raids and insurrections. The "civil" and "Rome allegiant" Jews in authority complained to Rome about Cumanus. They blamed Cumanus for failing to take responsibility and failing to handle the original murder. Cumanus's failure was alleged to be the domino that sent the whole affair spiraling out of control.

Cumanus was summoned to Rome to make his case before Caesar Claudius. The Caesar banished Cumanus, stripping him of his title, position, and citizenship. Claudius then installed Felix.

Felix came into his job acutely aware of what had gotten his predecessor fired. Felix sent the brigand chief Eleazar to Rome for trial, and crucified innumerable people. This history is recorded in two places in the writings of the Jewish historian Josephus, a Galilean who was about 15 years old when the events happened.

In his *History of the Jewish People*, Josephus recorded that around 54AD, just three years before Paul's arrest,



In Judea, things were constantly going from bad to worse. The country was again infested with bands of highway thieves and con artists who deceived the masses. Every day, Felix captured and executed many of the highway thieves and con men.<sup>3</sup>

This is the world and context for Tertullus's charges against Paul.

### *The Charges*

For Tertullus to charge Paul as a ringleader of the Nazarenes and as one who attempted to profane the temple echoed the very problems that had caused Felix's predecessor to be sacked and punished. Felix was acutely aware of the problems in the last few years. He had been sent to clean it up.

Tertullus was telling Felix that Tertullus and the Jewish structure seeking Paul's punishment were on Rome's side. They appreciated Felix's ongoing work to clean up the countryside and enforce peace in Jerusalem. They wanted Felix to succeed in his job. That is why they were seeking to bring Paul to justice! Paul was one of the instigators, the con men, the frauds that were misleading the people and creating the disturbances. More than one of them, Paul was the instigator! He was the leader in the rebel efforts.

Before bringing this section to a close, it is useful to note a statement in Paul's defensive speech after Tertullus's indictment. Paul began by saying,

You can verify that it is not more than twelve days since I went up to worship in Jerusalem (Acts 24:7).

Paul was letting Felix know in very clear terms: Paul couldn't have been the leader of these problems. Paul had come into Jerusalem only 12 days before. Paul had been in the Eastern and Northern Mediterranean world, not Judea! It was impossible for Paul to be the leader of such. Paul had an iron-clad alibi! He was on the mission field!

## **POINTS FOR HOME**

1. *"And Jesus went and lived in a city called Nazareth, so that what was spoken by the prophets might be fulfilled, that he would be called a Nazarene"* (Mt 2:23).

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<sup>3</sup> Josephus, *History of the Jewish People*, Book 20 at lines 160-161. For the rest of the recounted history, see Josephus in his books, *Jewish War*, Book 2 at lines 223-260.

Jesus is not worth following because of where he grew up. There was nothing special about being a Nazarene. There were other folks from Nazareth, both before and after Jesus. What made Jesus special was that he was the long-awaited Jewish Messiah. He was the “Nazor” from David prophesied 600 years earlier in Isaiah 11:1, “There shall come forth a shoot from the stump of Jesse, and a branch from his roots shall bear fruit.” This is why Jesus is worth following. For thousands of years the world was waiting for one from the seed of Abraham to bless the world and restore peace with God. Jesus was, and is, that one. Paul knew it. Paul taught it. Jesus was special as God incarnate who came to restore humanity to God.

2. *“We have found this man a plague, one who stirs up riots among all the Jews throughout the world and is a ringleader of the sect of the Nazarenes. He even tried to profane the temple” (Acts 24:5-6).*

In our lives, we are called to follow Jesus. Sometimes that is glorious, and we experience him doing the incredible. He fed 5,000 with a few loaves and fishes. He stood transformed on a mountain top with Moses and Elijah. He healed the sick and raised the dead. There are indeed incredible times with the Lord.

But there are also times of persecution. Jesus called his disciples and told us to “take up crosses and follow him.” He warned us of being wrongly persecuted and suffering. That is part of the “follow.” Yet we are doing this not because we have or want a cushy life. We are doing it because our Lord loved us infinitely, sacrificing his own comfort and dignity to bring us life. We walk after him in the course laid for us, and we should consider our own persecution in his name to be an honor! If our lot in bringing God’s kingdom to fruition includes us walking a difficult path, then we should embrace God’s love and strength and walk the course laid out for us. It may not be fun, but it is right.

3. *“You can verify that it is not more than twelve days since I went up to worship in Jerusalem” (Acts 24:7).*

Just because we are willing to suffer for the Lord, doesn’t mean we do it needlessly! We still serve him with honesty and integrity and let him and his truth rescue us from the onslaught of the enemy. God is not looking for us to needlessly suffer. He seeks only our best within the framework of his kingdom coming!