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LUKE ON JESUS, PAUL AND CHRISTIANITY:
WHAT DID HE REALLY KNOW?

EDITED BY

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PLINY'S CORRESPONDENCE AND THE ACTS OF THE APOSTLES

AN INTERTEXTUAL RELATIONSHIP?

I. INTRODUCTION

By way of introduction, this chapter is a modest revision of a presentation given at SBL in 2009. My sense of that presentation was that most of the audience had difficulty considering the argument, at least in part because the idea of a 2nd century date for Acts was assumed as implausible in most 20th century scholarship. But in the years prior to that presentation and the years since, the number of respected scholars taking up the long-flickering torch of Ferdinand Christian Baur – as well as the early Harnack – has grown¹. This includes Christopher Mount in 1997², Joseph Tyson³ and Rose Mary D'Angelo⁴ in

1. Only a few scholars across the 20th century maintained a 2nd century date for Acts. See esp. J. KNOX, *Marcion and the New Testament: An Essay in the Early History of the Canon*, Chicago, IL, University of Chicago Press, 1942, pp. 114-139; and J.C. O'NEILL, *The Theology of Acts in Its Historical Setting*, London, SPCK, 1961, pp. 1-63. In a related vein, S.G. WILSON, *Luke and the Pastoral Epistles*, Edinburgh, T&T Clark, 1979, argued for a common author behind Luke and the Pastorals. Christopher Mount in his 1997 University of Chicago dissertation (later published in 2002) situated Acts in the second century (i.e., before 130 CE) due primarily to its portrayal of Paul as a normative figure. See C. MOUNT, *Pauline Christianity: Luke-Acts and the Legacy of Paul* (SupplNT, 104), Leiden – Boston, MA – Köln, Brill, 2002.

2. MOUNT, *Pauline Christianity*, esp. pp. 34 n. 110, 163-180. The quoted portion is found on p. 169 n. 13: "The date usually given for Papias' comments, sometime in the second century before 130, is the most likely for Lk-Acts as well".

3. J.B. TYSON, *The Date of Acts: A Reconsideration*, in *Forum* 5/1 (2002) 33-51. See also J.B. TYSON, *Why Dates Matter: The Case of the Acts of the Apostles*, in *The Fourth R* 18/2 (2005) 8-14. More recently, Tyson contended for a date in the 120s based on his case for anti-Marcionite features in the birth and resurrection narratives of Luke (in its later redaction) and Acts; see J.B. TYSON, *Marcion and Luke-Acts: A Defining Struggle*, Columbia, SC, University of South Carolina Press, 2006. It should be said that Tyson's Anti-Marcionite hypothesis extends the work of his own *Doctorwater*, John Knox (see note 1).

4. R.M. D'ANGELO, *The ANHP Question in Luke-Acts: Imperial Masculinity and the Deployment of Women in the Early Second Century*, in A.J. LEVINE (ed.), *A Feminist Companion to Luke* (FCNTECW, 3), Sheffield, Sheffield Academic Press, 2002, 44-69.

2002, Richard Pervo⁵ and Matthias Klinghardt in 2006⁶, Mikeal Parsons⁷ and Laura Nasrallah⁸ in 2008, Shelly Matthews in 2010⁹, and the contributors to a 2013 compilation edited by Rubén Dupertuis and Todd Penner¹⁰. If Acts was indeed written sometime in the first half of the 2nd century, then Pliny's correspondence with Trajan about Christians, written ca. 109-111 CE, is a highly significant test case for consideration.

It is certainly customary in scholarship on Acts and the New Testament more broadly to note Pliny's correspondence as reflective of the broader social and historical context of the Roman world in which Acts was written. Christopher Mount's recent chapter locates Acts, especially its presupposition of the "Christian" label, in a post-Pliny historical setting¹¹. Yet to appear in print, however, is a close comparison of this correspondence with Acts and an assessment of the possibility of an intertextual relationship. The following analysis will undertake such an assessment with an eye to the criteria of

5. R.I. PERVO, *Dating Acts: Between the Evangelists and the Apologists*, Santa Rosa, CA, Polebridge Press, 2006. Here Pervo places Acts in the 110s on the basis of its dependence on an early Pauline letter collection and the *Antiquities* of Josephus, not to mention marked similarities with the Pastorals. Various scholars had previously argued for the dependence of Acts on Paul's letters. W.O. WALKER notes numerous verbal parallels of Acts 15 with Gal 2-3 in *Acts and the Pauline Corpus Revisited: Peter's Speech at the Jerusalem Conference*, in R.P. THOMPSON – T.E. PHILLIPS (eds.), *Literary Studies in Luke-Acts: Essays in Honor of Joseph B. Tyson*, Macon, GA, Mercer University Press, 1998, 77-86. H. LEPPÄ argues that Luke uses Galatians in order to subvert it; see his Ph.D. dissertation, *Luke's Critical Use of Galatians*, Helsinki, University of Helsinki, 2002. M.D. GOULDER finds the influence of 1 Cor and 1 Thes in Luke in his article, *Did Luke Know Any of the Pauline Letters?*, in *PRS* 13 (1986) 97-112.

6. M. KLINGHARDT, *Markion vs. Lukas: Plädoyer für die Wiederaufnahme eines alten Falles*, in *NTS* 52 (2006) 484-513. Klinghardt's argument for a joint, anti-Marcionite redaction of Luke and Acts around the middle of the 2nd century is made quite apart from the work of Pervo and Tyson. He ties this redactional overhaul to Trobisch's case for broader formation of the Four Gospel canon as the ostensible product of an apostolic *collegium*. See D. TROBISCH, *Die Endredaktion des Neuen Testaments* (NTOA, 31), Freiburg, Universitätsverlag u.a., 1996.

7. M.C. PARSONS, *Acts* (Paideia Commentaries on the New Testament), Grand Rapids, MI, Baker Academic, 2008, pp. 16-17. Parsons cites Polycarp's apparent dependence on Acts as the basis for a *terminus ante quem* and concludes with a date around 110 CE and a broader range of 100 to 120 CE.

8. L. NASRALLAH, *The Acts of the Apostles, Greek Cities, and Hadrian's Panhellenion*, in *JBL* 127/3 (2008) 533-566. Here Nasrallah makes a detailed case for Acts as a Christian literary counterpart to Hadrian's Panhellenion.

9. S. MATTHEWS, *Perfect Martyr: The Stoning of Stephen and the Construction of Christian Identity*, New York, Oxford University Press, 2010. Matthews expressly agrees with the theories of Pervo and Tyson.

10. R.R. DUPERTUIS – T. PENNER (eds.), *Engaging Early Christian History: Reading Acts in the Second Century* (Bible World), Bristol, CT, Acumen, 2013.

11. See C. MOUNT, *Constructing Paul as a Christian in the Acts of the Apostles*, in DUPERTUIS – PENNER (eds.), *Engaging Early Christian History*, 147-151.

intertextuality developed by Richard Hays and Dennis MacDonald. Some criteria (e.g., analogical imitation/use, quality, distinctiveness) are treated below amidst the detailed accounts of each potential parallel, while others (quantity, order, thematic coherence, accessibility) follow in the concluding sections.

II. PARALLELS FOR CONSIDERATION

1. Marketplace Disturbances

The first parallel that we will consider between Acts and Pliny's famous correspondence with Trajan regards the impetus for the arrest and trial of Christians (*Epistles* 10.96-97). Pliny's report of the local circumstances surrounding the trial and execution of Christians points to a religious-economic disturbance as the cause¹². Christians have dampened public devotion to the gods, along with the local meat industry connected to it. Pliny pictures Christianity as an unholy pestilence that had been allowed to spread unchecked for years, prior to his arrival as imperial legate and praetor of Bithynia-Pontus in 109 CE¹³. Apparently in response to *cultus*-dependent mercantile leaders, Pliny responded quickly and sharply, intently seeking to revive the area's religious economy. He congratulates himself on the economic renewal he has already initiated.

Certainly, it is evident enough that the until-recently abandoned temples have begun to be frequented again, and the long-omitted sacred rites have begun to be brought back, and the meat of victims has begun to be sold, which until now the rarest buyer managed to get¹⁴.

12. R.L. WILKEN, *The Christians as the Romans Saw Them*, New Haven, CT, Yale University Press, 2003, p. 15. Determining the precise city on or near the southern coast of the Black Sea where the uproar and trials took place, whether Amisus (*Ep.* 10.92-93), Sinope, or Amastris (*Ep.* 10.98; probably the strongest candidate), is largely inconsequential to this case. See A.N. SHERWIN-WHITE, *The Letters of Pliny: A Historical and Social Commentary*, Oxford, Clarendon, 1966, p. 693, for some of the history of scholarship.

13. *Legatus Augusti* to Bithynia-Pontus, and also a provisional replacement, acting as *pro praetore consulari potestate*; see SHERWIN-WHITE, *Letters of Pliny*, p. 81. See also B. RADICE's introductory notes in *Pliny: Letters and Panegyricus* (LCL, 55), Cambridge, MA, Harvard University Press, 1969, p. xii. That volume contains the text and translation of books I-VII of Pliny's letters. The text and translation of books VIII-X appear in B. RADICE, *Pliny: Letters and Panegyricus* (LCL, 59), Cambridge, MA, Harvard University Press, 1969. Hereafter these two volumes will be abbreviated LCL 55 and LCL 59 respectively.

14. *Ep.* 10.96.10 (LCL 59, p. 290): "Certe satis constat prope iam desolata templa coepisse celebrari, et sacra sollemnia diu intermissa repeti passimque venire <carne> victimarum, cuius adhuc rarissimus emptor inveniebatur". Translations of all primary source texts are mine.

In the Paul narratives in Acts, anti-Christian riots break out twice, first in Thessalonica (17,5), then in Ephesus (19,23-29). Although no explicit mention of a financial impact appears in the account of the first riot, the theme is implicit in its phrase “certain wicked men of the marketplaces” / τῶν ἀγοραίων ἄνδρας τινὰς πονηροῦς. This is no horde of vagrants or gang of thugs, as in various translations¹⁵. They are instead persons with a vested, economic interest in the local *cultus*, together with their broader supporters. The group is labeled “wicked” because of its effort to seek vendetta apart from official legal channels.

The second and more involved of these accounts, situated in Ephesus, expressly attributes the riot to the threat Christians pose to the local religious economy. Acting as head of a guild of artisans, Demetrius the silversmith stirs up a mob against Paul because his atheistic message supposedly threatens not only the glory of Artemis, but also the viability of her *cultus*, the livelihood of her artisans, and the economy of her city¹⁶.

Both in Pliny and in Acts, the anti-Christian riots begin in the *agora*, the hub of the local religious economy. More than that, both texts express horror about the spread of Christian atheistic influence outside the perimeter of the city, apparently in part because it has detracted from religious tourism and its economic benefits. In fact, even the sentence structures of these expressions of horror run strikingly parallel. Compare:

The contagion of this superstition has permeated not only the cities, but also towns and rural areas.

You notice and hear that not only in Ephesus but also nearly all of Asia this Paul has persuaded and led away a considerable crowd, saying that those made by hands are not gods¹⁷.

Acts’ Demetrius mimics Pliny’s abjection, not only in concern (defending local *cultus*), but also in his *a minori ad maius* sentence structure. It should also be noted that Pliny’s friend Tacitus employs a similar sentence structure

15. E.g., “ruffians in the marketplace” (NRSV), “wicked men of the rabble” (ESV), “gang from the marketplace” (NJB). The NASB (“wicked men from the marketplace”), NIV (“bad characters from the marketplace”), and NKJV (“evil men from the marketplace”) are more even-handed.

16. Though Sherwin-White made the customary presumption of a first century date for Acts, he finds the parallel “obvious” between Pliny’s account in *Ep.* 10.96.10 and “the outcry raised against Paul by the silversmiths of Ephesus”. See SHERWIN-WHITE, *Letters of Pliny*, p. 709.

17. Compare: “neque civitates tantum, sed vicōs etiam atque agrōs superstitionis istius contagio pervagata est”. θεωρεῖτε καὶ ἀκούετε ὅτι οὐ μόνον Ἐφέσου ἀλλὰ σχεδὸν πάσης τῆς Ἀσίας ὁ Παῦλος οὗτος πείσας μετέστησεν ἱκανὸν ὄχλον λέγων ὅτι οὐκ εἰσὶν θεοὶ οἱ διὰ χειρῶν γινόμενοι.

in his account of the spread of the Christian *superstitio*. He describes *Christiani* having broken out “*not only* throughout Judea, *but also* throughout the City (i.e., Rome)” *l non modo per Iudaeam ... sed per urbem etiam*¹⁸. This might open the possibility of Acts drawing on Tacitus rather than Pliny, but Pliny is the far more likely influence. Tacitus contrasts, *a minori ad maius*, the province of Judea with the city of Rome, whereas Pliny and Acts both contrast a provincial city with the surrounding countryside or province as a whole. Besides that, only in Pliny and Acts do we find a distinctive emphasis on marketplace disturbances as the reason for anti-Christian rioting.

2. Puzzled Reactions and Official Inquiries of Superiors

Pliny's letter begins in a tone of cordial yet formal deference, yet also bewilderment about what to do with these newly encountered Christians. “It is sacred custom for me, my Lord, to refer to you all things about which I am uncertain. Indeed, who is better able, either to guide my hesitation, or to instruct my ignorance”¹⁹? As the presiding official, Pliny's puzzlement leads him to make an official inquiry to his superior, who just happens to be the emperor Trajan himself.

In Acts, the centurion instructed to carry out Paul's “test by flogging” finds out that Paul is a Roman citizen (22,24-25). He immediately responds by inquiring of his superior, the tribune (22,26). The same pattern occurs again in few verses later. The tribune directly questions Paul, who finally confirms his citizenship. Once more, confusion ensues (22,27-29). So the upward inquiry continues, traced across the remainder of the book. In the immediate context of the narrative, it continues on to the next day, to an appearance before his Jewish accusers. As the story unfolds, it continues all the way up the ladder of legal authority, landing him in the court of the governor Felix²⁰, then in the audience of king Agrippa, and finally to Rome to await court with the emperor himself. In short, both texts depict Roman rulers as puzzled about how to deal with Christians, followed by inquiries made to political superiors.

18. *Annals* 15.44.

19. *Ep.* 10.96.1 (LCL 59, p. 284): “Sollemne est mihi, domine, omnia, de quibus dubito, ad te referre. Quis enim potest melius vel cunctationem meam regere vel ignorantiam instruere?”

20. While Sherwin-White presumed a customary first century setting for Acts, he observed that Lysias “was acting very much as was enjoined by rescripts of Hadrian and Pius later” when he sent Paul's case along to the governor with a “*libellus* of explanation” and instructions for “the accusers to make their charge before the governor's tribunal”. See A.N. SHERWIN-WHITE, *Roman Society and Law in the New Testament*, Oxford, Clarendon, 1963, p. 54.

3. Sacred Appeal to the Emperor

In both texts it is the status of the accused as citizens that occasions this confusion and leads to the remittance of their respective cases to Rome. The right of *provocatio* (challenge), i.e., the Julian law allowing a Roman citizen living in the provinces to demand trial in the *ordo* system in Rome, dates back to the reign of Augustus²¹. It expanded thereafter until, by the time of Trajan, “citizens charged with certain offences were automatically sent by provincial governors to Rome for trial”²². Regarding more uncertain matters, legates and proconsuls in the Julio-Claudian period were fully vested with authority to make their own decisions in matters regarding the fate of Roman citizens in the provinces²³. In the time of Trajan, however, it became common for provincial authorities to make legal inquiries *directly to the emperor* and thus establish legal precedent based on the emperor’s response, “which had the force of law”²⁴.

Pliny had three legal considerations to weigh. First, he had to consider whether the new Christian *superstitio* ran afoul of Trajan’s prior rescript against *hetairia*, and his answer was in the affirmative. Second, he had to decide whether the *lex Iulia de vi publica* applied in this situation, and again he answered in the affirmative. Third, and finally, he had to decide whether the situation with Christian citizens fell into the *extra ordinem*²⁵ category of persons for whom he, as a provincial governor and imperial legate, could sentence execution. In other words, had these misguided citizens, through their treasonous gatherings and refusal to recognize the divine status of the emperor and empire, abdicated their citizenship and put themselves outside the pale of the protections of the *lex Iulia*? About this he implicitly answered in the negative for Christian citizens who repented, but his uncertainty led him to appeal directly to the emperor. This appeal was not aimed to have recourse to a known legal precedent, but rather to establish a precedent in his decision.

It is often assumed that Paul in Acts reflects typical Roman legal procedures, whether he simply invoked *provocatio* under the *lex Iulia* and thus called upon the common right of citizens for a trial in Rome’s *ordo* system, whether he called upon his unique citizenship as one born in the free city

21. *Ibid.*, p. 57.

22. *Ibid.*, p. 60.

23. *Ibid.*, p. 2.

24. *Ibid.* For further discussion of the legal rights of Roman citizens and its import for the New Testament, see A.N. SHERWIN-WHITE, *The Roman Citizenship*, Oxford, Clarendon, 1966, and also SHERWIN-WHITE, *Roman Society and Law*, pp. 144-185.

25. *Ibid.*, p. 61.

of Tarsus²⁶, or whether it was simply custom to send Christians to Rome for trial²⁷. But what the Paul of Acts actually does is something quite different. "I appeal to the emperor", he says (Acts 25,11)²⁸. Festus grants this appeal for a direct audience with the emperor as if it were standard practice in Roman jurisprudence (Acts 25,12.21), which it was not, neither in the 1st nor 2nd century CE. Agrippa's character also treats it as a standard, even sacred practice, and in the Acts narrative it carries the sense of a divine necessity (Acts 27,24; 28,19). To appeal for a personal audience with the emperor was not an established legal procedure for Roman citizens in the provinces, but appeals for the personal attention of the emperor were customary for provincial authorities in the time of Trajan and subsequent. Thus the Paul of Acts mimics Pliny as an imperial legate by appealing to the emperor directly, the way Pliny himself as an imperial legate had appealed to Trajan, as a matter of "sacred custom".

26. Citizens of a "free city" / *civitas libera* "were exempt from normal provincial jurisdiction". See *Ibid.*, pp. 56-57. The difficulty with this reading is that Paul never appeals to his "free city" citizenship in his trials in Acts, but instead only mentions that he was born in Tarsus, both times in Jerusalem, once to exonerate himself before the tribunal in regard to his mistaken identity of an Egyptian revolutionary (Acts 21,39) and again to establish credibility when speaking to his fellow Jews (Acts 22,3). In other words, the Paul of Acts only calls upon his Roman citizenship, not his citizenship in a free city, as the basis of his challenge.

27. Contrary to this presupposition, early Christian martyr stories consistently describe Christians tried and executed in their own localities, usually in the provinces. This includes the *Martyrdom of Polycarp* (Smyrna), *Martyrdom of Ptolemais and Lucius* (Rome), *Martyrdom of Carpus, Papyrus and Agathonice* (Pergamum), *Acts of the Scillitan Martyrs* (Carthage), *Martyrs of Lyon and Vienne* (Gaul), *Passion of Perpetua and Felicitas* (Carthage), and *The Acts of Justin and Companions* (Rome). Ignatius of Antioch is the sole exception. But he was sent to Rome to die, not to face trial. For our purposes, Ignatius is more significant for his testimony (in his *Letter to the Romans*) to the tradition of Paul's imprisonment and martyr-death in Rome, quite in keeping with the Pastorals (cf. esp. 2 Tim 1,16-27). He likens himself to Paul in these respects. He seeks to become an imitator of Paul and Peter, completing his discipleship in his death. His ship journey to Rome, narrated across his letters, may very well allude to the deportation of Paul to Rome. While Ignatius does corroborate a tradition of Paul's martyr-journey to Rome, he does not show awareness of the reason Paul was sent to Rome, nor does he demonstrate any knowledge of the tradition that Paul was a Roman citizen. While he identifies Paul and Peter as "free men", distinguished from himself as a slave, he is almost certainly speaking metaphorically here. Freedom is martyrdom, which he, the earth-bound slave will soon win. Furthermore, there is no evidence to support the idea that Ignatius himself was a citizen. His brazen passion for a theatrical death in the games would seem to weigh against such a privileged upbringing. It may well have been his prominent position that got him shipped off to Rome, though the reason for his deportation is ultimately unclear. As Ignatius tells the story, he goes to Rome not to face trial before the emperor, but to die in the games. He is already a condemned man. While he pleads against the intercession of his fellow Christians, this does not reflect the anticipation of a trial in Rome. In sum, even Ignatius does not corroborate any Roman tradition that Christian citizens must face a trial or have the right to an imperial audience in Rome. Acts and the letters of Pliny are apparently the only two texts before Constantine (besides, of course, later interpretations of those two texts) that account Christian citizens being deported to Rome for trial.

28. *Καίσαρα ἐπικαλοῦμαι.*

4. Trial Insults

Pliny and Acts also closely mirror each other in their respective mentions of the term Christian. Both texts deploy the term as an opprobrium picked up and used by Roman officials in the midst of a trial. Acts places the term's origin in Antioch (11,26), "And the disciples spent a whole year gathering in the church and teaching such a great multitude, and were even first *summoned* (χρηματίσαι) as Christians in Antioch". The verb choice may well have a distinctive legal sense, to refer to persons called to trial²⁹. Acts pictures χριστιανοί as an outsider's label, a recently minted opprobrium.

The only other mention of the term in Acts corroborates and deepens this line of thought. After Paul's defense before Agrippa, the king responds with a bemused taunt, enlisting the term again as a mockery (Acts 26,28). "Then Agrippa said to Paul, 'Are you convincing me to become a Christian in such a short time?'"

Pliny uses the term in a very similar way. While his letter does not record first person speech, he repetitively (seven times!) uses the term in a pejorative sense to describe his trial proceedings³⁰. Admittedly, other texts bear some similarity to Acts here. 1 Pet 4,16 ties the term *Christianos* to the threat of prosecution and punishment. Tacitus ties a similar term, *Chrestiani*, to criminal prosecution and select forms of punishment, i.e. execution, perhaps of different kinds³¹. Suetonius clarifies and softens Tacitus' anti-Neronian account, only offering a passing mention of the punishment of *Christiani*³². Ignatius of Antioch certainly sees the term *Christianos* as bound to execution, defiantly refashioning the term into an aspirational badge of honor³³. All of these allow, even encourage the idea that the term *Christianos* was used by Roman officials more widely as a criminal charge that could merit capital punishment. In

29. The term *χρηματίσαι* has garnered a narrow semantic range among English translations which do not admit of the term's possible public and/or legal connotations. For example, the KJV, ASV, RSV, NIV, NRSV, NASB, NJB, ESV all have "called". The Douay-Rheims slightly differs, "named". In regard to the frequent public and legal uses of the term, see J.H. THAYER, *Greek-English Lexicon of the New Testament*, Edinburgh, Clark, 1886, s.v. *χρηματίζω*; J.H. MOULTON – G. MILLIGAN, *Vocabulary of the Greek Testament*, Grand Rapids, MI, Eerdmans, 1930, s.v. *χρηματίζω*; H.G. LIDDELL *et al.*, *A Greek-English Lexicon*, Oxford: Clarendon Press, 1996, s.v. *χρηματίζω*.

30. *Christianis* (10.96.1), *Christianus* (10.96.2), *Christiani* (10.96.2), *Christiani* (10.96.3), *Christianos* (10.96.5), *Christiani* (10.96.5), *Christianos* (10.96.6). Most of these passages are given and described in further detail in the next section.

31. *Chrestiani* (*Annals* 15.44.2-3), attributing the term to popular Roman usage, perhaps based on shared confusion about its founder's title as *Chrestus*.

32. *Ner.* 16.2 (*Christiani*; LCL 31, p. 110).

33. Even the fulfillment of his own discipleship in death: *Mag.* 10.1.3; *Phil.* 6.1; 8.2; *Eph.* 9.2; 11.2; *Rom.* 1.1; 3.2; *Tral.* 6.1; *Pol.* 7.3.

other words, they all fall within general developments in Roman jurisprudence in the early 2nd century. Incidentally, all of these texts, quite possibly including 1 Peter itself, belong to a timeframe after Pliny. Yet, while all of them are similar, only in Acts and Pliny is the term *Christianos* explicitly used by Roman officials in trial summaries.

5. Difficult Labels

Acts' reverence for the Antiochene church and its evangelistic ministry might suggest an honorific sense for the term Christian, given its etiology. Yet, the two brief mentions of the Christian label quoted in the section above point to a broader and disconcerting ambiguity about its meaning and application. Acts knows but scrupulously avoids the title, opting for more neutral terms, such as "friends"³⁴, "disciple"³⁵ or "disciples"³⁶, "believer"³⁷ or "believers"³⁸, "saints"³⁹, "those with" Jesus⁴⁰ or the apostles⁴¹, "house" or "household"⁴², the "church"⁴³ or "churches"⁴⁴, even "his" or "their" "own"⁴⁵. Other names press the claim for an intra-Jewish social location and its attendant legal status as enjoying the privileges of a *religio licita*. Rather than as Christians or even Jewish-Christians, certain characters are identified as fellow "brothers" with Jews⁴⁶, "those of the circumcision"⁴⁷, "believers among the Jews"⁴⁸, as a Jewish sect called "the Way"⁴⁹, and even

34. 27,3. Roman officials in Asia are even Paul's "friends" in 19,31.

35. 9,10.26.36; 16,1; 21,16.

36. At twenty-five occurrences, it is by far the author's favorite designation. See Acts 6,1-2,7; 9,1.19.25-26.38; 11,26.29; 13,52; 14,20ff.28; 15,10; 18,23.27; 19,1.9.30; 20,1.30; 21,4.16.

37. Acts 16,1.34.

38. 5,14; 10,45; 11,21; 13,48; 15,5; 18,27; 19,2.18; 21,25.

39. 9,32.

40. 4,13.

41. 13,13; 20,34; 26,13. Two Macedonians are *συνναρηπείσσαντες*, or travelling companions of Paul, in 19,29.

42. 8,3; 9,11.17; *passim* the Cornelius narratives in chs. 10–11; 12,12; 16,15.31-34; 17,5; 18,7-8; 20,20; 21,8.16.

43. Acts 5,11; 8,1.3; 9,31; 11,22.26; 12,1.5; 13,1; 14,23.27; 15,3.22; 18,22; 20,17.28.

44. Acts 15,41; 16,5.

45. 4,24; 24,23.

46. 1,15-16; 3,17; 6,3; 9,30; 10,23; 11,1.29; 12,17; 15,3; 23,6.

47. 10,45; 11,2.

48. 21,20, even "zealots for the Torah".

49. The term identifies a group frequently associated with misunderstanding and persecution (9,2; 19,9.23; 22,4), yet for all that a Jewish sect (*hairesis*, 24,14). The author says (and desires) that Roman officials know the group by this term (24,14.22). In 16,17 and 18,25-26, the term encapsulates a shared teaching and way of life.

as members of the Pharisaic sect⁵⁰. Ethnic titles expand with the inclusion of the Gentiles⁵¹.

This ambiguity about the Christian label bears a notable resemblance to the perplexity of Pliny,

Nor have I had ordinary hesitation. Ought there not be some distinction of age? Or do those who are however tender differ naught from the strong? Ought pardon be granted to penitence, or is desisting of no benefit, as has been entirely the case for Christians? Ought the name itself be punished, or the crimes that stick to the name⁵²?

as well as those in his court.

Others named by an informer said they had been Christians and then denied it. Indeed they were, but they stopped at least two years ago, some more years ago; more than one actually [stopped] twenty years ago. Every one of these venerated both your image and the statues of the gods and cursed Christ⁵³.

Twenty years ... best to be on the safe side! This recurring pattern of admission and rejection of a Christian label demonstrates the ambiguity of the accused about their self-identification.

Conversely, the cascading amount of distance between claims of adherence and claims of repentance also highlights the importance of certainty. In other words, as Pliny recounts it, the accused in his court reflect an increasingly certainty that their lives depend on separating themselves as much as possible from the Christian label. This corresponds to Pliny's certainty about one thing, that those who are certain of their self-identification as Christians deserve death. To put it in Roman legal terms, Pliny is certain that he should execute those who show a distinctively Christian brand of *contumacia*, i.e., contempt of Roman authority.

In the meantime, this is the course I have followed with those who were brought before me as Christians. I interrogated those who were Christians. Threatening punishment, a second and third time I interrogated those who

50. 15,5; including Paul himself in 23,6 and 26,5.

51. 15,23 highlights a pivotal narrative moment, how "brothers" can now be used "of the Gentiles". Examples multiply across the remainder of the book. Cf. 15,23.32.33.36; 16,2; 17,6.10.14; 18,18.27; 21,7; 28,14-15.

52. *Ep.* 10.96.2 (LCL 59, p. 286): "Nec mediocriter haesitavi, sitne aliquod discrimen aetatum, an quamlibet teneri nihil a robustioribus differant, detur paenitentiae venia, an ei, qui omnino Christianus fuit, desisse non prosit; nomen ipsum, si flagitiis careat, an flagitia cohaerentia nomini puniantur".

53. *Ep.* 10.96.6 (LCL 59, p. 288): "Alii ab indice nominati esse se Christianos dixerunt et mox negaverunt; fuisse quidem sed desisse, quidam ante triennium, quidam ante plures annos, non nemo etiam ante viginti. <Hi> quoque omnes et imaginem tuam deorumque simulacra venerati sunt et Christo male dixerunt".

confessed; those who persisted I ordered be led away. Indeed, I had no doubt, whatever it was that they admitted, certainly their persistence and inflexible obstinacy ought to be punished⁵⁴. . . . Those who were in real fact Christians said none of these things that could be compelled⁵⁵.

Pliny's default policy is to send away with a warning those who refuse the Christian self-description, but instead to kill those who show defiant attachment to that label. Needless to say, that gave the accused some incentive to avoid it, which many of them emphatically did.

Note furthermore that it is precisely from those who recanted their Christian label that Pliny obtains an in-depth and sympathetic account of Christian practices!

Moreover, they affirmed that this was the sum of their guilt or error: that they were accustomed to gather before dawn on an appointed day and, in turns with each other, chant to Christ as if to a god; also to bind themselves by oath not to participate in any crime, but rather not to commit fraud, not highway robbery, not adultery, not to cheat a pledge, nor to refuse a deposit requested back. With these completed, it was their custom to disband, and to assemble again to take a meal, yet common and harmless⁵⁶.

Not quite a resounding confession of wrongdoing, was it? Let the reader not think that these self-confessed apostates were necessarily curious adherents from a misty past. Those who now vehemently disown the Christian label are the same ones giving a profoundly apologetic account of Christian practices, including eucharist (as "harmless food") and financial ethics (not stealing, repaying debts)⁵⁷. This line of argument suggests that these ostensible apostates may not have forsaken much besides the Christian label. Indeed, they seem quite intent on describing Christian gatherings and practices in a way that would comply with Trajan's ban on secret societies (*betaerias*). They refused the name of Christian, but the practices were quite familiar, perhaps even cherished to the point of desiring to defend them. The apologetic

54. *Ep.* 10.96.2-3 (LCL 59, p. 286): "Interim, <in> iis qui ad me tamquam Christiani deferebantur, hunc sum secutus modum. Interrogavi ipsos an essent Christiani. Confitentes iterum ac tertio interrogavi supplicium minatus: perseverantes duci iussi. Neque enim dubitabam, qualecumque esset quod faterentur, pertinaciam certe et inflexibilem obstinationem debere puniri".

55. *Ep.* 10.96.5 (LCL 59, p. 288): "quorum nihil cogi posse dicuntur qui sunt re vera Christiani".

56. *Ep.* 10.96.7 (LCL 59, p. 288).

57. Indeed, the account of Ananias and Sapphira (Acts 5,1-11) even matches (answers? illustrates?) the oath to pay up on a pledge. Such a founding Christian legend, inculcating a holy fear in regard to the fulfillment of oaths, would have served as a potentially powerful apologetic example of *pietas* for a Roman official.

historiography of Acts takes a very similar approach: defending the practices, ethics and philosophical tenets of a movement that it almost entirely refuses to peg with the Christian label.

6. Reverencing Empire and Spirits

During the trial proceedings, Pliny gives the accused ample opportunity to reject their Christian self-identification and demonstrate their reverence and fidelity to lord and land⁵⁸. More precisely, he presents them with an opportunity to pay homage to physical representations of the emperor's genius and the public *numina*.

I decided to dismiss those who denied being or having been Christians, after, as I dictated, they had invoked the gods and your images (which, for this purpose, I had ordered be brought in along with the images of the gods), had prayed with incense and wine, and then had cursed Christ⁵⁹. ... Every one of these venerated both your image and the statues of the gods and cursed Christ⁶⁰.

This also has a distinct parallel in Acts. After the first riots mentioned above, in Thessalonica, and a brief stay in Berea, Paul again faces hostile crowds in the civic *agora*. The Athenians shuttle him up Mars Hill, where Paul gives a defense of his philosophy, seeking to persuade these Greeks of the veracity of Christian-Jewish monotheism and its hidden presence amidst Greco-Roman *cultus*. He begins his Athenian *apologia* (17,22-23):

After standing in the midst of the Areopagus, Paul said, "Athenians, I perceive you as very devout in every way. For as I passed through and inspected your sacred objects, I found an altar on which was inscribed, 'To an Unknown God'. Therefore, what you worship without knowing, this I proclaim to you" ...

Literarily, Paul's *apologia* here is certainly more persuasive proreptic than trial defense. However, its social, historical and legal ramifications are apparent. By participating however minimally in Greco-Roman *cultus*, Paul pre-empts the threat of being charged with sacrilege and sedition. His conduct turns out favorably, not only avoiding a riot-borne trial in Athens, but also making new disciples (17,33-34).

58. *Ep.* 10.96.5 (LCL 59, pp. 286, 288).

59. *Ep.* 10.96.5 (LCL 59, pp. 286, 288): "Qui negabant esse se Christianos aut fuisse, cum praeceunte me deos appellarent et imagini tuae, quam propter hoc iusseram cum simulacris numinum adferri, ture ac vino supplicarent... dimittendos putavi".

60. *Ep.* 10.96.6 (LCL 59, p. 288): "<Hi> quoque omnes et imaginem tuam deorumque simulacra venerati sunt et Christo male dixerunt".

In other words, Paul's conduct in Athens provides a ready example of how to pass the precise legal criteria elaborated in Pliny's correspondence with Trajan. Show deference, not defiance (*contumacia*). Pay homage to Greco-Roman *cultus*; do not disrespect the *simulacra* of the gods or images of the emperor. On top of that, for good measure the Paul of Acts references the cherished letters so as to demonstrate proper *paideia*. This helps the audience and officials to recognize him as a member of the *honestiores* rather than one of the *humiliores*⁶¹, and thus far more likely to receive considerate legal treatment. The Paul of Acts is not a heroic martyr but rather a reputable man and persuasive *rheto*r who so shrewdly makes his case that it borders on doxological compromise. He effectively walks the line that Pliny drew between the doomed and the delivered.

7. Maintaining Standard Trial Procedures

Pliny expresses disdain at the legal disarray that has followed his initial actions to hear cases against Christians. He notes that the charge spread quickly⁶², as did the number of persons accused of being Christians⁶³. A roster of the names of suspected Christians even appeared, with no author or accuser named⁶⁴. In other words, anti-Christian sentiment had fomented into a mob mentality, a public hysteria characterized by widespread and anonymous accusations.

The response of Trajan echoes Pliny's disdain and confirms his instincts. Trajan (or his secretary) denounces the specter of mob justice and re-asserts the importance of proper procedures for accusations to be made directly within the confines of an official trial.

They are not to be hunted down. If they are brought in and proven guilty, they are to be punished. Yet, if one denies being a Christian and makes this case clear, offering prayer to our gods, you should grant pardon on the basis

61. With thanks to G. Brendan Nagle for pointing out this significant distinction in Roman legal accounts, and its ossification and growing importance into the second century.

62. *Ep.* 10.96.4: "the criminal charge, spreading itself around, took many forms" / "diffundente se crimine plures species inciderunt". Latin from LCL 59, p. 286.

63. *Ep.* 10.96.9: "Indeed, to me the sight is a matter worthy of consultation, especially given the number brought to trial. In fact, many of every age and of both sexes are brought to trial and summoned". / "Visa est enim mihi res digna consultatione, maxime propter periclitantium numerum. Multi enim omnis aetatis, omnis ordinis, utriusque sexus etiam vocantur in periculum et vocabuntur". Latin from LCL 59, p. 290.

64. *Ep.* 10.96.4-5 (LCL 59, p. 286): "Mox ipso tractatu, ut fieri solet, diffundente se crimine plures species inciderunt. Propositus est libellus sine auctore multorum nomina continens".

of repentance, however suspicious [one acted] in the past. Pamphlets distributed anonymously ought to have no place in a criminal charge. For it sets the worst precedent, nor is it suitable to our time⁶⁵.

In Acts the specter of mob justice also meets with a summons to orderly trial proceedings not once (19,35-41), but twice (25,16). The Ephesian legal clerk of Acts echoes the disdain of Pliny and Trajan to channel a mob vendetta into supervised court settings and procedures (19,38-40).

So then, if Demetrius and the artisans with him have a claim against someone, the public forums are in progress and there are proconsuls; let them bring charges against each other. But if you seek further, it will be settled in the lawful assembly. For we indeed are in danger of being charged with rebellion in regard to today[']s actions], since no cause exists for which we can give back a response in regard to this commotion.

In Acts, Festus recounts this same policy as the “custom of the Romans” (ἔθος Ῥωμαίων; 25,16) and how he had insisted that Paul face his accusers in a proper legal assembly in Jerusalem (25,16-19). In both Pliny’s correspondence and Acts, two Roman voices ring out to denounce mob justice and command that suspects face direct, known accusers and have the occasion to respond to formal charges in court settings supervised by Roman officials. In Pliny’s correspondence the presiding official is obviously a proconsul, while Acts’ story of Ephesus explicitly mentions “proconsuls” (ἀνθύπατοι) as the presiding officials.

8. Crazy Defendants

As Pliny recounts the trial proceedings, and specifically his decision to remit Christian citizens to Rome for trial, he uses a choice insult. “There have been others of a similar madness, whom, because they were citizens of Rome, I have recorded as those to be sent to the city”⁶⁶. Acts also has a Roman official, in this case the governor Porcius Festus, dismiss a Roman Christian, Paul, as out of his mind (26,24). “After he made a defense about these matters, Festus said in a loud voice, ‘You are mad, Paul! Your extensive learning is driving you to madness’”.

65. *Ep.* 10.97.2 (LCL 59, pp. 290, 292): “Conquirendi non sunt; si deferantur et arguantur, puniendi sunt, ita tamen ut, qui negaverit se Christianum esse idque re ipsa manifestum fecerit, id est supplicando dis nostris, quamvis suspectus in praeteritum, veniam ex paenitentia impetret. Sine auctore vero propositi libelli <in> nullo crimine locum habere debent. Nam et pessimi exempli nec nostri saeculi est”.

66. *Ep.* 10.96.4 (LCL 59, p. 286): “Fuerunt alii similis amentiae, quos, quia cives Romani erant, adnotavi in urbem remittendos”.

As with these texts more generally, the language difference might seem to suggest a barrier, but the terminology of Acts (*μαίνη* and *μαίνων*) and Pliny (*amentiae*) still share a strong and distinctive resemblance in contextual use and form⁶⁷. In both, Roman Christians on trial are insulted as victims of “madness” by the presiding official. (This is, of course, highly typical of later martyr acts. But Acts and Pliny are clearly the two earliest examples.) Furthermore, both of these texts use the term “madness” in the noun form, and in the case of Acts, this is the only occurrence of its noun form in all NT literature. The specific context and way in which it is used is also unique to Acts in NT literature⁶⁸.

Acts does apparently stand apart from Pliny in the sympathetic, even admiring explanation placed in the mouth of its official, Festus. Paul seems crazy because he is too immersed in *paideia* and philosophy. As a representative for Roman Christians, Paul shows that prominent Christians seem crazy because they are actually so intellectually astute. Yet even this difference highlights the underlying similarity. The explanation of Festus serves as a ready-made, built-in apologetic response to accusations of religious madness against Christians and their leaders by officials such as Pliny.

9. Uncommon Names, Vocations, and Policies

The last parallel takes us outside of Pliny's famous correspondence with Trajan and into his broader literary corpus and social networks. It pertains to an interesting and unusual name: Tertullus. Before discussing the name and its significance for Pliny, let us first recount its place and role in Acts. In Acts 24,1-8, a certain lawyer named Tertullus appears, representing a group from Asia in its prosecution of Paul's case in Caesarea. In his speech before Felix, Tertullus attempts to have Paul killed for profaning the Jerusalem Temple. But Asia seems to be the narrative pivot point, as Paul's own defense

67. Acts could also here be depending on the trial proceedings described in 4 Maccabees (early 1st century), where Antiochus twice (8,5, *μαίνων* and *μανήγαι*; 10,13, *μαίνων*) uses the noun form as an insult which invites Hellenistic capitulation, even to Antiochus' homoerotic advances. Another possible source consists in Wis 5,4, which uses the term *μαίνων* as part of its reflections about the prior mistreatment of the righteous wrongly condemned (prophets? martyrs? both?). While Acts shares with Pliny and 4 Maccabees the term's use as 1) an explicit public insult, 2) in a trial narrative. Yet only with Pliny does Acts link the term as said 1) by a Roman official 2) about a Christian citizen.

68. In John, Jewish leaders say that Jesus “has gone mad” (10,20, *μαίνεται*). In 1 Cor 14,23, Paul worries that the church, engrossed in ecstatic speech, “will be called mad” (*μαίνεσθε*) by outsiders, which is the most similar usage of the term. The lemma also has a special place in Acts, occurring most frequently in this book (12,15 and twice in 26,25), and only once in each of the books mentioned in the examples above.

speech turns the focus from Jerusalem to the public disturbance at Ephesus, as well as the Jews who have come from Asia. Thanks to Paul's rhetorical skill, matching the flourishes of Tertullus' speech, Paul manages to get his case deferred. By the end of his apt defense, his accuser Tertullus has apparently left, with no rebuttal forthcoming. He disappears from the narrative as quickly as he appeared.

Tertullus, which happens to be the Latin masculine diminutive meaning "third", is a quite unusual masculine cognomen in the extant Greek and Latin literature and inscriptions of the first and early 2nd century CE, yet it becomes quite popular in the late second and early 3rd century⁶⁹. The name actually appears nowhere in the Greek literature indexed in the TLG, except in Acts and in patristic interpretation of Acts of the 4th century and subsequent. A knight named Tertullus appears in Suetonius' *Life of Titus* 4.2⁷⁰. The masculine cognomen appears nowhere in the inscriptions of the Republican period. Only two first century CE Latin inscriptions include the cognomen, and these name three members of a family based out of Tomis (Scythia Minor, modern Constanta) in the first half of the 1st century⁷¹. This isolated Roman lineage among the ultimate barbarians is a temporal and geographical outlier in the history of this cognomen.

In Greek inscriptions, two persons by this cognomen appear in the late 1st and early 2nd centuries, and both of these are fascinating candidates for the Tertullus of Acts. The first inscription, which uses the variation Tertullianus, actually comes from Ephesus⁷² and dates to Hadrian's reign (i.e., 117-138 CE). This Tertullianus, mentioned by his cognomen alone, is included on a list of initiates (μύσται) of *Dionysos pro poleōs*, i.e., Dionysus whose shrines were "in front of" the city gates. The connection of this Tertullus as a

69. E. KLEBS (ed.), *Prosopographia Imperii Romani saec. I. II. III.*, Berlin, Georgium Reimerum, 1897, S 0192-0193, 0324, 0515, 0736, T 0089-0094, V 0434 0572 0623. E. GROAG *et al.* (eds.), *Prosopographia Imperii Romani saec. I. II. III.*, Berlin – Leipzig, Walter de Gruyter, 1933-1966, C 1049, D 1065, F 0376, G 0116, I 0035-0038, 0172, 0273, 0554, 0556-0557, 0590, 0598, M 0248, 0541, 0551-0552, 0555, 0707, N 0013, O 0191, P 1015. See also AE 1936:136, 1940:18, 1989:731, 1994:1881, 1998:1086; *RE* suppl. 14 (1974), pp. 205-206, s.v. Iulius 65a; CE 77 (2002), pp. 238-248; IK Perge 194; ILAfr 389; TAM 5.670, ZPE 120 (1998), pp. 272-273 n. 1.

70. LCL 38, p. 324.

71. CIL 3.7564 (IScM II 168) records both a father (Claudius Tertullus) and a son (Tiberius Claudius Tertullus) with this cognomen. IScM II 176, dated to the late first century, names one Marcus Julius Tertullus as a member of "the old cohort I Commagenorum Mitriades".

72. Ephesus 566 (GIBM 601.a-z; SEG 28, 857; IEph 1601.a-z). Horsley wrote an article on the inscriptions of Ephesus and the New Testament, but he did not recount this connection between Ephesian inscriptions and Acts, nor did he make note of these particular inscriptions about Tertullianus. See G.H.R. HORSLEY, *The Inscriptions of Ephesus and the New Testament*, in *NT* 34/2 (1992) 105-168.

participant in and patron of local Ephesian *cultus* makes him a very interesting candidate, especially given Acts' possible setting in Ephesus, as well as the vendetta of its Tertullus in regard to Christians threatening *cultus* in Asia.

Another Tertullus, one Julius Cornutus Tertullus, may be even more compelling. This Tertullus appears in the other two Greek inscriptions of this period. Both inscriptions are from Perge in Pamphilia (modern Aksu). One dates between 69-79 CE⁷³ and another between 124-125 CE⁷⁴. It just so happens that this same Tertullus frequents the letters of Pliny. His correspondence reveals a longtime friendship. In 100 CE they both served as *consul suffectus* of the Senate. Tertullus and Pliny also found themselves sharing common legal causes, whether in regard to the case against Marius Priscus and Marcianus⁷⁵, or the legal vendetta for the surviving members of the family of the younger Helvidius⁷⁶. They ran in a common patronage network⁷⁷, and they shared fairly intimate personal details in their correspondence⁷⁸. Finally, this Tertullus took over the praetorship of Bithynia-Pontus after the death of his friend Pliny.

For Christians in the early 2nd century in Asia Minor, the threat of Cornutus Tertullus loomed large. As a friend, legal ally, and now successor of Pliny, he would in all likelihood have carried on Pliny's exacting views toward and treatment of Christians. He had Pliny's recent correspondance with Trajan as a clear example of proper yet strict legal precedence. Tertullus may even have sponsored the publication of Pliny's final group of letters after his untimely death, perhaps in conjunction with Pliny's secretary Suetonius.

In any case, that Tertullus took a similar approach to the prosecution of Christians as did his forebear, Pliny, is quite plausible, even probable. For Christians in Bithynia-Pontus in the mid-110s to survive, they would have to deal wisely with Tertullus. This almost certainly applied equally to Tacitus, the concurrent praetor of the province of Asia and another long-time friend of Pliny. This shared policy and patronage network, not to mention geographical proximity, suggest that this Tertullus could well be seen as representing a group in Asia, the same as the Tertullus of Acts. In sum, the Tertullus of Acts shares various peculiar features with Pliny's friend, not just an especially unusual cognomen, but also geographical proximity and anti-Christian policy.

73. IK Perge 44.

74. IK Perge 122.

75. *Ep.* 2.11.19-22.

76. *Ep.* 9.13.15.

77. *Ep.* 4.17.9; 7.31.

78. *Ep.* 7.21.

III. CONCLUSIONS

1. Retrospective Evaluation of Parallels

Now that our analysis of parallels is complete, let us return to the criteria of intertextuality mentioned at the outset. In terms of analogical imitation or use (#2), most of the observations apply. This includes marketplace riots as the impetus for trials, the common response of puzzlement leading to inquiry, a Roman official's dismissal of Christian citizens as victims of madness, the official insistence on proper trial proceedings, and their remittance to Rome for trial. As the above analysis shows, the parallels also demonstrate significant density (#3, quality and quantity) and distinctiveness (#5). The density and distinctiveness of parallels proves even more striking when considered proportionately, i.e., in view of the brevity of this correspondence between Pliny and Trojan (almost 500 words!).

Regarding order (#4), two event sequences overlap across the two texts. First, there is a progression from the announcement of disorderly legal behavior (*Ep.* 10.96.5 // Acts 17,5) to the passing of legal tests for imperial, social and religious felty (*Ep.* 10.96.5-6 // Acts 17,22-23). Second, there is a progression from puzzlement and inquiry (*Ep.* 10.96.1-2 // Acts 22,24-29) to the elaboration of orderly procedures (*Ep.* 10.96.3 // Acts 25,16) to the opprobrium of insanity (*Ep.* 10.96.4 // Acts 26,24) and remittance to Rome (*Ep.* 10.96.4 // Acts 26-28).

Concerning interpretability (#6), the scenario raises few new problems. It does nothing to the critical scholarly view that Acts narrates an idealized and apologetic history rather than a factual travelogue of Paul and his companions. But this scenario solves many problems. It helps explain how Christians could be said to bring entire city economies to a halt, the vibrant focus on provincial trial scenes, the well-considered examples of a sage and tactful defense, and why a citizenship claim would serve as a crucial last recourse to live to testify another day. These solved problems, and several others, will be discussed at length in Tom Phillips' chapter.

While the above parallels never rise to the level of verbatim quotations, dependence is the most likely and plausible scenario, even to the point of being probable. By dependence I of course do not mean that Pliny depended on Acts, which is untenable given that Pliny in his letters has just encountered Christians for the first time, bases his conclusions entirely on their testimony and that of others present, and mentions nothing of Christian literature. Instead, it is probable that the author/redactor of Acts, even while refraining from quoting Pliny's correspondence directly, still recounted it, imitated it, responded to it, and recast it in a sophisticated exercise of apologetic narrative and rhetoric.

2. The Criterion of Availability/Accessibility

One criterion was left out of the previous analysis, but let me treat of it briefly here in anticipation of Tom Phillips' more thorough discussion of it. Some might rule out the above case for intertextuality simply on the basis of what Hays calls "availability", or what Dennis MacDonald terms "accessibility" (#1). Hays' criterion of "historical plausibility" (the likelihood of a source being cited at all) also fits here. Obviously, the date and location of the composition of Acts is one side of this story. Here we will not present a novel argument for a sufficiently late date for Acts, but instead note in passing that the scholarship outlined above makes this a distinct if not compelling likelihood. Nor will we make a new case for the location of Acts, but presume that Western Asia Minor is a currently viable theory for the composition of Acts. Thus it is the other side of the story that requires consideration. Simply put, would Pliny's Latin correspondence have been published, circulated, and known to someone writing in Greek in western Asia Minor between 110 and 150?

In terms of accessibility/availability, Pliny's letters were a continually collected, edited and published text for public readership, a key source even for his contemporaries to understand official imperial policy. Both Suetonius (Pliny's secretary during his praetorship in Bithynia-Pontus) and Tacitus (governor of the neighboring province of Asia) show an awareness of Pliny's correspondence with Trajan in their own descriptions of Christians. The author of Acts may have known and read Latin, but that is really inconsequential. Pliny's published letters and their descriptions of the trials of Christians would have been publically accessible to Christians in Asia Minor, not to mention vital to their survival. Accessibility is plausible in terms of place (Asia Minor) and publicity (official promulgation). Its date stands as the only potentially debateable dimension.

3. An Additional Criterion: Overlapping Early Receptions

Though "reception history" or "textual afterlife" is not one of the named criteria of intertextuality developed by Hays or MacDonald, it also deserves consideration. Specifically, how do the earliest receptions of Acts and Pliny correspond to each other, and do they overlap? Andrew Gregory has shown that unique materials from Acts are not clearly quoted until Irenaeus of Lyons ca. 180⁷⁹. While he calls into question the certitude of Barrett and

79. See A. GREGORY, *The Reception of Luke and Acts in the Period before Irenaeus: Looking for Luke in the Second Century* (WUNT, 2/169), Tübingen, Mohr Siebeck, 2003.

Cadbury and their mid-2nd century date for the reception of Acts⁸⁰, Gregory does come to the conclusion that the *Letter of the Church of Lyons and Vienne* (aka the *Martyrs of Lyons and Vienne*) shows “probable knowledge” of Acts⁸¹. This text was written around 177 CE about a rash of executions that took place in Southern Gaul. It may well have been written by Irenaeus himself. Its knowledge of Acts is not surprising, given that Lyon and Vienne was home to a sizeable population of wealthy and learned transplants from the birthplace of Acts, Asia Minor, especially Asia and Phrygia, which is precisely where the martyr-story is addressed⁸².

While Acts specialists have noted this reception-history, specialists on Pliny the Younger have apparently not noted this as one of the earliest Christian texts to show familiarity with his famous correspondence regarding the trials of Christians⁸³. The *Letter of Lyons and Vienne* describes how Attalus, its chief martyr-protagonist, is threatened by a mob⁸⁴. The governor intervenes upon discovering that he is a Roman citizen. While the governor does not send him to Rome (as in Acts and Pliny), he does write a letter to the emperor, following Pliny’s precedent of an imperial inquiry by letter⁸⁵. The imperial response arrives in Lyons, to kill those who do not deny their faith⁸⁶. While no clear quotations are present, the narrative practically recapitulates the drama recounted in Pliny’s correspondence. One wonders whether the Pliny / Acts precedent was invoked by these Asian transplants, provoking the imperial inquiry, or whether the episode is embellished so as to match Pliny’s pattern, or whether the historical events and literary depictions of both coincided. In any case, this early martyr-account shows a familiarity with Acts and Pliny; both texts are woven together into their narrative. Their earliest reception-histories are closely linked, lending *post facto* credence to their close literary and historical relationship.

80. *Ibid.*, pp. 304-305.

81. *Ibid.*, p. 328.

82. 1.1. W.H.C. FRIEND, *Martyrdom and Persecution in the Early Church: A Study of a Conflict from the Maccabees to Donatus*, Grand Rapids, MI, Baker, 1981, pp. 2ff, introduces his extensive history of early Christian martyrdom by exploring this narrative and the social backgrounds of its characters.

83. Tertullian recounts Pliny’s letter quite accurately in *Apology* 2.6; noted by SHERWIN-WHITE, *Letters of Pliny*, p. 692, et al. Eusebius, Jerome, et al., follow suit.

84. 1.44.

85. 1.44-45.

86. 1.45.

4. The Bigger Picture: A Shared Historical Context

The literary parallels elaborated above are substantive in their own right, making dependence likely. An equally important case can be made for a shared historical context between the two texts. For instance, what is the most plausible historical background for the datum that Christians are provoking riots and trials because they are a serious hindrance to the religious-economy of entire cities, or at least a significant enough presence to be scapegoated for such problems? Christians would need to be 1) somewhat numerous and 2) fairly unified in non-participation in local *cultus* (i.e., avoiding idol meat and festivals). The witness of the authentic Paulines does not meet such criteria⁸⁷. Mark also reflects this Pauline tradition of enlightened capitulation⁸⁸. Written ca. 69-95, Revelation points to a tense debate and the beginning of a shift in dominant practice across Asia Minor, condemning groups that approve of eating idol meat⁸⁹. In northern Palestine or Syria, the *Didache* expresses a similar, unequivocal disdain for meat sacrificed to idols⁹⁰. Acts represents an early orthodox development, detailing both significant numbers (even if described in anachronistic mass-conversions)⁹¹ and an established consensus among its founders (and thus in Asia Minor) to abstain from idolatrous meat⁹².

The date of the establishment of a legal precedent for the remittance of Christian citizens to Rome serves as another issue relevant to locating Acts historically. Acts presumes an existing, officially authorized precedent – that

87. 1 Cor 8 and esp. 10,25; and to a church Paul had yet to meet in Rom 14, as the more honorable practice.

88. 7,14-19; even if 7,19b is an interpolation, the overall teaching of the passage still reflects basic agreement with Paul's teaching of Gentile exception.

89. 2,14.20. Those whom Revelation calls the followers of Balaam (in Pergamum) and Jezebel (in Thyatira), apparently tied to the Nicolaitans, may well be the theological heirs of those in Corinth whom Paul addresses as "you who have knowledge" (1 Cor 8,10; see also 8,1-2.7).

90. 6.3. "Now concerning food, bear what you can. But guard exceedingly against what is sacrificed to idols, for this is the priestly service of dead gods".

91. PERVO essentially makes the same point, "Conflicts require that the number of Christians had grown to the point at which they could be perceived as a threat"; see *Acts in the Suburbs of the Apologists*, in T.E. PHILLIPS (ed.), *Contemporary Studies in Acts*, Macon, GA, Mercer University Press, 2009, 29-46, p. 39 n. 58. Cf. also PERVO, *Dating Acts*, pp. 317-319.

92. The strongly Jewish character of churches in Asia Minor continued, as evidenced by the dogged insistence of its leaders, at least as early as Polycarp, to observe the Pasch according to the Jewish dating of Passover, rather than on the following Sunday; see Irenaeus, *AH* 5.24.14, 17. *The Martyrs of Lyon and Vienne*, written ca. 177, has the churches in Gaul following the practice of their patron church in Smyrna regarding the kosher commands.

a Christian leader who is a citizen can invoke and exercise a pre-existing right for an imperial audience. No such precedent existed in Roman law in the 1st or 2nd century. The Paul of Acts does not invoke the *provocatio* of the *Lex Iulia* to have a trial in the *ordo* system in Rome. Instead, he mimicks Pliny's direct appeal to the emperor, though in his case this audience is supposed to be in person rather than by letter.

Pliny's correspondence reveals no prior precedent either. Certainly, he recalls that Christians had previously faced trial. He may well know of the precedents of previous *praetors* in treating and trying Christians as criminals. However, he shows no indication of knowing a precedent to send Christian citizens to Rome. He does not send Christians to Rome because of a specific precedent, but because the idea of citizens who are Christians is mystifying to him. He writes in part to establish his course of action as imperially-authorized precedent, for which task the emperor specifically appointed him as *legatus*⁹³. Pliny knows the imperial edict to ban all secret societies (*hetaerias*) and to execute those who persist in them⁹⁴. He knows enough to excuse persons who recant competing allegiances and show filial piety to the emperor and the *numina*. But he has no idea what to do with citizens who are also Christians. By sending them to Rome, he establishes a new and officially-sanctioned legal precedent, the very same upon which Acts calls in its direct appeal "to the emperor".

Another feature that favors a 2nd century date for Acts (and Luke) is its distinctive concern with how Christians ought to behave when on trial. By way of contrast, Matthew and John employ the term witness (*martyrs*) in relation to the issue of the credibility of testimony, a way of authenticating events or sponsoring divine revelation. The trial of Jesus is climactic and paramount, but only his trial is in focus. Even Revelation uses testimony (*martyria*) as the reason for persecution, and not as a description of trial speech; Revelation's sole trial places Jesus and the righteous deceased before the heavenly *bēma*, indicting the empire itself for committing atrocities. The peculiar advice of the Lukan Jesus not to worry about trial testimony (Luke 12,11), if written by the author/redactor of Acts (as it probably was), is counter-intuitive guidance amidst the intense focus on trial narrative and testimony throughout Acts. Certainly, this focus stems in part from the unique concerns of the author. Yet, historically, it belongs to a later setting, a time when disciples are concerning themselves with their behavior during trials, which presumes the

93. Elaborated in *Ep.* 10.117. Here Trajan tells Pliny, "For this reason I chose your prudence, so that you yourself might control and institute the established customs of that province".

94. 10.96.7.

possibility of a successful trial defense. Pervo's observation that Acts builds a bridge between the first generations and the age of apologists seems apt. On the far side stand not only the apologists but also the bards of early martyr stories, i.e., popularized Christian trial narratives. The emphasis on wise yet bold confession and defense during a trial puts Luke and Acts much closer to the Pastorals (1 Tim 6,13) than to the other synoptic Gospels, and much closer to Pliny and even early Christian martyr stories than anything else in the canonical texts.

The assessment above lends further support and nuance to the growing body of scholarship pressing for a 2nd century setting for Acts. Acts is likely dependent on Pliny's correspondence with Trajan. Acts not only shares the same historical and social context as Pliny. It also invokes Pliny's perspective and precedent as its own so as to lend guidance to Christian communities in their self-definition and self-defense in provincial settings.

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