

## THE CASE OF THE IMPRISONMENT THAT DID NOT HAPPEN: PAUL AT EPHESUS

BEN WITHERINGTON III\*

**Abstract:** *While various scholars of late have been proffering the theory that the Captivity Epistles were written while Paul was in prison in Ephesus, there are numerous reasons why this explanation of the situation does not work, not least because Paul was a Roman citizen and there are no texts inside or outside the NT which say Paul was ever imprisoned in Ephesus. The traditional locale for Paul's house arrest and his writing of the Captivity Epistles (Philemon, Colossians, Ephesians, Philippians), namely Rome, is reaffirmed, as is the date sometime in the early AD 60s.*

**Key words:** *imprisonment, house arrest, Roman citizen, "wild beasts," Roman law*

Scholarly theories come and go, wax and wane, gain credence or are discredited. Some of these theories are amazingly popular for a period, until finally the evidence against them prevails, and the discussion returns to the earlier received scholarly wisdom on the matter.<sup>1</sup> One such theory currently being embraced by a surprising number of scholars from diverse points of view is the notion of an Ephesian imprisonment of St. Paul, even though no such imprisonment is anywhere directly mentioned in either the NT or in other early Christian sources.

This particular theory has been embraced largely because it seems to solve some of the conundrums about the so-called Captivity Epistles—Paul's letters to Philemon, to the Colossians, to the Ephesians, and to the Philippians. These letters have been traditionally thought to have come from the period of Paul's house arrest in Rome, and so from the period of about AD 60–62. If one or more of these letters were written from an Ephesian imprisonment, then one would have to date a least some of these letters to an earlier period in Paul's life, if, that is, one considers them genuine Pauline letters.<sup>2</sup>

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\* Ben Witherington III is Jean R. Amos Professor of NT for Doctoral Studies at Asbury Theological Seminary, 204 N. Lexington Ave., Wilmore, KY 40390. He may be contacted at ben.witherington@asburyseminary.edu.

<sup>1</sup> It is a pleasure to write this essay in honor of my longtime friend Tom Wright as he approaches retirement. This is doubly so since we share a Durham connection, not to mention a great love for historical arguments by the great Durham historian and exegete J. B. Lightfoot, who figures into this essay toward its conclusion.

<sup>2</sup> The vast majority of scholars accept Philemon and Philippians as genuinely Pauline in character, and a majority accept Colossians as well. There is more debate and doubt about the circular letter called Ephesians. Obviously, it is unlikely that Paul wrote the letter to the Ephesians from Ephesus, but the text of Eph 1:1–2 is uncertain, and it may not have been written to, or written solely to, an audience in Ephesus. See Witherington, *The Letters to Philemon, the Colossians, and the Ephesians: A Socio-Rhetorical Commentary on the Captivity Epistles* (Grand Rapids: Eerdmans, 2007).

Despite the considerable popularity of the theory of an Ephesian imprisonment of Paul today, there are very strong historical reasons to reject this notion, not least because our sources are entirely silent on such an imprisonment. Or are they? As a ground-clearing exercise, let us first consider the main supposed positive evidence from Paul himself that he was imprisoned in Ephesus.

### I. WHAT ABOUT THE WILD BEASTS OF EPHEBUS?

This “positive evidence” is based on a single phrase found in 1 Cor. 15:32—“As pertains to human beings, if I fought with wild animals at Ephesus, what would I have gained from it?” Let us note first that the phrase is part of a conditional statement which is also part of a rhetorical question. In fact, it is part of a series of such conditional remarks and rhetorical questions. Some of these sentences are counter-factual and some are assumed to be “real” conditions (cf., e.g., vv. 12, 13, 14, 16, 17, 19, 29 all with the Greek word εἰ).

But in verse 32 this conditional particle is followed by the phrase *κατὰ ἄνθρωπον*, which could mean something as simple as “humanly speaking.” Here we must take into account the rhetorical use and significance of the phrase. For example, in Gal 3:15 the identical phrase refers to a humanly-generated artificial argument or proof. What follows the phrase will be “humanly speaking” an example, a contrived example, and not at all necessarily a “real” example from Paul’s own life.<sup>3</sup> Chrysostom in his 40<sup>th</sup> Homily on 1 Corinthians says in regard to the verse in question that the phrase means “after the manner of human beings” (translated in the NRSV less accurately as “with merely human hopes”) and that the sense of the sentence is “as pertains to human beings, I fought with wild beasts in Ephesus.” In other words, Chrysostom takes Paul to be talking about battles with other human beings—word battles, arguments.

This, then, is referring to the same sort of thing as we hear about in 2 Cor 10:4–5. Paul is using a dramatic example to help make his argument vivid and viable. Chrysostom’s translation, and the ensuing discussion in the homily, makes quite clear that Chrysostom does not think Paul is referring to literal combat in the arena, but to the human struggles he had with opposition to the gospel while in Ephesus for more than two years. In other words, 1 Cor 15:32 provides no evidence for an Ephesian imprisonment of Paul, much less his being thrown to the actual wild beasts. He is arguing with his audience and has here resorted to an “artificial” or humanly-constructed rhetorical example to make his point.

### II. AN ARGUMENT FROM THE HISTORY OF INTERPRETATION OF PAUL?

It is always important to consider the earliest possible Christian allusions to such phrases like the one in 1 Cor 15:32, when trying to deduce whether an author

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<sup>3</sup> See the discussion of this phrase in Gal 3:15 in my *Grace in Galatia: A Commentary on Paul's Letter to the Galatians* (Edinburgh: T&T Clark, 1998), 240–41.

is speaking literally or not. In this case, some scholars seem to have been misled by certain translations of Ignatius of Antioch's letter to the Ephesians, which at the critical juncture properly reads at 1:2: "For when you heard that I was on my way from Syria, in chains for the sake of the common Name and hope, and was hoping through your prayers to succeed in fighting with wild beasts in Rome, that by so succeeding I might have power to be a disciple" (Lightfoot translation).

Ignatius's statement has wrongly been assumed to be an allusion to 1 Cor 15:32, based on the older translation of A. Roberts and J. Donaldson: "For, on hearing that I came bound from Syria for the common name and hope, trusting through your prayers to be permitted to fight with beasts at Rome, that so by martyrdom I may indeed become the disciple of Him 'who gave Himself for us, an offering and sacrifice to God' [Eph 5:2]."<sup>4</sup> The problem is, the Roberts and Donaldson translation is *not* based on the earliest and best manuscripts of Ignatius, as the Lightfoot translation is. If we compare these two translations to the current one in the Loeb series provided by Bart Ehrman, we can see plainly that the Lightfoot rendering was the correct one.<sup>5</sup>

In short, Ignatius was *not* alluding to his following in the footsteps of and according to the example of Paul. He is referring to being a disciple of Christ, and looking forward to his possible real martyrdom in Rome in the arena. The fact that he is referring to actual beasts in an arena does not mean Paul was doing so in 1 Cor 15:32. It also does not mean that Ignatius is drawing on and echoing Paul's earlier phrase.

### III. AN APPEAL TO LOGIC AND HISTORICAL REASONING

Consider what would be the consequences of Paul actually fighting with wild animals in the arena in Ephesus. Paul was no young man, and was not a trained gladiator. The only plausible outcome would have been Paul would have died or been so disabled as to be unable to continue his missionary work. It is far more likely then that Paul is not alluding to his being a prisoner in Ephesus who then was used as bait for wild animals in the Ephesian arena, but rather was speaking metaphorically about his heated rhetorical debates in Ephesus which produced converts and controversy, a possible loss of business in religious trinkets, and the resulting riot in the theater which forced his exit from Ephesus, as described in Acts 19–20.

A further reason to reject the notion of an Ephesian imprisonment is the content of a letter like Philippians which refers to both Caesar's household and the whole Praetorian guard, *neither of which existed in Ephesus* (see Philippians 1 and 4).<sup>6</sup> Recently, E. P. Sanders in his large volume on Paul and his letters has renewed the arguments for an Ephesian imprisonment. His case can be outlined as follows: (1) he does not think Paul was a Roman citizen because he apparently does not trust this evidence from Acts; (2) he argues *praetorium* without the word "cohort" means

<sup>4</sup> ANF 1:49.

<sup>5</sup> Bart D. Ehrman, *The Apostolic Fathers, Volume I* (Cambridge: Harvard University Press, 2003), 221.

<sup>6</sup> On this point, see my *Paul's Letter to the Philippians* (Grand Rapids: Eerdmans, 2011).

in the first instance the general's tent (this evidence he takes from the 19<sup>th</sup>-century Lewis and Short dictionary). *Praetorium* is a building for the Praetor or princeps, which as a first meaning refers to the Emperor's palace. But Sanders takes it to mean the governor's headquarters. But, in fact, the Greek favors the rendering "among the whole Praetorian guard and to everyone else." At no time was the whole Praetorian or imperial guard in Ephesus. (3) Sanders also takes the reference to "those of Caesar's household" to mean Christians working in the governor's residence. This is very unlikely to be correct. You do not call the governor "Caesar," and a governor does not live in *Caesar's* household. Yes, the Emperor had property in Ephesus, two pieces of property, not one (see Tacitus, *Ann.* 13.1), but where is the evidence they were both or either one called "Caesar's household"? Further, so far as I can discover, *neither Claudius nor Nero had ever been there*. The question is not merely where Caesar's property was, but where his large staff lived and worked. Again, this must strongly favor Rome as the locale. (4) Sanders adds that if, as Philippians and Philemon were written from Rome and indicate, he was planning trips back east to churches in Philippi and Asia, then he had to have scrapped his plans to go to Spain. This is forgetting that Paul was very concerned about the ongoing state of churches already established east of Rome and if there were pressing issues he would feel a need to deal with them. This is also quite clear in the later documents we call the Pastoral Epistles. Sanders also brings up the argument about distance which we will address below.<sup>7</sup>

For the record, none of the Captivity Epistles are likely referring to an imprisonment in a jail cell anyway. They are referring to Paul being in chains, and under house arrest, awaiting the resolution of his trial. And the only place such a trial could be *finally* resolved for a Roman citizen, if Paul indeed appealed to Caesar, was in Rome.<sup>8</sup>

I have argued at some length in another place that we must take seriously the direct evidence from Acts (and the indirect evidence from Paul's letters) that Paul was indeed a Roman citizen.<sup>9</sup> If this is so, and Paul had the diptych that Roman citizens carried for identification, then actual imprisonment in Ephesus for any length of time, including the length it would take to compose several of the "captivity" letters, is historically very unlikely. Roman citizens had a get-out-of-jail-free

<sup>7</sup> E. P. Sanders, *Paul: The Apostle's Life, Letters, and Thought* (Minneapolis: Fortress, 2015), 583–87.

<sup>8</sup> It should be noted that if the plaintiffs did not make the trek to Rome and pursue the prosecution of Paul in person, then according to Roman law, the normal outcome would be *non liquet*, which is to say, the case against Paul would not have been made and then he would be released, all things going according to law. It is precisely this outcome which could lead a person like Paul to believe in Philippians 1 that he might indeed soon be released, and would readily explain his comment about preparing a guest room for him in Colossae. When that little letter was written, he was expecting to survive his legal ordeal and be released by the Roman authorities, and in particular on the authorization of the Emperor. It must be remembered that the fire in Rome was not until AD 64, and the events to which Paul is referring in Philippians and Philemon surely transpired before then, before Christians were made scapegoats for the fire. It also must be remembered that Nero, like many Romans, was quite anti-Semitic, and not inclined to favor Jewish authorities against a Roman citizen in a court case, especially one which would likely seem to a Roman authority to involve a purely in-house Jewish religious squabble.

<sup>9</sup> See my *The Paul Quest* (Downers Grove, IL: IVP, 2001), 52–88.

card in the provinces, as one can see from the reaction to Paul's declaration of citizenship in Acts 16 in Philippi. The only place Paul would be and could be incarcerated for a considerable length of time prior to the resolution of his case was Rome. And herein lies another major problem with NT scholars advocating an Ephesian imprisonment. It reflects a considerable ignorance about Roman law in the Empire and how it worked, particularly how it worked in favor of those with Roman citizenship.

The root of the problem is that many NT scholars today have neither sufficiently studied ancient Greek and Roman history (and law), nor have they studied the classics in any detail. This is mostly a modern problem, mostly a post-WWI problem, because classics ceased to be required parts of a liberal arts education in most places in the West in the mid-20<sup>th</sup> century. It is the same problem that has produced ignorance about Greco-Roman rhetoric and its relevance for the study of the NT.<sup>10</sup> Yet we have plenty of resources that could have prevented the mistakes that are being made in regard to a theory of possible Ephesian imprisonment.

For one thing, scholars like A. N. Sherwin-White and E. A. Judge have produced more than enough material to show the relevance of Roman history and Roman law for the study of the NT.<sup>11</sup> Roman law was such that no Roman citizen like Paul could be incarcerated for weeks and months at a time, *unless* they chose not to disclose they were Roman citizens. But as the Philippians story in Acts 16 shows, Paul was far too keen on being free to continue his evangelistic work to put up with incarceration for long. All he had to do was either produce his citizenship *bona fides* or appeal to Caesar as a Roman citizen, and he was no longer going to be kept in some local jail, especially not in a city as closely connected to and dependent on Rome's benevolence as Ephesus was.

Neither the Asiarchs, nor any other local authorities in Ephesus, were likely to allow a Roman citizen to languish long in custody. And it bears remembering that in Roman law, *jail or even house arrest was never a means of final punishment*; it was only a holding pattern until someone's case could be resolved. Even when a Roman citizen was in a town which was not a Roman colony city like Philippi, the officials in a free city like Ephesus knew very well they had to respect Roman law, especially when it came to Roman citizens.

#### IV. REDUX: THE TRADITIONAL ARGUMENT FOR AN EPHESIAN IMPRISONMENT

What of the usual arguments that are thought to favor an Ephesian imprisonment? The only one that seems to have gained any significant traction is the argument from "distance." It is reasoned that Paul could not have been imprisoned

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<sup>10</sup> On which see Witherington, *New Testament Rhetoric: An Introductory Guide to the Art of Persuasion in and of the New Testament* (Eugene, OR: Wipf & Stock, 2009).

<sup>11</sup> See, e.g., A. N. Sherwin White, *Roman Society and Roman Law in the New Testament* (Eugene, OR: Wipf & Stock, 2004) and E. A. Judge and D. M. Scholer, *Social Distinctives of the Christians in the First Century* (Grand Rapids: Baker, 2007), and consider the massive volumes of Judge's essays published by J. C. B. Mohr as well.

in Rome, if Onesimus found his way from Colossae to Paul, nor would Paul have requested a guest room be prepared for him in Colossae if he was not both confident of soon being exonerated, and not far from Colossae, say in Ephesus.

This theory does not work for several reasons: (1) the elite ancients, and even some ordinary ancients, were far more mobile than we often give them credit for. For instance, consider the case of Flavius Zeuxis, the businessman who lived in a city in the Lycus Valley near to Colossae, namely Hierapolis. He brags on his tomb near the city gate of Hierapolis, "Flavius Zeuxis, merchant, who sailed seventy-two trips around Cape Malea to Italy, built this." That is 72 trips from even farther than Colossae to Italy and back. (2) In fact, it would not have been difficult for a runaway slave like Onesimus to make passage to Italy and find his way to the largest city in the Empire, where nearly half the population were slaves. If he wanted to disappear and not be found by his owner Philemon, there was no place better for a slave to hide than Rome. And if he wanted someone to advocate for him with Philemon, there is no one who would have been more advantageous to have as an advocate than Paul, who had converted Philemon. (3) Consider the situation from the point of view of Philemon, who had a household to run. Ephesus is only 120 miles from Colossae, a four-day journey overland and on excellent, regularly-traveled Roman roads. The distance from Colossae to Rome is 1,312 miles by land and by sea. It was a much more expensive and time-consuming project for Philemon to go to Rome, and most slave owners would hardly drop everything and chase a single slave all the way to Rome if he was such a great distance away, especially if that would be the only reason he was going to Rome. This just is not logical or cost-effective, and how would Philemon even know Onesimus had run away to a distant place like Rome? We can well imagine that an elite person like Philemon would probably have had close contacts with Christians and others in Ephesus. He could have made inquiries there without much trouble. Finding Onesimus in Rome, on the other hand, would have been like looking for a needle in a haystack. Ephesus was decidedly too close for comfort for a runaway slave who could have been executed without a trial or any judicial repercussions if caught by an agent working for Philemon in Ephesus.

There were in fact professional bounty hunters, so to speak, in Asia and elsewhere, who tracked down valuable runaway slaves, and either returned them for a fee, or sold them on the open slave market. In an honor and shame society, the loss of a valuable slave, and the failure to retrieve and punish him would be seen as involving a loss of honor. Reasonable efforts to find the slave that didn't involve extensive travel might have been undertaken.

Distance was no obstacle for someone running away and seeking safety precisely on the basis of distance from the slave owner, but for someone who did not make regular trips to Rome and had plenty to do in Colossae it was a major factor. Philemon could simply say that a search of nearby towns and provinces had produced no results, and there would be no loss of honor.

## V. ACTS AS AN HISTORICAL SOURCE: TRUST BUT VERIFY?

There is another issue at play that has led some scholars down the wrong track in regard to an Ephesian imprisonment conclusion. The failure to take seriously Acts as a source of reliable historical information about Paul and his trials and tribulations leads to all sorts of misconceptions about Paul's own letters, even some of the undisputed ones.<sup>12</sup> Acts is quite clear not only that Paul was warned by the Asiarchs to leave Ephesus due to the trouble brewing over his gospel and its effect on the religious trinkets trade connected with the temple of Artemis but also that he did leave without facing judicial proceedings or arrest.

I remember Ernst Haenchen once suggesting that that whole scenario in Acts 19 with the Asiarchs was improbable because *there were no Asiarchs in Paul's time there*. This, of course, has been disproved repeatedly by the more recent archaeological work done at both Miletus and Ephesus.<sup>13</sup> And if indeed Paul was a socially elite person, there is no reason why he would not have made friends with some of the more literate and elite persons in Ephesus over the period of more than two years he was there. Indeed, the evidence suggests that he cultivated more elite persons for the sake of finding locales where Christians could meet in various cities in the Empire. And if indeed Acts was written by a sometime companion of Paul, who was with Paul for some of his second missionary journey as well as his third journey, there is no reason why he would not have mentioned Paul's Ephesian imprisonment, since he mentioned other such problems as in Philippi. But there is nothing but silence in Acts about any such imprisonment in Ephesus, a silence matched by the silence in Paul's letters about such an imprisonment.

Further, in the case of Acts, silence does not suggest either that the author did not know the truth or that he was deliberately avoiding telling his audience the truth about Paul's time in Ephesus. To the contrary, the author is quite forthcoming about all the various problems and triumphs of Paul in that city, including his unceremonious and precipitous exit from the city, caused by the riot in the theater and the possible fallout thereafter. Acts 20:1 suggests an abrupt departure, saying only "after the uproar had ceased, Paul sent for the disciples and after encouraging them and saying farewell, he left for Macedonia."<sup>14</sup>

## VI. AND SO? BACK TO SQUARE ONE

In short, there are *no good or strong reasons to favor an Ephesian imprisonment of Paul*, as opposed to a Roman provenance for the Captivity Epistles, and numerous good reasons to reject the theory. Arguments from silence are sometimes pregnant with

<sup>12</sup> Unfortunately, the recent commentary by R. Pervo in the Hermeneia series is an example of the failure to identify properly Acts as an historical monograph, like other such Hellenistic historical works, followed by the failure to recognize that it is a very historically substantive work. See now the massive and convincing four-volume study on Acts by my colleague Craig Keener.

<sup>13</sup> See the recent article by J. Edwards, "Archaeology Gives New Reality to Paul's Ephesus Riot," *BAR* 42/4 (2016): 24–32, 62.

<sup>14</sup> On whether the riot could have hastened Paul's departure from Ephesus, see now J. B. Lightfoot, *The Acts of the Apostles* (Downers Grove, IL: IVP, 2014), 258.

possibility, but in this case they are stillborn, to say the least. In all likelihood, the genuine Captivity Epistles were written in Rome, and not elsewhere. An absence of evidence is not the same thing as evidence of deliberate absence or omission when it comes to Paul's supposed imprisonment in Ephesus.