

b. The trial (5:26–39)

The captain of the temple guard and his officers re-arrested the apostles, although *they did not use force* because they were afraid *that the people would stone them* (26). They then *made them appear before the Sanhedrin* a second time for questioning (27). The way the high priest addressed them was in reality an admission of the court's powerlessness before the purpose of God. For the Sanhedrin had condemned and liquidated Jesus, given the apostles *strict orders not to teach in this name* (which they still preferred not to pronounce), and locked them up in prison. All the power and authority seemed clearly to be on their side. Yet, in contempt of court and in defiance of its authority, the apostles had successfully *filled Jerusalem* with their teaching, and (in the court's opinion) were determined to fasten on them the guilt of *this man's blood* (28), which at the time (they seem to have forgotten) they had urged the people to call down on themselves and their children.²⁰

The apostles' response took the form of a mini-sermon, for their concern was still not to defend themselves but to uplift Christ. *We must obey God rather than men!* they said (29), and in so doing laid down the principle of civil and ecclesiastical disobedience. To be sure, Christians are called to be conscientious citizens and generally speaking, to submit to human authorities.²¹ But if the authority concerned misuses its God-given power to command what he forbids or forbid what he commands, then the Christian's duty is to disobey the human authority in order to obey God's. ❏

Having stated that their primary responsibility was to obey God, the apostles emphasized three truths about him. First, *God*, who is *the God of our fathers, raised Jesus from the dead*, whom the Jewish leaders *had killed by hanging him on a tree* (30). It is the familiar contrast: you killed him, but God raised him; you rejected him, but God vindicated him. Secondly, *God exulted him to his own right hand as Prince* (*archēgos* again, as in 3:15) *and Saviour*, so that from this supreme position, of honour and power he is able to *give repentance and forgiveness of sins* (which are both gifts of God) *to Israel* (31). Moreover, of the death and resurrection of Jesus the apostles were *witnesses*, not just eye-witnesses but mouth-witnesses, for they were called to bear witness to what they had seen. Yet the

²⁰ Mt. 27:25.

²¹ E.g. Rom. 13:1ff.; Tit. 3:1; 1 Pet. 2:13ff.

chief witness to Jesus Christ is the Holy Spirit,²² whom God has given (literally ‘gave’) to those who obey him (32). That is the apostles’ third affirmation about God. He raised Jesus from the dead, exalted him as Saviour and gave the Holy Spirit to his obedient people. Thus the sermon began and ended with a reference to obeying God. God’s people are under obligation to obey him, and if they do so, even though they may suffer when they have to disobey human authorities, they will be richly rewarded by the ministry of the Holy Spirit.

Hearing these words of defiance and triumph, the Council was *furious* (‘touched ... on the raw’, **NEB**), and but for the diplomatic intervention of Gamaliel, they would probably have fulfilled their wish *to put them to death* (33). Gamaliel was a Pharisee, and as such exhibited a more tolerant spirit than the rival party of the Sadducees. Grandson and follower of the famous liberal Rabbi Hillel, he was given the honorific and affectionate title ‘Rabban’, ‘our teacher’, and Saul of Tarsus had been one of his pupils (22:3). He had a reputation for scholarship, wisdom and moderation, and *was honoured by all the people*. His behaviour on this occasion was fully in keeping with his public image. He stood up and gave instructions for the apostles to be *put outside for a little while*, so that the Council might confer in private session (34). He then proceeded to restrain their anger and to counsel caution (35) on account of certain historical precedents. He gave two examples, namely men called Theudas and Judas the Galilean.

The account which Gamaliel is recorded as giving of their careers is brief. When Theudas arose, *claiming to be somebody, about four hundred men rallied* to his cause. But he himself *was killed, all his followers were dispersed*, and his movement *came to nothing* (36). Following him, *Judas the Galilean arose in the days of the census* (always an inflammatory event, a symbol of Roman rule by taxation), and ‘induced some people to revolt under his leadership’ (**NEB**). But he also perished, ‘and his whole following melted away’ (**JBP**, 37). Gamaliel thus sketched their histories in parallel. Both men *appeared*, advanced claims and won a following. But then each *was killed, all his followers were scattered*, and his movement faded away.

Commentators have understandably consulted Josephus for confirmation and/or amplification of these revolts, and have found references to two rebels with the same names. There was, he says, ‘a certain magician’ named Theudas, when Fadus was procu-

²² Cf. **Jn. 15:26**.

rator of Judea, who persuaded many to ‘follow him to the River Jordan, for he told them he was a prophet, and that he would by his own command divide the river’. But he was captured and beheaded.²³ Then Josephus also describes ‘a certain Galilean’ named Judas, who prevailed on his countrymen to revolt, because he told them they would be ‘cowards if they would endure to pay a tax to the Romans’ and thus ‘submit to mortal men as their lords’, when tribute should be paid to God alone.²⁴ He was the forerunner of the zealots.

So far, then, there are slight similarities between Gamaliel and Josephus. The problem arises when we look at the dates. The taxation census against which Judas revolted was introduced by Cyrenius (Quirinius) when he came from Rome to Judea in \approx about AD 6. Josephus’ Theudas, however, rebelled not *before* Judas (as Luke records Gamaliel as saying, verses 36–37) but during the procuratorship of Fadus (\approx AD 44–46), which was about forty years *after* him, and indeed a decade or more after Gamaliel was speaking!

How we react to the discrepancy will depend on our basic presuppositions. Liberal commentators jump to the conclusion that Luke was guilty of an anachronism amounting to a major error, which must fatally undermine our confidence in him as a reliable historian. Conservatives, on the other hand, reach the opposite conclusion: ‘we cannot suppose that St Luke could have made the gross blunder attributed to him in the face of his usual accuracy.’²⁵ If there is a mistake, it is more likely to have been made by Josephus (who was ‘far from being an infallible historian’)²⁶ than by Luke. A better alternative explanation is that Josephus and Luke were each referring to a different Theudas. The stories they tell are divergent (Josephus does not mention that his followers numbered four hundred, nor Luke that he led them to the River Jordan). The only similarities are that both men were named Theudas, and led a revolt which was crushed. But Josephus tells us that after the death of Herod the Great ‘there were ten thousand other disorders in Judea, which were like tumults’,²⁷ and Theudas was not an uncommon name. So perhaps neither Luke nor Josephus made a mistake, but Gamaliel was refer-

²³ Josephus, *Antiquities*, XX.5.1.

²⁴ Josephus, *Wars*, II.8.1; cf. *Antiquities*, XVIII.1.1.

²⁵ Knowling, p. 158.

²⁶ Neil, p. 99.

²⁷ *Antiquities*, XVII.10.4; cf. *Wars*, II.4.1.

ring to a Theudas whom Josephus does not describe, who revolted ⚡ about 4 BC, and who was indeed followed, among others, by Judas the Galilean in ⚡ AD 6.

At all events, Gamaliel took the failure of both revolts as an object lesson which justified a policy of *laissez-faire*. His advice to the Council is given in verse 38: *Leave these men alone! Let them go! For if their purpose or activity is of human origin, it will fail. If, on the other hand, it is from God, you will not be able to stop these men; you will only find yourselves fighting against God (39)*. We should not be too ready to credit Gamaliel with having uttered an invariable principle. To be sure, in the long run what is from God will triumph, and what is merely human (let alone diabolical) will not. Nevertheless, in the shorter run evil plans sometimes succeed, while good ones conceived in accordance with the will of God sometimes fail. So the Gamaliel principle is not a reliable index to what is from God and what is not.