

## Introduction

For the hanged and beaten.  
For the shot, drowned and burned.  
For the tortured, tormented, and terrorized.  
For those abandoned by the rule of law.

We will remember.

With hope because hopelessness is the enemy of justice.  
With courage because peace requires bravery.  
With persistence because justice is a constant struggle.  
With faith because we shall overcome.

Equal Justice Institute

The National Memorial for Peace and Justice, in the capitol of my home state of Alabama, is a remarkable site. The memorial structure at the center of the site is constructed out of over 800 corten steel monuments. On each are the names of victims of a racial terror lynching. Each monument collects the names of the victims from a county in the United States where racial terror lynching took place, including my home county of Madison, Alabama. As I navigated this heart-wrenching and emotionally fatiguing memorial, I came across the quotation that is the epigraph for this introduction.

The words arrested my attention, because they are not bound by time. With the first stanza as a heuristic, I pondered: How far back could we make the promise of remembering? How can this contemporary story of lynching and state terror impact our analyses of ancient stories in which both legal and extrajudicial means are used to terrorize, criminalize, subjugate, and execute bodies? These questions animate this book, which focuses on criminalization in antiquity. *Criminalization in Acts of the*

*Apostles* examines the question of criminality and criminalization in the biblical book Acts of the Apostles.

I am not the first to consider how lynching in America could be fecund ground for interrogating ancient, canonical texts. W. E. B. DuBois draws a parallel to Jesus' cross and Southern lynching in his essay, "Jesus Christ in Texas."<sup>1</sup> Poets such as Langston Hughes in "Christ in Alabama" and Gwendolyn Brooks in "The Chicago Defender Sends a Man to Little Rock" described how, "on a cross in the South,"<sup>2</sup> "the loveliest lynchee was our Lord."<sup>3</sup> From a Black liberation theology perspective, James Cone in *The Cross and the Lynching Tree* posits Jesus as the consummate victim of lynching. Cone writes: "The cross places God in the midst of crucified people, in the midst of people who are hung, shot, burned, and tortured."<sup>4</sup>

Although Cone's analysis is not exegesis, he does appeal to Acts 10:39 on several occasions. In that passage, Acts places these words on Peter's lips to the God-fearer Cornelius: "They put him (Jesus) to death by hanging him on a tree." Luke-Acts scholar Shelly Matthews takes up Cone's work to comparatively analyze how Gospel of Luke and Acts of the Apostles (Luke-Acts) imagined a violent act such as crucifixion that bears numerous similarities to lynching.<sup>5</sup> Both crucifixion and lynching

<sup>1</sup> W. E. B. Du Bois, *Darkwater: Voices from Within the Veil* (New York: Oxford University Press, 2007), 59–64.

<sup>2</sup> I put Langston Hughes' whole poem here and I did not exclude the modifier that Hughes uses for Christ, because I wanted to leave it in the full context of the poem below. *The Collected Poems of Langston Hughes*, ed. Arnold Rampersad (New York: Vintage Books, 1994), 143.

Christ is a Nigger,  
 Beaten and black –  
 O, bare your back.

Mary is His Mother  
 Mammy of the South,  
 Silence your Mouth.

God's His Father –  
 White Master above  
 Grant us your love.

Most holy bastard  
 Of the bleeding mouth:  
 Nigger Christ  
 On the cross of the South.

<sup>3</sup> Gwendolyn Brooks, "The Chicago 'Defender' Sends a Man to Little Rock Fall, 1957," in *Beyond the Blues: New Poems by American Negroes*, ed. Rosey E. Pool (London: The Hand and Flower Press, 1962), 52–3.

<sup>4</sup> James H. Cone, *The Cross and the Lynching Tree* (Maryknoll, NY: Orbis Books, 2011), 26.

<sup>5</sup> Shelly Matthews, "The Lynching Tree and the Cross: James Cone, Historical Narrative, and the Ideology of Just Crucifixion (Luke 23:41)," in *The Narrative Self in Early*

sit at the intersection of state-sponsored and mob-endorsed killing, at the crossroads of court-sanctioned and extrajudicial death.

Matthews analyzes how Luke-Acts' portrayal of a criminal demonstrates the author's artistic but problematic imagination and ideology. She explores the statement of the crucified criminal (*kakourgos*) in Luke 23:41, who announces from a cross that he deserves an asphyxiating, excruciating, torturous public execution. Matthews finds such a statement untenable. She argues that Luke-Acts has invented this dialogue and that these words in the criminal's mouth in many ways display the text's privileged status and sympathy to Roman power.<sup>6</sup>

Various interpreters use this scene created by Luke-Acts to reconstruct ancient attitudes toward judicial processes and justice, and the aspects of the scene they focus on are linked to their hermeneutical priorities. Interpreters who identify with the characters possessing power and authority have read this scene in a way that says, "I see us in the authority figure."<sup>7</sup> Those who have been on the underside of judicial and extrajudicial punishments – those such as Hughes, Brooks, Du Bois, and Cone – identify with the criminalized. This book emerges from the questions raised by the Equal Justice Institute and those who empathize with the criminalized. *Criminalization in Acts* demonstrates that those who are portrayed in Acts as criminals are criminalized by the text – rendered criminals in its prose – and it seeks to understand that criminal status within larger ancient notions of law and justice.

#### CRIMINALIZATION IN ANTIQUITY AND IN THE ACTS OF THE APOSTLES

The Acts of the Apostles, an early second-century text<sup>8</sup> in the New\* Testament,<sup>9</sup> is particularly fertile territory for considering how the

*Christianity: Essays in Honor of Judith Perkins*, ed. Janet E. Spittler (Writings from the Greco-Roman World Supplement Series 15; Atlanta: SBL Press, 2019), 147–70.

<sup>6</sup> Matthews, "The Lynching Tree," 164–5.

<sup>7</sup> Matthews, "The Lynching Tree," 164.

<sup>8</sup> This dating relies heavily on the idea that Josephus' work influenced the author of Acts. See Rubén R. Dupertuis and Todd C. Penner, *Engaging Early Christian History: Reading Acts in the Second Century* (New York: Routledge, 2013); Richard I. Pervo, *Dating Acts: Between the Evangelists and the Apologists* (Santa Rose, CA: Poleridge Press, 2006), 161–6; Ernst Haenchen, *The Acts of the Apostles: A Commentary* (Philadelphia: The Westminster Press, 1971), 621–2; and Carl Holladay, *Acts: A Commentary* (Louisville, KY: Westminster John Knox Press, 2016), 418.

<sup>9</sup> I use "New\* Testament" following Elisabeth Schüssler Fiorenza's usage in *1 Peter: Reading Against the Grain* (London: T&T Clark, 2016) and her course "Advanced New\*

criminalized were constructed and remembered and how such memories impact our contemporary understandings of the criminalized. This book explores the narrative of Acts and how it characterizes figures and groups as criminalized. Interpreters have attributed a number of roles to the author of Luke-Acts that include historian, theologian, and popular writer.<sup>10</sup> Yet Luke-Acts defies the limits of our modern genre categorizations. Within the genre hybridity of Acts, Acts writes criminals into existence using historical, theological, and popular tropes. In this way, the author takes on the role of a criminographer: one who creates criminal characters.

While scholars from Martin Dibelius to Matthew Skinner have noted the role that trial scenes and speeches play in disclosing Acts' agenda,<sup>11</sup> and others from Otto Weinreich to John Weaver have analyzed the importance of prison-breaks for Acts' narrative,<sup>12</sup> no one has yet assessed how

Testament/Early Christianity Seminar" offered at Harvard Divinity School in 2017. I use this term to trouble the supersessionist and anti-Jewish implications of the designations "New" and "Old" Testaments. The legacy of the designations cannot be easily dismissed or erased, and the asterisk signifies the complicated history behind describing a collection of writings in Christian bibles as "new."

<sup>10</sup> For an example of readings of Luke as historian see William Ramsay, *The Bearing of Recent Discovery on the Trustworthiness of the New Testament* (1915; repr. Grand Rapids: Baker Book House, 1953). Gregory Sterling assesses Luke-Acts as "apologetic historiography": Gregory Sterling, *Historiography and Self-definition: Josephos, Luke-Acts, and Apologetic Historiography* (New York: Brill, 1992). For examples of Luke as theologian see Henry Cadbury, *The Book of Acts in History* (New York: Harper & Brothers, 1955) and Martin Dibelius, *Studies in the Acts of the Apostles*, ed. H. Greeven, trans. M. Ling and P. Schubert (New York: Charles Scribner's Sons, 1956). For an example of Luke as a popular, even novelistic, writer, see Richard Pervo, *Profit with Delight: The Literary Genre of the Acts of the Apostles* (Philadelphia: Fortress Press, 1987). There are also perspectives that note that Acts demonstrates genre hybridity. See Laura S. Nasrallah, *Christian Responses to Roman Art and Architecture: The Second-Century Church amid the Spaces of Empire*. (Cambridge: Cambridge University Press, 2010). This last perspective is the one with which I most align.

<sup>11</sup> Martin Dibelius, *The Book of Acts: Form Style, and Theology* (Minneapolis: Fortress Press, 2004) and Matthew Skinner, *The Trial Narratives: Conflict, Power, and Identity in the New Testament* (Louisville, KY: Westminster John Knox Press, 2010). These speeches include Stephen's (Acts 7:1–53), Gamaliel's (Acts 5:33–9), the Philippian slave owners' (Acts 16:20, 21), the Jewish plaintiffs' in Corinth (Acts 17:12–17), the Jews from Asia in Jerusalem (Acts 21:27–36), Jewish opposition to Paul before Roman officials (Acts 24:1–9), and Paul's speeches before Roman officials (Acts 21:37–23:10; 24:10–20; 25:6–12; 26:1–32). Along with these speeches, the speeches at Jesus' trial in Luke 23:1–4 are relevant for Acts because they serve as a model.

<sup>12</sup> Otto Weinreich, "Gebot und Wunder," in *Genethliakon: Wilhelm Schmid zum siebzigstend Geburtstag*, ed. Friedrich Focke et al., (Tübingen Beiträge zur Altertumswissenschaft, 5; Stuttgart: Kohlhammer, 1929), 309–41; John B. Weaver, *Plots of Epiphany: Prison-Escape in Acts of the Apostles* (BZNW 131; Berlin: De Gruyter, 2004).

Acts portrays Paul and the Jesus followers in Acts as criminalized. This is particularly worthwhile because Roman elites who discussed Christians in the first centuries often viewed them as criminals.<sup>13</sup> Acts, aware of this disposition, argues that the members of the messiah movement were not criminal but were instead made out as criminals by others.

Analyzing the portrayal of the criminalized in Acts and in antiquity more broadly requires a hermeneutic of suspicion. I suspend judgment on what constitutes a crime and my approach is suspicious of judgments that deem activity criminal. Our understandings of crime and criminality are contemporary and often anachronistic, but they also carry presuppositions that obscure how criminals were depicted legally and socially in antiquity.<sup>14</sup> An example of this is murder. Although killing someone is now generally recognized as criminal,<sup>15</sup> in many contexts in Roman antiquity, murder was not always considered criminal. For example, an owner could kill an enslaved person that they possessed with impunity.<sup>16</sup> Definitions of criminality were – and are – intertwined with complicated networks of power relationships, status, and social discourses.

Roman legal scholar Jill Harries argues that Roman criminal law must be understood in terms of both a social discourse and a legal discourse in the Roman Empire.<sup>17</sup> On the one hand, she characterizes the legal discourse as what can be gleaned from explicitly legal documents and materials such as the compilation of jurists' opinions from the second century CE and beyond, collected in the sixth-century Justinian's *Digest*. The social discourse, on the other hand, is found in other materials,

<sup>13</sup> Justin Taylor, "Why Were the Disciples First Called 'Christians' at Antioch? (Acts 11, 26)," *Revue Biblique* 101, no. 1 (January 1994): 75–94. This discussion includes remarks from Dio, Tacitus, and Pliny the Younger.

<sup>14</sup> Sandra Walklate, *Understanding Criminology: Current Theoretical Debates* (Philadelphia: Open University Press, 1998), 16–33 notes that the modern study of crime developed at the same time as new theories of the human that relied on nineteenth-century understandings of biology, sexuality, race, and class.

<sup>15</sup> Note how even in contemporary times this does not hold when we consider how many think of war scenarios, death penalties, etc.

<sup>16</sup> For further information on this example, especially the term *patria potestas* (father's rule over members of the house, including slaves), see the work of Roman criminal law pioneer Theodor Mommsen, *Römisches Strafrecht* (Systematisches Handbuch der deutschen Rechtswissenschaft; Leipzig: Duncker & Humblot, 1899) and James Leigh Strachan-Davidson, *Problems of the Roman Criminal Law*, 2 vols. (Littleton, CO: Fred B. Rothman & Co., 1912). For more contemporary conversations, see Olivia F. Robinson, *Criminal Law of Ancient Rome* (Baltimore, MD: Johns Hopkins University Press, 1995) and Jill Harries, *Law and Crime in the Roman World* (New York: Cambridge University Press, 2007).

<sup>17</sup> Harries, *Law and Crime*, 4.

particularly novels, rabbinic literature, and martyrdom narratives. They fill in gaps that sources such as the *Digest* cannot.<sup>18</sup>

I propose that one must critically assess how ancient social discourses portray individuals and groups as criminals in order to learn about the world that produced Acts, on the one hand, and Acts' own characterizations of criminals and criminality, on the other. *Criminalization in Acts of the Apostles* takes Acts as its starting point in order to reconsider how we conceive the first communities that followed Jesus as messiah. Often those communities – frequently called early Christians, or the Jesus movement – are considered persecuted. This book shifts the lens from religious persecution and instead examines how Acts portrays the communities as *prosecuted* and criminalized.<sup>19</sup> This shift allows us to ask questions about ancient justice and the state.

Raising new questions allows for interpreters to glean fresh evidence from overinterpreted passages such as Acts 9:4 where Acts' Jesus asks Paul, then called Saul, “*ti me diōkeis*.” Almost universally this phrase is translated as “why do you persecute me?” However, another translation lies within the semantic range of *diōkō*. This term can also mean “prosecute.”<sup>20</sup> This translation is particularly relevant for the context of

<sup>18</sup> See Ari Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure,” *Classical Antiquity*, 33, no. 2 (October 2014): 243–80 and “Criminals: Imagining Criminals in the Roman Provinces,” in *A Global History of Crime*, Vol. 1, *Antiquity*, ed. Adriaan Lanni (New York: Bloomsbury, forthcoming), 81–114; Saul Lieberman, “Roman Legal Institutions in Early Rabbinics and in the Acta Martyrium,” *JQR* 35 (1944): 1–57; Leib Moscovitz, “Legal Fictions in Rabbinic Law and Roman Law: Some Comparative Observations,” in *Rabbinic Law in Its Roman and Near Eastern Context*, ed. Catherine Hezser (Texts and Studies in Ancient Judaism; Tübingen: Mohr-Siebeck, 2003), 105–32; Sandra Schwartz, “The Trial Scene in the Greek Novel and in Acts,” in *Contextualizing Acts: Lukan Narrative and Greco-Roman Discourse*, ed. Todd Penner and Caroline Vander Stichele (Boston: Brill, 2004). Also, see Carly Daniel-Hughes and Maia Kotrosits discuss how the profile of a Christian included juridically defined delinquency and how Tertullian's imagination of Roman interaction with Christians in judicial scenes is a part of his fantasy of power, which is already at work in Acts (Carly Daniel-Hughes and Maia Kotrosits, “Tertullian of Carthage and the Fantasy Life of Power: On Martyrs, Christians, and Other Attachments to Juridical,” *Journal of Early Christian Studies* 28, no. 1 (Spring 2020): 1–31, 28).

<sup>19</sup> Candida Moss, *The Myth of Persecution: How Early Christians Invented a Story of Martyrdom* (New York: HarperOne, 2013), 163–87 makes a similar argument regarding Roman officials trying Christians for insolence and refusing to comply. My argument differs in that I am less sympathetic to the Romans' logics for punishing. I also noted this distinction between prosecution and persecution in my dissertation prior to reading her important work.

<sup>20</sup> LSJ s.v. “διώκω.” I quote the relevant entry here for reference: IV. as law-term, prosecute, ὁ διώκων the prosecutor, opp. ὁ φεύγων, the defendant, Hdt.6.82 (pl.), A.Eu.583, etc.;

Acts 9:4, in which Saul receives letters from the high priest to criminalize Jesus' followers,<sup>21</sup> arrest them, and bring them back to Jerusalem for trial. Translating the term *diōkō* as prosecution highlights the legal processes involved with arresting, trying, convicting, and punishing criminalized people. Of the eleven times that the term is used in Luke-Acts, eight are direct references to Paul prosecuting Jesus' followers, and one of the two references in Luke involves Jesus communicating to his followers that they will be brought before synagogues, kings, and rulers for trials (Luke 21:12).<sup>22</sup> In Acts 9:5, Jesus discloses that it is he whom Paul is prosecuting. By attacking the followers, Paul attacks the leader.<sup>23</sup> In Luke 10:16, Luke's Jesus states that "whoever rejects you rejects me." Paul prosecutes Jesus. This is not strange for Acts, because, for Acts, Jesus the Just One died a criminal's death after being prosecuted according to Roman and Jewish legal processes.<sup>24</sup>

Translating and thinking with *diōkō* as "to prosecute" allows us to focus on the legal processes that produce and prosecute criminals in Acts. Such a focus allows for an analysis of those processes in terms of prosecution rather than as persecution, which is usually understood as a religious phenomenon where the judicial aspects function merely as incidental to the narrative. This reading also highlights the legal aspects of the term

ὁ διώκων τοῦ ψηφίσματος τὸ λέγειν ... he who impeaches the clause in the decree ... D.18.59; "γραφᾶς δ." Antipho 2.1.5; "γραφὴν δ. τινά" indict, D. 59.69; "δ. εἰσαγγελίαν" Hyp.Eux.9; "δ. τινὰ περὶ θανάτου" X.HG7.3.6: c. gen. criminis, accuse of ... prosecute for ... "δ. τινὰ τυραννίδος" Hdt. 6.104; "δειλίας" Ar.Eq.368; "παρανόμων" And.1.22, cf. "διωκάθειν; ψευδομαρτυρίων" D.29.13, etc.; "δ. ἀπάτης εἶνεκεν" Hdt.6.136; φόνον τινοῦ δ. avenge another's murder, E.Or.1534 (anap.), cf. Arist.Pol.1269a2; δίκην δ. pursue one's rights at law, D.54.41; "δίκας μὴ οὔσας δ." Lys. 32.2: c. acc. et inf., accuse one of doing, App.BC4.50: - Pass., "ὁ διωκόμενος" Antipho2.1.5; "θανάτου ὑπὸ τινος -εσθαί" X.Ap.21; with play on 1.1, Ar.Ach.698 sq.

<sup>21</sup> *P.Tebt.* 315.29–32 is a papyrological formal parallel for an Egyptian official receiving letters authorizing them to send criminals to the high priest (Pervo, *Acts*, 240 n.57).

<sup>22</sup> Another relevant use is in Acts 7:52, which places Stephen before the judiciary condemning the Jewish leadership for prosecuting prophets including Jesus the Just One.

<sup>23</sup> This concept of linking an attack against followers to an attack against the leader is also evidenced in *Bacchae* with Dionysus; see Chapter 6. The Textus Receptus includes attestations to the following phrase in Acts 9:4 or 9:6: σκληρόν σοι πρὸς κέντρα λακτίζειν (emphasis added): "It is hard to kick against the goads." (The phrase is most likely an interpolation from when Paul tells the story in Acts 26:14.) This phrase directly aligns with *Bacchae* 794–95: Δι. θύοιμι' ἄν αὐτῶι μᾶλλον ἢ θυμούμενος πρὸς κέντρα λακτίζοιμι θνητὸς ὢν θεῶι. In that passage, Dionysus chastises King Pentheus for prosecuting his followers.

<sup>24</sup> Jesus is ascribed the title *dikaïos* in Luke 23:47; Acts 3:14; 7:52; 22:14. I discuss how Luke-Acts uses this title for Jesus in trial scenes when Jesus' followers are unfairly tried in Chapter 5.

witness (*martus*), which is used throughout Acts and has a significant afterlife.<sup>25</sup> The translation of *diōkō* as “to prosecute” also allows us to see how Acts invites those who seek to participate in the movement to recognize that they too will be criminalized, especially because they choose to show solidarity with the criminalized, including Jesus the Just One. Referring to the early Jesus followers in Acts as a movement facilitates a reading of Acts that tends to how they are criminalized by Roman and Jewish powers. Such a framing raises questions regarding how ancient sociopolitical processes of criminalization functioned.

Rhetoric plays a significant role in the sociopolitical processes both as a formal discipline and more importantly for this book as an analysis of power. Acts 24 provides a relevant example. There the Jerusalem leaders have hired a Roman *rhētor* named Tertullus to criminalize Paul before the court of an incompetent provincial procurator named Felix.<sup>26</sup> In Tertullus’ speech, Acts appeals to textbook rhetorical strategies evidenced in texts such as *Rhetorica ad Herennium*, and those of Cicero and the first-century rhetorician Quintillian.<sup>27</sup> Acts also appeals to Roman

<sup>25</sup> The term *martus* overwhelmingly refers to those who are witnesses of Jesus’ resurrection and can provide legal testimony to the same: Acts 1:22; 2:32; 3:15; 5:32; 10:39, 41; 13:31; 22:20. In comparison, the term is less frequently used to refer to false witnesses, and in the two cases it is used in this way, it is used to refer to those who oppose the messiah movement’s witness (Acts 6:13; 7:58). Acts applies the term *martus* to Paul in ways that suggest that Paul is to provide a legal witness concerning his vision of the resurrected Jesus and of other encounters he has experienced (Acts 22:15; 22:16). Later, this term becomes linked to those who give up their lives for their Christian witness. Cf. Candida Moss, *Ancient Christian Martyrdom: Diverse Practices, Theologies, and Traditions* (New Haven: Yale University Press, 2012), 2–6.

<sup>26</sup> For the use of the term *rhētor* see Allison Trites, “The Importance of Legal Scenes and Language in the Book of Acts,” *Novum Testamentum* 16, no. 4 (1974): 278–84. For more on Felix’s mismanagement of provincial affairs see Steve Walton, “Trying Paul or Trying Rome? Judges and the Accused in the Roman Trials of Paul in Acts,” in *Luke-Acts and Empire: Essays in Honor of Robert Brawley*, ed. David Rhoads, David Esterline, and Jae Won Lee (Eugene, OR: Pickwick Publications, 2011), 133. Also see, Babu Immanuel, *Acts of the Apostles: An Exegetical and Contextual Commentary* (India Commentary of the New Testament: Minneapolis: Fortress Press, 2017), 250–1.

<sup>27</sup> Bruce Winter, “The Importance of the ‘Captatio Benevolentiae’ in the Speeches of Tertullus and Paul in Acts 24:1–21,” *The Journal of Theological Studies*, New Series, 42, no. 2 (1991): 518–19. Also see, Bruce Winter, “Official Proceedings and the Forensic Speeches in Acts 24–26,” in *The Book of Acts in Its Ancient Literary Setting* (Vol. 1 of *The Book of Acts in Its First Century Setting*, ed. Bruce Winter and A. D. Clarke (Grand Rapids: Eerdmans/Carlisle: Paternoster, 1993), 305–36. The rhetorical strategies include incorporating *exordium* (praise for the judge), *narratio* (summary of the charges), *confirmatio* and *peroratio* (evidence for the charges) in the *captatio benevolentiae* (attention-grabbing introduction). See Jerome Neyrey, “The Forensic Defense Speech and Paul’s



legal petitions such as those found in Egyptian papyri.<sup>28</sup> Most useful for our study are the charges raised in the narratio against Paul. He is accused in the following way in Acts 24:5–6: “We have, in fact, found this man a pest, an agitator among all the Jewish people throughout the Roman Empire, and a party leader of the Nazarenes’ sect. He even tried to profane the temple, and so we seized him.” Tertullus accuses Paul of agitation or stirring up an insurrection (*stasis*) among Jewish people across the Roman Empire (*oikoumenē*). In reference to this passage, Bruce Winter writes that “according to the rhetorical handbooks, agitation or sedition, *stasis*, was the right charge to bring against an opponent in criminal proceedings.”<sup>29</sup> It is beyond the scope of this section to analyze all of the claims in Tertullus’ speech; to some extent that is the project of the book. What is worth noting here is that Paul is criminalized as an agitator and for being a leader of a sect of Nazarenes. Paul challenges the validity of the claim that he caused a stir (Acts 24:12, *epistasin*) among the crowd in the Temple; however, he does admit that he is member of the Way (*hē hodos*) that Tertullus and his opponents from the Jerusalem court call a sect (*hairesis*, Acts 24:14). Paul claims to be of “this Way” (*hodos*) and a follower of Jesus, who he prosecuted as I explained earlier.

The exchange between Tertullus and Paul before Felix epitomizes how Paul goes from prosecutor to prosecuted as part of the Jesus-following, protagonist community in Acts, which I call “the messiah movement.” Acts uses *hē hodos* to refer to the sect that trusts Jesus the Nazarene as messiah.<sup>30</sup> I translate *hē hodos* as “the movement,” to capture how the term reflects people on a shared journey toward a destination, which is a dominant theme for Luke-Acts.<sup>31</sup> This movement in Acts 24:14 to which Paul refers is the same movement from Acts 9:2. At that time,

Trial Speeches in Acts 22–26: Form and Function,” In *Luke-Acts: New Perspectives from the Society of Biblical Literature Seminar*, ed. Charles H. Talbert (New York: Crossroad Publishing Company, 1984), 210–24, and Winter, “The Importance of the ‘Captatio Benevolentiae,’” 505–31.

<sup>28</sup> Winter, “The Importance of the ‘Captatio Benevolentiae,’” 505–31 persuasively makes the case for similarities between Egyptian papyri like those found at Oxyrhynchous and the opening speeches of Tertullus and Paul in Acts 24.

<sup>29</sup> Winter, “The Importance of the ‘Captatio Benevolentiae,’” 518. He helpfully cites *Ad Herennium* 2.2.3–3.4 and Cicero, *De inventione* 2.5.16–8.28 and “The Forensic Defense Speech,” 211 n35. I will discuss this type of charge in more detail in chapters two and seven.

<sup>30</sup> Cf. Acts 9:2; 19:23; 22:4; 24:14, 22.

<sup>31</sup> See Pervo, *Acts*, 11. This is also Pervo’s preferred way of translating ἡ ὁδός. Also note Weaver uses the term “Christian movement” in *Plots of Epiphany*, 11.

Paul receives letters from the high priest to arrest them, which is before Jesus reveals that it is he whom Paul prosecutes. Furthermore, in Acts, whenever the followers of Jesus are described as *hē hodos*, it is in a context in which someone wants to arrest, try, and execute them. As noted earlier, referring to Jesus' followers in Acts as a movement takes seriously the potential for them to be criminalized by authorities who consider themselves legitimate and are threatened or annoyed by the "movement of salvation" (Acts 16:17, *hodon sōtērias*).<sup>32</sup> Maia Kotrosits argues that the messiah movement "is defined not only by the unity and faithfulness of its followers, but also by coalitions that are brief and dubious, often formed under strained political, economic, and social circumstances."<sup>33</sup> The value of movements depends on the eyes of the beholder, and the messiah movement is no different. Those in power are often suspicious of movements. My use of "messiah movement" intentionally both works to recognize the undeniable significance of how Acts shaped Christ-followers' (messiah-followers') stories about their origins and marks my participation in the scholarly tradition that troubles the understanding of Acts as church history.

Studying the criminalization of the messiah movement in Acts, which has been understood as the first church history, can reset the tables for how Christians tell stories of their origins.<sup>34</sup> *Criminalization in Acts* uses the term "messiah movement" to avoid "early Christians" in an effort both to demonstrate historical accuracy and to provide an alternative point of departure for "Christian" history. Often the terms "early Christians" and "early Christianity" presume a proto-orthodoxy in the first and second centuries that did not exist prior to the Council of Nicaea

<sup>32</sup> This verse is not normally included in accounts of Acts' use of the term, but these words placed by Acts on the mouth of enslaved girl with a Pythian spirit can align with the other uses that depict the movement.

<sup>33</sup> Kotrosits, *Rethinking Early Christian Identity*, 108. She uses the term "the Way" rather than messiah movement. She also states: "'The Way' in Acts manages, then, to be not only an imagination of an ideal route of diasporic togetherness, but also the passage to a kind of 'monstrous family of reluctant belonging,' to quote Jacqueline Rose. In monstrous belonging, togetherness is formed not out of volition or even fondness, but out of the tense, ongoing, and irrevocable entanglements brought into being through violence and its many potent afterlives – a kind of belonging that might knit conflicting groups, victims and perpetrators, and even their kin in uncomfortable and unconscious binds."

<sup>34</sup> For more on how readings of Acts directly impact Christian historiography see Maia Kotrosits, *Rethinking Early Christian Identity: Affect, Violence, and Belonging* (Minneapolis: Fortress Press, 2015), 85–115, and Richard Ascough, "Bringing Chaos to Order: Historical Memory and the Manipulation of History," *R&T* 15, no. 3–4 (2008): 280–303.