

**Paul – A Legal Case Study**  
**Chapter 3**  
**Follow-up Interview Number 2**  
**Clarifying Events and Attitudes**

One of the courses law students take is Criminal Law. I remember being shocked in my Criminal Law class to learn that most crimes involved not simply an action that violated a law, but also the “*mens rea*” or intentions and knowledge that must accompany actions for many crimes.

Here is a classic example: based on the following facts, could I be guilty of murder? Assume I had rat poison that looked a lot like sugar, and the rat poison was in an open container. Further assume that I left the rat poison on the countertop while I went to answer a knock at the door, only to have my roommate come into the kitchen, think the poison was sugar, and put in his coffee, dying from the poison. In that situation, I would not be liable for murder because I didn’t have the requisite mental state or intention to kill. I never intended anyone any harm. Maybe I would have had the requisite mental state for negligent homicide, which requires a “negligent” *mens rea*, or mental state, but not a murderous one.

One’s state of mind is always important in determining if one’s actions amount to a crime. Moreover, one’s mental attitudes magnify in importance when one considers how a jury or judge might perceive the person. Juries want to help nice, likable people. Callous and mean people often “get what’s coming to them.” This becomes important in my next stage of work on Paul’s case.

Having interviewed Paul and read accounts of the events, and after doing some research, I would find something *very* troubling. Paul said something that, at first blush, reflects poorly on him. It is evidence of a state of mind that, while maybe not *mens rea* for the crime in question, at least is indicative of bad character and troublesome attitudes.

When Paul gave his temple speech to the Jews, he said:

This very way [believing in Jesus as Messiah], I persecuted to the point of death, binding and delivering over to prison men and women, as the high priest will testify to, as will the council of elders. Receiving from them letters to the brothers, I went to Damascus to bind up and bring those who were there to Jerusalem in order to be punished (Acts 22:4-5).

What does Paul mean, “I persecuted to the point of death”? Did he really? When? Why? What on earth could have been Paul’s motive for this? I would want answers to these

questions. This does not reflect a peace loving and kind fellow who lives and let's live. The claim, if true, demands an explanation. Was Paul this bad a guy?

It is also odd in the context of what ensued. The rioting was caused by those who did not believe Jesus was the Messiah. This claim by Paul, should have incited the Christians to wrath! From such a claim, I would not be surprised to see the Jesus followers up in arms, seeking Paul's elimination, but they didn't. It was the unbelieving Jews who were behind Paul's arrest.

### ***What happened?***

We do not have a full detailed account of all Paul did to destroy the church, but what we do know gives more than enough detail to understand his later reflections. The events are set out in Acts 6 and 7. We can do historical research to help place those events into context. Then from Paul's own writings, we can learn his attitudes and reasons for what he did. All of this combines to give us a rather full picture of what happened.

We don't have precise dates for the events of Acts 6 and 7, but we can reasonably be assured they occurred in the mid-30's AD. Jesus had been dead for just a few years, and the group of Jewish believers in him as Messiah had grown significantly. The Jewish believers were congregated into two groups, those native to Palestine with a primary language of Aramaic and Hebrew, and those more rooted in the Greek world with Greek as their primary language. These were known as "Hellenized Jews" or "Hellenists." (*Hellas* was the ancient Greek word for Greece.)

These early Christian believers were concerned that the Greek speaking believing widows were not able to get their adequate help from the church's benevolence, so they appointed seven men to oversee the distribution. One of these seven was Stephen. As the work continued to unfold, among the many Jews putting their trust in Jesus as the Messiah were a number of priests as well as the common Jews. This became a concern among a number of unbelieving Jews. One group tried to argue with Stephen over the role of Jesus as Messiah, and were frustrated at their inability to refute him with logic and Scripture. Instead they opted for character assassination, wrongly accusing Stephen of blasphemy.

Stephen is hauled before the Sanhedrin. (This is likely the source of Paul's reference to Agrippa II about "casting his vote.") During Stephen's trial, Stephen walked through the Old Testament history of God and his people, explaining God's promise to raise up a Messiah. Stephen testified that Jesus was the Messiah, the Righteous One, who was betrayed and murdered by those listening, the supposed keepers of the Law.

As Stephen delivered his impassioned speech, the Sanhedrin grew “enraged, and they ground their teeth at him.” At that point, Stephen had a vision of Jesus, the “Son of Man standing at the right hand of God” (Acts 7:54-55).

Luke then records:

But they cried out with a loud voice and stopped their ears and rushed together at him. Then they cast him out of the city and stoned him. And the witnesses laid down their garments at the feet of a young man named Saul [aka Paul]. And as they were stoning Stephen, he called out, "Lord Jesus, receive my spirit." And falling to his knees he cried out with a loud voice, "Lord, do not hold this sin against them." And when he had said this, he fell asleep. And Saul approved of his execution. (Acts 7:56-8:1).

As discussed in the previous chapter, Paul as a member of the Sanhedrin later confesses that he cast his vote for Stephen’s guilt. It further becomes apparent that Paul actually participated in Stephen’s martyrdom.

One very important consideration for me is, “Why?” In modern language, these actions appear to be those of religious extremists, people who kill others that do not agree with their particular brand of faith. All the while they do this, claiming to be acting on behalf of God. To a 21<sup>st</sup> century U.S. citizen, born and weaned on a constitutional right to practice any religion I choose, without any persecution, this seems repugnant.

I need more details! Because this seems foreign to most any understanding in the 21<sup>st</sup> century of holy and right behavior, I must work to put these events into their historical and religious context.

### *Paul’s Motive*

Why had Paul been willing to support killing Christians? Why would Paul use violence to stamp out the church?

My answers lie in part with Paul’s life as a Pharisee. In reading Paul’s confessions of his actions in later years, he gave this insight into his earlier reasoning. Paul frequently tied his role as a persecutor to his “zeal as a Pharisee” (Phil. 3:5-6). Paul told the Jewish crowd as much, reminding them that he studied at the feet of the Pharisee Gamaliel,

According to the strict manner of the law of our fathers, being zealous for God as all of you are this day. I persecuted this way to death, binding and delivering to prison both men and women” (Acts 22:3-4).

While I set out the beliefs of Pharisees earlier, I see a need to send my researchers back into the books to learn more history of the Pharisees. What was it about being a Pharisee that links up with the motive for this behavior? The importance of the history is magnified when we remember that Paul was proud that not only was he a Pharisee, but he also came from Pharisaic heritage (“I am a Pharisee, a son of Pharisees” Acts 23:6.)

My research questions would be pointed here: Where did Pharisees come from? What was their history that might be relevant to such views and attitudes?

The answers would be informative, but not fully conclusive. We do not exactly know where Pharisees had their beginning, but scholars have deduced certain ideas that evidence some of what was likely in Paul’s mind as he opposed the church.

F. F. Bruce sets forth a good argument that the Pharisees were originally a part of the Hasidaean movement that arose in the second century before Christ.<sup>1</sup> The Hasidaeans were Jews fully devoted to the Law of God for governing life and religion. During this time between the Old and New Testaments, the Greek way of life (with a good bit of Greek religion) became fashionable in Israel.

In the apocrypha, books written in the interim between the ending of what is commonly called “the Old Testament” and the events of Jesus’ life, we read of this Greek influence:

In those days, there appeared in Israel men who were breakers of the law, and they seduced many people, saying: ‘Let us go and make an alliance with the Gentiles all around us.... Some from among the people promptly went to the king, and he authorized them to introduce the way of living of the Gentiles. Thereupon they built a gymnasium in Jerusalem according to the Gentile custom. They covered over the mark of their circumcision and abandoned the holy covenant (1 Maccabees 1:11-15).

Things reached a point where the ruler Antiochus Epiphanes issued a decree forbidding the practice of the Jewish faith. His decree brought about a revolt spearheaded by Judas Maccabeus. The Hasidaeans arose in this time as a people who aided Maccabeus’s revolt. They readily sacrificed themselves to keep the law and faith of Moses from extermination.<sup>2</sup> The Hasidaeans readily gave their lives to stop the faith of their fathers from evolving into something unrecognizable.

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<sup>1</sup> F. F. Bruce, Paul, *Apostle of the Heart Set Free* (Eerdmans 1977) at 47ff. See also *Anchor Bible Dictionary* (Doubleday 1992) III at 66.

<sup>2</sup> This is the same revolt from which came Jewish Hanukkah celebrations, commemorating the lasting of oil for the lamps during the rededication of the temple.

This was not simply a movement of Jews wanting to keep their childhood faith. It was seen as an imperative from God and Moses. At the end of the books of Moses, the Jewish “Law,” Moses delivered a warning to Israel from God:

if you faithfully obey the voice of the LORD your God, being careful to do all his commandments that I command you today, the LORD your God will set you high above all the nations of the earth. And all these blessings shall come upon you and overtake you, if you obey the voice of the LORD your God... But if you will not obey the voice of the LORD your God or be careful to do all his commandments and his statutes that I command you today, then all these curses shall come upon you and overtake you (Deut. 28:1-2; 15).

These blessings and curses from God came with a warning. The Israelites were told to guard against anyone who brought in a false faith.

Beware lest there be among you a man or woman or clan or tribe whose heart is turning away today from the LORD our God to go and serve the gods of those nations. Beware lest there be among you a root bearing poisonous and bitter fruit, one who, when he hears the words of this sworn covenant, blesses himself in his heart, saying, ‘I shall be safe, though I walk in the stubbornness of my heart.’ This will lead to the sweeping away of moist and dry alike. The LORD will not be willing to forgive him, but rather the anger of the LORD and his jealousy will smoke against that man, and the curses written in this book will settle upon him, and the LORD will blot out his name from under heaven. And the LORD will single him out from all the tribes of Israel for calamity, in accordance with all the curses of the covenant written in this Book of the Law (Deut. 29:18-21).

Israel’s history had borne fruit of these promises. Israel had seen ten tribes dissolved as the Assyrian army came into the Northern Kingdom of Israel and annihilated it, carting off the people. The Southern Kingdom later was conquered and Jerusalem dismantled by the Babylonians. All of this was brought on by the Israelites trading in the faith delivered by Moses for that of the local gods or religion *de jure*. The Hasidaeans were fighting for not only their faith, but their existence as a people!

The Maccabean revolt in the 160’s BC was victorious. The ruling empire (the Seleucids) was forced to deliver a political compromise, allowing the Jews to keep their religion, and removed the forcing of Greek religion on the people.

From these roots came the Pharisees. In other words, Paul was from a heritage that had already saved Judaism from changes brought by religious corruption. Paul had been weaned on stories of the heroes who had stepped up and offered their lives to prevent the

traditions and teachings of Moses and the Prophets from deterioration. We can easily see in Paul, a Pharisee who came from Pharisees, a pure motive of protecting the true Jewish faith and practice stemming from his personal zeal as a Pharisee.

*What did Stephen do wrong?*

After considering Paul's motive, I would then assign my legal team to research several more questions: What law was Paul seeking to uphold? How was believing in Jesus as the Messiah a threat to Jewish law and tradition?

I and my team could find some fairly logical straightforward answers to this question. They center on Jesus as "Christ" ("Christ" meaning "Anointed One" or in Hebrew, "Messiah"). The early believers worshipped Jesus as the Son of God. Jesus made the claim of divinity in this way (John 3:16), the gospels set forth the uniqueness of Jesus' birth, ministry, death, and resurrection. The early church called Jesus "Lord," and considered him that.

Paul would have seen this as a direct violation of Deuteronomy 17:2-7:

If there is found among you, a man or woman who...has gone and served other gods and worshipped them...and it is told you and you hear of it, then you shall inquire diligently, and if it is true and certain that such an abomination has been done in Israel, then you shall bring out to your gates that man or woman who has done this evil thing, and you shall stone that man or woman to death with stones.

To worship Jesus as Messiah was an offense that demanded stoning under the law of Moses – unless, of course, Jesus actually was Messiah!

Paul lets us know in his writings why he thought it impossible for Jesus to actually be Messiah. When writing to the Galatians, Paul reminded them of the passage in Deuteronomy 21:23 where it says, "a hanged man is cursed by God."<sup>3</sup> Paul gives a text that originally served him as a reason for believing Jesus could not be Messiah. To Paul – pre-Damascus road experience – it was simple logic:

- Jesus was crucified

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<sup>3</sup> Paul quotes the passage as, "cursed is everyone who is hanged on a tree" (Gal. 3:13). Some might wonder why the words read differently in our English translation of Deuteronomy from our translation of Paul in Galatians. The answer comes from the way Paul is quoting the Old Testament. Paul uses the Septuagint for his translation here, rather than the Hebrew. Most all of our translations come straight from the Hebrew with the Septuagint as an aid where the Hebrew is ambiguous. Paul uses the version with which the Galatians would have had familiarity. Paul also makes his translation into Greek with a slight modification to make the passage more understandable. (In the flow of his writing, Paul modifies the verb form.)

- Anyone crucified was cursed by God
- Therefore, Jesus was cursed by God
- The Messiah could not be one cursed by God; by definition, the Messiah was blessed by God
- Therefore, a cursed Jesus could not have been the blessed Messiah.

I think Fung was right when he wrote on this Galatians passage, “He [Paul] must have made use of this text himself to refute the early Christians’ claim of a crucified Messiah.”<sup>4</sup>

This gives additional insight to Paul calling the crucifixion of Jesus a stumbling block to the Jews.

But we preach Christ crucified, a stumbling block to Jews (1 Cor. 1:23).

Jews could not see how a cursed man would be a blessed Messiah. It caused many Jews to stumble.

Ultimately, as Paul’s lawyer, I want to see how Paul got over that logical conclusion. Before probing that, however, I have another aspect of research that would surface.

*How was Stephen stoned?*

Paul must have burned into his memory the events involved in Stephen’s stoning. When Luke writes his history, and when Paul references the event in his letters, the readers were generally much more familiar with the stoning than people are today.

As the story of Stephen’s stoning is both moving and appalling, I would immediately want researchers to figure out what happened. The best source for this is from the Hebrew Mishna. The Mishna is a collection of sayings from 1<sup>st</sup> and 2<sup>nd</sup> century AD that set out the law Jews practiced at the time. In a sense, it is a commentary or explanation of the Old Testament law as applied in Jewish society. The Mishna was put into written form by 200AD.

In the Mishna section that deals with civil and criminal law (the *Nezikin*), there is a section on the Sanhedrin. Chapter 6 sets out the procedure for stoning. It begins:

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<sup>4</sup> Ronald Y. K. Fung, *The Epistle to the Galatians*, NICNT (Eerdmans 1988) at 151.

[When] the trial is over, they take him out to stone him. The place of stoning is well outside the court, as it is said, *Bring forth him who cursed to a place outside the camp* (Lev. 24:14).<sup>5</sup>

This is what Luke explained in the case of Stephen in Acts 7:57-58, “But they cried out with a loud voice and stopped their ears and rushed together at him. *Then they cast him out of the city* and stoned him.”

The initial act in the stoning actually involved pushing the convicted from what was in essence a cliff. “The place of stoning was twice the height of a man.”

“One of the witnesses pushes him over from the hips, so [hard] that he turned upward [in his fall]. He turns him over on his hips again [to see whether he had died]. [If] he had died thereby, that sufficed” (6:4A-D).

In the event the fall didn’t kill the convicted, the executioners were to throw a rock down “onto the heart” of the person. Should that fail to kill the person, then all the people were to pick up rocks and throw them down on him.

The traditional site for Stephen’s stoning is where the French School for Biblical Archaeology is located in modern Jerusalem (the *Ecole Biblique*). The school and the adjacent church of St. Stephen is built on a portion of an earlier complex built in 438AD. It’s 1/4<sup>th</sup> of a mile outside of Jerusalem’s Old City. The site is a hillside adjacent to the Garden Tomb, where many believe Jesus was buried. The hillside where Stephen would have been thrown still today shows what a place of stoning would have looked like:



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<sup>5</sup> *M. Sanhed.* 6:1A-B.



With that site (or something similar) in mind, recognizing that Stephen would be led to the edge of the cliff to be hurled down to his death, there are a few other details that would have occurred. Each of these would be important, knowing that Paul was a full participant.

The Mishna inserts this important information between the time between the people dragging Stephen out and pushing him off the cliff. Section E provides that after being hauled out to the place of stoning, if the convicted party says, “I have something to say in favor of my own acquittal,” the stoning stops before it starts. The Jews must “bring him back” to the court.

Clearly, Stephen made no such proclamation. Even though his life was on the line, Stephen’s heart is focused on the vision he had just experienced, as Luke recorded it, “But he, full of the Holy Spirit, gazed into heaven and saw the glory of God, and Jesus standing at the right hand of God” (Acts 7:55). So, Stephen was ready to endure the stoning, rather than recant his worship of Christ as error.

The Mishna then provides that when the convicted

was ten cubits [about 15 feet] from the place of stoning, they say to him, “Confess,” for it is usual for those about to be put to death to confess. For whoever confesses has a share in the world to come” (6:2A-B).

Stephen does not confess himself wrong for worshipping Jesus. Instead, Stephen cries out to Jesus as Lord, committing his share in the world to come to Jesus! “Lord Jesus, receive my spirit.”<sup>6</sup> Stephen would follow this up, again, not with a confession, but with a plea that echoes Jesus’ from the cross. Stephen cries out, “Lord, do not hold this sin against them” (Acts 7:59-60).

The stoning procedure continues,

[When] he was four cubits [six feet] from the place of stoning they remove his clothes (6:3A).

This is not to be confused with the clothes laid at Paul’s feet. Paul kept the clothes of the chief executioners (See Acts 7:58 and 22:20). That would have been the person in charge of shoving Stephen off the cliff as well as those responsible for hurling the boulders on him should he survive the fall.

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<sup>6</sup> This significance is magnified as one reads the Mishna teaching one “how” to confess. It provides, “if he does not know how to confess, they say to him, ‘Say as follows: ‘Let my death be an atonement for all my transgression’” (6:2D). Stephen’s atonement was the death of Jesus, not his own death. To have made the Jew’s confession would to Stephen, have been actually committing the blasphemy for which he was wrongly accused!

We do not know at what point Stephen died, but we do know that Paul cast his vote, accompanied the executioners, witnessed the execution, and even encouraged it by holding the robes of those involved. No doubt this memory haunted Paul and never left his mind. Paul was in the midst of pursuing similar violence and persecution of the early Christians when Jesus met Paul on the road to Damascus.

*Was Paul a bad guy?*

Paul later wrote to the Corinthian church,

I am the least of the apostles, unworthy to be called an apostle, because I persecuted the church of God (1 Cor. 15:9).

Now that passage gives punch, as Paul calls himself “the least” and “unworthy to be an apostle,” but the real punch is in the verse before! In verse 8, we read in the English Standard Version, “Last of all, as to one untimely born, he appeared also to me.” Paul then continues with “For I am the least....”

In verse 8, Paul is using the Greek word *ektroma* (εκτρωμα) which is translated “one untimely born.” The word literally means a dead fetus ejected from a woman’s body or aborted. Paul was working on killing the church, but would later see that he was the one actually dead. Paul saw himself in comparison to the other apostles. The others were selected by Jesus, trained and prepared for their mission. Paul, however:

was a persecutor of the church, a vile, dead thing spiritually, fit only to be carried out and buried from sight. Yet to *him*, to him while being *such*, the risen Lord also appeared. He, the abortion, placed at the side of these living men, treated, honored, dignified like them by the Lord!<sup>7</sup>

Paul knew first-hand the atrocious deeds he committed. One must wonder if Paul did not at times reflect on his failure to follow the guidance of his teacher Gamaliel. Gamaliel had warned the Jews to leave the Christians alone, “for if this plan or this undertaking is of man, it will fail; but if it is of God, you will not be able to overthrow them. You might even be found opposing God!” (Acts 5:39). Gamaliel was right.

I don’t see Paul as a bad guy. Paul was a zealot by nature. When he believed something, he *believed* it. This wasn’t because he was mean, angry, or destructive. It was a pure heart with misguided beliefs. Once Paul saw the truth, he embraced it as wholly as he did his error. This won’t detract from my defense of Paul. It will help it.

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<sup>7</sup> R. C. H. Lenski, *Commentary on the New Testament, the Interpretation of St. Paul’s First and Second Epistles to the Corinthians* (Hendrickson 1998 printing) at 640.

## POINTS FOR HOME

1. *“As they were stoning Stephen, he called out, ‘Lord Jesus, receive my spirit.’ And falling to his knees he cried out with a loud voice, ‘Lord, do not hold this sin against them.’ And when he had said this, he fell asleep” (Acts 7:59-60).*

What do you believe in? *Really* believe in? All Stephen had to do was deny the resurrection and Lordship of Jesus. He had multiple chances to do it. He could have denied Jesus, and lived a long life doing lots of good. He could have thought that maybe, *just maybe*, the resurrection was a fraud at worst, or an apparition at best. Maybe if he denied Jesus as a life-saving effort, he would have time to think it through! No. There was no doubt in Stephen’s mind. He had seen the resurrected Jesus. He had the Holy Spirit as a Comforter and Confirmer! He had nothing to deny and nothing to fear. He was set to be dancing with Jesus soon. SO, I ask more personally, what do I believe in?

2. *“As they were stoning Stephen, he called out, ‘Lord Jesus, receive my spirit.’ And falling to his knees he cried out with a loud voice, ‘Lord, do not hold this sin against them.’ And when he had said this, he fell asleep” (Acts 7:59-60).*

Another aspect of this passage that will stick with me this week is the prayer Stephen had for those responsible, *“Lord, do not hold this sin against them.”* Of course, one of those responsible, standing there approvingly holding the cloaks of those killing Stephen was Paul, the persecutor, soon to be Paul the apostle. The Lord honored that prayer, and I know Paul was conscious of it until the day he gave his own life up for his belief. I want to be more forgiving.

3. *“For if this plan or this undertaking is of man, it will fail; but if it is of God, you will not be able to overthrow them. You might even be found opposing God!” (Acts 5:39).*

I want to be on God’s side. It’s the right side, and it’s the winning side!