

Hidden Transcripts? The Supposedly Self-Censoring Paul and Rome as Surveillance State in Modern Pauline Scholarship

LAURA ROBINSON 

Duke University, 407 Chapel Drive, 209A Gray Building, Campus Box 90964, Durham, NC 27708, USA. Email: Lbr9@duke.edu

This article argues that one of the central theses of the counter-imperial reading of Paul has been more asserted than proved – namely, the thesis that Paul disguised anti-imperial sentiments in his letters specifically because speaking out against imperial authorities was too dangerous. This claim is the basic assumption behind the search in Paul’s letters for ‘hidden’ or ‘coded’ transcripts. Such an approach can be found in the works of Warren Carter, N. T. Wright, and Richard Horsley, among others. But how likely is it that Paul would have felt the need to encode his anti-imperial sentiments? Was there really a risk that Roman soldiers would have intercepted Paul’s mail or prosecuted him for its contents? Is the ‘hidden transcript’ idea an anachronistic concept based on modern surveillance states and transposed into the ancient world? This paper questions how likely it is that Rome’s provincial governments would have had the inclination or ability to police private correspondence for seditious sentiments. From there, we can determine whether Paul is speaking as openly as he wants or is in fact protecting himself using ‘hidden transcripts’.

Keywords: Paul, Roman Empire, censorship, hidden transcripts, anti-imperial criticism

Introduction

The goal of this article is to argue that a central thesis of the counter-imperial reading of Paul has been more asserted than proved – namely, that Paul disguised anti-imperial sentiments in his letters because speaking out against imperial authorities was too dangerous. This idea emerged with the advent of James C. Scott’s *Domination and the Arts of Resistance*,¹ who discovered that not all texts that seem complacent with the political status quo actually are.²

1 J. C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990).

2 Scott’s work posits the existence of ‘transcripts’ in public life as a way of describing the language, behaviour and interaction between the powerful and less powerful in a society. The

Occasionally, these texts hide shocking denunciations, concealed in plain sight. Following Scott's lead, some scholars such as Brian J. Walsh and Sylvia C. Keesmat, have felt emboldened to claim that Paul employed similar strategies, because to denounce the Roman state openly in private correspondence would have resulted in 'immediate imprisonment'.³ Similar claims have appeared in the work of Norman Beck, Erik Heen, Neil Elliott, Warren Carter and N. T. Wright, among others.⁴ Paul would prefer to speak plainly about the abuses of the Empire but cannot do so, lest he invite official sanction from the government. Thus, he must conceal his discontent in allusion and subtext. But is this actually the case? Did Paul need to worry about his words being used against him in court? If not, the hunt for hidden meanings in Paul's letters may be misguided.

'public' transcript is the 'open interaction' between subordinates and those who dominate (*Domination and the Arts of Resistance*, 2), and is usually characterised by a misleading account of how the parties in question feel about one another. The subordinate class in particular must conceal their beliefs about the dominant class and the political status quo in order to avoid censure (3). This usually involves the subordinate class expressing submission and toleration of their disenfranchised status. The 'hidden transcript' is what is said and expressed when the powerful are not able to hear (6). According to Scott, this means that texts produced by a subordinate group may be 'evasive' (19) and express more discontent with the ruling class than is immediately apparent. Scott's work has been applied to NT studies most notably in R. A. Horsley's collection *Hidden Transcripts and the Arts of Resistance: Applying the Work of James C. Scott to Jesus and Paul* (Semeia Studies 48; Atlanta: SBL, 2004). For an evaluation of the applicability of Scott's theory to the New Testament, see C. Heilig, *Hidden Criticism? The Methodology and Plausibility of the Search of a Counter-Imperial Subtext in Paul* (WUNT 392; Tübingen: Mohr Siebeck, 2015) 54–67.

- 3 B. J. Walsh and S. C. Keesmat, *Colossians Remixed: Subverting the Empire* (Downers Grove, IL: InterVarsity, 2004) 54.
- 4 N. A. Beck, *Anti-Roman Cryptograms in the New Testament: Symbolic Messages of Hope and Liberation* (The Westminster College Library of Biblical Symbolism 1; New York: Peter Lang, 1997) 1–2, 17; N. Elliott, 'Strategies of Resistance and Hidden Transcripts in the Pauline Communities', *Hidden Transcripts and the Arts of Resistance*, 97–122, at 117–22; E. M. Heen, 'Phil 2:6–11 and Resistance to Local Timocratic Rule', *Paul and the Roman Imperial Order* (ed. R. A. Horsley; Harrisburg, PA: Trinity Press International, 2004) 126–7; W. R. Herzog II, 'Onstage and Offstage with Jesus of Nazareth: Public Transcripts, Hidden Transcripts, and Gospel Texts', *Hidden Transcripts and the Arts of Resistance*, 41–60, at 49; W. Carter, *The Roman Empire and the New Testament: An Essential Guide* (Abington Essential Guides; Nashville, TN: Abingdon Press, 2006) 11–13, 12–21, 128–36; S. Schreiber, 'Caesar oder Gott? (Mk 12, 17): Zur Theoriebildung im Umgang mit politischen Texten des Neuen Testaments', *BZ* 48 (2004) 65–85, at 70–1; M. Pascuzzi, 'The Battle of the Gospels: Paul's Anti-Imperial Message and Strategies Past and Present for Subverting the Empire', *Proceedings of the Irish Biblical Association* 30 (2007) 34–43, at 44.

This article deals with the question of anti-imperial subtext⁵ in Paul's letters by focusing on the historical circumstances that might have (or might not have!) forced Paul to conceal explicit political critique in his letters. If Paul's letters contain hidden criticism, he was hiding his criticism from something. But what was he hiding from? What kind of speech would the average resident of the Empire need to conceal? Who might have been reading or hearing Paul's letters who would want to control such speech? And does this add up to a corpus where we should expect to find trenchant political criticism written between the lines instead of out in the open? I argue that scholars have yet to find solid historical evidence that the first-century Roman world was the kind of environment where a private citizen such as Paul would be at risk for the surveillance and prosecution of this speech. That Rome would or would not seek out and punish its critics has been asserted by scholars on both sides of the debate. However, a deep dive into the historical evidence about treason law and evidence-gathering in antiquity has largely remained undone.⁶ This article will

5 My goal in this article is to discuss counter-imperial or anti-imperial interpretations of the New Testament, which I define as a reading that looks for allusions or hidden meanings expressing dissatisfaction with Rome. This is distinct from post-colonial criticism. Post-colonial critics may approach the text with scepticism or resistance, or to construct a theology that draws on biblical resources but does not adopt their views entirely. By contrast, counter-imperial interpreters tend towards more conservative approaches, looking for evidence that the NT writers themselves oppose Rome. These readings are often advanced by confessional scholars who intend for their interpretations to guide the civic life of the church. The phenomenon of the anglophone, counter-imperial reading of Paul, characterised by the SBL working group Paul and Empire, has been widely recognised and evaluated. See R. Boer, 'Imperial Fetish: On Anti-Imperial Readings of the Bible', *Psychoanalytic Mediations between Marxist and Postcolonial Readings of the Bible* (ed. T. B. Liew and E. Runions; Semeia 84; Atlanta: SBL, 2016) 45–64, at 45–8; also S. Krauter, *Studien zu Röm 13, 1–7: Paulus und der politische Diskurs der nderonischen Zeit* (WUNT 243; Tübingen: Mohr Siebeck, 2009) 30–2. Burk makes distinctions between post-colonial and counter-imperial readings of the New Testament, though his goal is more to evaluate the 'new perspective' on Paul and fundamentalist theological views (D. Burk, 'Is Paul's Gospel Counterimperial? Evaluating the Prospects of the "Fresh Perspective" for Evangelical Theology', *JETS* 51 (2008) 309–37, at 323). Strecker provides a helpful breakdown of a spectrum of counter-imperial readings of Paul (C. Strecker, 'Taktiken der Aneignung: Politische Implikationen der Paulinischen Botschaft im Kontext der Römischen imperialen Wirklichkeit', *Neues Testament und politische Theorie: Interdisziplinäre Beiträge zur Zukunft des Politischen* (Stuttgart: Kohlhammer, 2011) 114–61, at 116–21). This paper focuses on scholars who seek evidence of anti-imperial attitudes in Paul's own writing. This is one small segment of a much larger field of counter-imperial readings of Paul and the New Testament in general. Robert Jewett, in particular, has argued for an implicit criticism of Rome's honour-shame systems in Paul's non-hierarchical church structures, but does not argue for a hidden anti-imperial agenda in Paul's letters. See R. Jewett, *Romans: A Commentary* (Minneapolis: Fortress, 2006) 48–9, 829–99.

6 Notable work to correct the excesses of anti-imperial interpretation of Paul has been contributed by J. White, 'Anti-Imperial Subtexts in Paul: An Attempt at Building a Firmer Foundation',

hopefully be a meaningful contribution to this task, and will direct scholars in search of the political Paul to depend less on the ‘totalitarian Rome’ trope in their research.

My argument proceeds in four parts. The first section provides an overview of the recent work that some Pauline scholars have done on ‘hidden transcripts’ in Paul’s letters. The second part discusses kinds of politically dissident speech in the Roman Empire and what it would take to be prosecuted. The third section discusses surveillance: even if Paul did say something that was legally actionable in his letters, who was around to hear him? Section 4 concludes with the question of whether motives besides prosecution could explain the use of hidden criticism, and an evaluation of the ‘hidden transcript’ more generally.

1. The Hidden Criticism Trope in Modern Pauline Scholarship

A good example of the counter-imperial approach to Paul is N. T. Wright’s article ‘Paul’s Gospel and Caesar’s Empire’, which assumes the existence of codes in Paul’s letters without stopping to explain why such a code might actually be present. In this article, Wright depicts Paul using ‘code’ in Phil 3 to obliquely encourage his hearers to rethink their allegiance to Rome. Just as Paul has radically rethought his commitment to Judaism in light of Christ, so too should the Philippians rethink their commitment to Rome.⁷ The message is in code, however, and though the text is opaque to us it would be clear to Paul’s readers. The reason why this message must be coded is never explored.

On the other hand, we have scholars such as Hans-Josef Klauck, Judith Diehl and Abraham Smith, who curtly discuss ‘coding’ in Paul’s letters as though the need to code is self-evident.⁸ Smith, for instance, simply mentions the ‘repressive

Biblica 90 (2009) 305–33; J. M. G. Barclay, *Pauline Churches and Diaspora Jews* (Grand Rapids: Eerdmans, 2011), particularly 363–87; and Heilig, *Hidden Criticism*. White’s article, while strong, does not explore the question of surveillance or controlled speech in antiquity. Krauter’s book challenges counter-imperial readings of Romans on the grounds that a strident anti-imperial ethic is incoherent with Paul’s larger theological goals in the letter, and any reading of Romans 13 must contribute to a larger ethic concerning the place of Jews and Christians in the Empire. See Krauter, *Studien zu Röm 13*, 1–7, 30–2.

7 N. T. Wright, ‘Paul’s Gospel and Caesar’s Empire’, *Paul and Politics: Ekklēsia, Israel, Imperium, Interpretation. Essays in Honor of Krister Stendahl* (ed. R. A. Horsley; Harrisburg, PA: Trinity Press International, 2000) 160–83, at 173–81. See White’s challenge concerning dual citizenship in White, ‘Anti-Imperial Subtexts’, 314–15.

8 See H. Klauck, *Religion und Gesellschaft im frühen Christentum: Neutestamentliche Studien* (WUNT 152; Tübingen: Mohr Siebeck, 2003) 265, who argues that ‘it would never have been wise to criticize an emperor directly’ if one was a member of a marginalised community (my translation). Diehl’s article ‘Empire and Epistles’ posits that antagonism from ‘local Jews’ and ‘the Roman establishment’ would have required Paul to write so that no one who read his

character' of the Roman imperial order to explain Paul's reticence to speak out against it.⁹ How the Roman Empire was repressive or whom it repressed is not explored.¹⁰ An alternative to this approach is alluding to a different statist regime and explaining how coded criticism appeared under *that* tyrant. Thus, Richard Horsley locates Paul in an underclass that has existed from eternity past and has always needed to mask its discontent. Paul, along with 'the slave, serf, and sharecropper' of every age, lives under the 'regular surveillance of the dominant', and because of this must make his distaste for the Roman Empire easy to overlook.¹¹

This is also the logic behind one of Wright's discussions of his now-ubiquitous dictum: 'if Jesus is Lord, then Caesar is not'. In *Paul: In Fresh Perspective*, Wright uses Hays' 'echo' criteria from *Echoes of Scripture* to find 'echoes of Caesar'. These are allusions to Roman imperial propaganda that Roman Christians would hear as a 'coded' subversion of imperial power. Paul appeals to Jesus as 'Saviour' and 'Lord', for instance, and encourages the Philippians to locate their 'citizenship'

letters could accuse him or his readers of treason (22). How Diehl moves from antagonism with Jewish leaders to treason accusations is not clear. See J. A. Diehl, 'Empire and Epistles: Anti-Roman Rhetoric in the New Testament Epistles', *CBR* 10 (2012) 217–63. For an example from classical sources, see V. Rudich, *Dissidence and Literature under Nero: The Price of Rhetoricization* (London/New York: Routledge, 1997) xxiii, which again assumes the danger of speaking openly about leadership. Rudich's work on classical censorship is excellent but not particularly applicable to Paul's case. Rudich focuses on authors whose writings were intended for the well-off and whose work circulated well within the hearing of imperial leaders. However, the fact that Cremetius Cordus' praise of Cassius and Brutus led to Cordus' eventual execution (*Dissidence and Literature under Nero*, 13–14) does not mean that most private writers such as Paul could expect capital punishment for their own writing. Cordus' work was apparently important enough that it was known to Augustus (*Dissidence and Literature under Nero*, 13), a level of readership which Paul's letters certainly did not have.

- 9 A. Smith, "'Unmasking the Powers": Toward a Postcolonial Analysis of 1 Thessalonians', *Paul and the Roman Imperial Order*, 47–66, at 54.
- 10 To bolster this point, Smith cites Sampley in *Social World of First Christians* and 'Art of Safe Criticism,' both of which discuss criticism directed *to* leaders, not *about* them. Sampley writes that frank speech might be discouraged because a blunt criticism is often rejected. This is not relevant for Paul's purposes, because Paul is not writing to the emperor. See J. P. Sampley, 'The Weak and the Strong: Paul's Careful and Crafty Rhetorical Strategy in Romans 14:1–15:13', *The Social World of the First Christians: Essays in Honor of Wayne A. Meeks* (ed. L. M. White and O. L. Yarbrough; Minneapolis: Fortress, 1995) 40–52 and F. Ahl, 'The Art of Safe Criticism in Greece and Rome', *The American Journal of Philology* 105 (1984) 174–208, at 186–7; J. P. Sampley, 'The Weak and the Strong: Paul's Careful and Crafty Rhetorical Strategy in Romans 14:1–15:13', *The Social World of the First Christians: Essays in Honor of Wayne A. Meeks* (ed. L. M. White and O. L. Yarbrough. Minneapolis: Fortress, 1995) 40–52, at 43–6.
- 11 R. A. Horsley, 'Introduction', *Hidden Transcripts and the Arts of Resistance*, 1–28, at 9.

in heaven.¹² Wright is clear that Paul's use of echoes is intended to be 'mocking'.¹³ Why this mocking must be so quiet is not clear. Wright does set up this discussion of coding with two historical examples he considers to be analogous. The first is the use of homoerotic coding in Western literature published in eras in which homosexuality could not be openly discussed in published works. The second is the work of a playwright, Wu Han, who was prosecuted for subtle critiques of the Maoist regime during the Chinese Cultural Revolution.¹⁴ Wright seems to find the second example – playwriting in Maoist China – particularly informative for understanding Paul's own day. Paul is writing under an oppressive state where dissent and open criticism are not tolerated. Thus, he must use the same system that Wu Han did to criticise the state.

But how similar were Wu Han's and Paul's situations, really? Aside from the obvious fact that Wu Han lived in Maoist China and Paul lived 2,000 years earlier, there are a number of dissimilarities between Paul and Wu Han that make the comparison less than illustrative. First, there are the comparative policing abilities of Maoist China and imperial Rome. Maoist China was a modern state with an enormous bureaucracy. The Cultural Revolution was conceived not to police the thoughts of every Chinese person, but to police the bureaucracy for threats to the 'continuous revolution'. In order to run and monitor a state of that size, the Chinese Communist Party's staff was incredibly huge and elaborate – made up of 9.7 million people in 1959 and peaking during the Cultural Revolution at 11.6 million.¹⁵ This does not include the Red Guard, a paramilitary student force that existed to promote socialist ideas and destroy traditional Chinese thought. The Red Guard's numbers topped out at about 11 million. There was no bureaucracy and no force in imperial Rome with the size and organisation of the Chinese Communist Party that could ferret out dissents as effectively as the CCP could. Secondly, there is the fact that the Cultural Revolution, as discussed above, was primarily intended to police the bureaucracy. Wu Han was not a private citizen. He was a municipal politician. He was criticised for his apparently political play *Ha Rui Dismissed from Office*, but getting rid of the play was not Mao's end goal. Wu Han was connected to a number of Mao's rivals, and getting rid of mid-level bureaucrat Wu Han cleared the way for Mao to also get rid of other opponents.

I list all this not just to place Wu Han in his proper historical context, but to point out a critical detail in the way censorship cases are often invoked in anti-imperial Pauline scholarship. When properly framed, most examples of Roman

12 N. T. Wright, *Paul: In Fresh Perspective* (Minneapolis: Fortress, 2005) 71–2.

13 Wright, *Paul: In Fresh Perspective*, 74.

14 Wright, *Paul: In Fresh Perspective*, 60.

15 Y. Wu, *The Cultural Revolution at the Margins: Chinese Socialism in Crisis* (Cambridge, MA: Harvard University Press, 2014) 20–6.

censorship and prosecuted speech look like the real Wu Han case, not the Wu Han case as Wright explains it. Until extremely recently in human history, governments have had neither the means nor the inclination to police the beliefs and opinions of disenfranchised, working-class, impoverished individuals. They have always cared, as we see in the Wu Han example, about the beliefs and actions of powerful individuals or mass movements that have a real chance at threatening their power.

When scholars seek hidden criticism in Paul's letters on the grounds that Paul would have needed to mask his distaste for Rome, they usually leave key historical work incomplete. They do not use the tools of historical research to demonstrate that governments that repressed and policed the language of the poorest among them existed in antiquity. Instead, they take examples from the twentieth and twenty-first centuries and retroject them into the Roman Empire. The 'repressive imperial order' of counter-imperial Pauline scholarship has more in common with 1984 than it does with the actual Roman Empire of history. But it is this Roman Empire, and not the one that lives in scholarly imagination, with which Paul and his letters actually had to contend.

So to conclude this section: when counter-imperial readers of Paul look for hidden resistance in his writing on the grounds that Paul's speech was at risk of being heard and prosecuted by a repressive government, these grounds are usually either assumed without evidence, or supported by appeals to larger theoretical frameworks.¹⁶ However, just because such claims about Roman law are not well founded, this does not mean the evidence does not exist at all. We turn our attention in the next section, then, to evaluating one key assumption

16 See, for example, Elliott's argument that early Jewish resistance literature was by necessity 'muted', so that the Psalms of Solomon identify Pompey as 'the sinner' and the Habakkuk peshier identifies the Romans only as *kittim*. Elliott assumes that such terminology is the author being 'evasive' or 'vague'. See N. Elliott, *The Arrogance of Nations: Reading Romans in the Shadow of Empire* (Paul in Critical Contexts; Minneapolis: Fortress, 2008) 40. However, apocalyptic literature is a genre with its own tropes and conventions, few of which could ever be described as 'muted'. First, apocalypses tend to appear in times of perceived crisis, which can include social or economic upheavals as well as political instability (L. T. Thompson, *The Book of Revelation: Apocalypse and Empire* (Oxford: Oxford University Press, 1990) 27). It does not follow that all these circumstances surrounding the production of apocalypses would require coding to evade censorship. Secondly, the heightened language of apocalypses usually requires some kind of 'conversational context' or mutual understanding of the circumstances surrounding an apocalypse to be comprehensible to viewers (Thompson, *Apocalypse*, 29). The images of an apocalypse have to be relatable to the reader's lived experience if he or she is going to interpret them. Many of the symbols of the book of Revelation are therefore quite obvious even to modern readers (the 'seven hills', for instance, in 17.9). This contradicts any idea that an apocalypse is a 'muted' or coded form of protest intended to evade official sanction.

underlying the search for hidden criticism: that critical speech against the Empire and its ideology could be prosecuted in a court of law.

2. 'Controlled Speech' in Antiquity

What kind of talk, specifically against political powers, could get a person in legal trouble? Admittedly, when we discuss Roman law, particularly in the provinces, we are not always discussing a watertight legal system where the nature of offences is clearly defined and suspects are only convicted if they have committed particular deeds. Justice in the provinces where Paul did most of his work could be quite arbitrary. Furthermore, as we will discuss more in section 3, in an era in which all crimes were privately prosecuted, a prosecutable offence was largely in the eye of the beholder. Further complicating our image of justice among the provincial working class is the fact that our data are simply not systematic or complete. We just do not always know what Roman law enforcement looked like to the average provincial subject on a day-to-day basis. That said, we can still outline two kinds of 'controlled speech' that were particularly well known for landing dissidents of all kinds in trouble. These were defamation and the *crimen maiestatis*, or treason.

Defamation (or libel) was intentional harm to the reputation of another person.¹⁷ This would consist of complaints not against the Empire in general, but against individual political figures. This is relevant for our purposes because defamation cases present us with specific instances of the interception of written material and prosecution of its authors. This is apparently the charge on which the dramatist Naevius was imprisoned and the charge that discouraged other dramatists from indulging in political criticism.¹⁸ However, dramatic criticism is less than helpful for elucidating Paul's situation. For one thing, the dramatists whom Lucilius and Accius charged mentioned aristocrats by name in their work.¹⁹ They did not vocalise generalised contempt for the Roman class system,

17 M. De Villiers 'Roman Law of Defamation', *Law Quarterly Review* 344 (1918) 412–19, especially 413–14.

18 R. E. Smith, 'The Law of Libel at Rome', *The Classical Quarterly* 1 (1951) 169–82, at 170. 'Before ... Naevius almost every line could be delivered from the stage without risk of punishment ... Then, at the end of the 3rd century BC [sic] Naevius was thrown in jail, attending further punishment, maybe even death, because his words offended potent politicians' (119). However, in Naevius' case, the insulted magistrates sponsored the production in question, attended it, and seem to have been explicitly named (117–19). None of these seem to have been conditions that would have affected Paul's writing. E. Loska, 'Actor, Beware of What You're Saying!', *They Called Me to Destroy the Wicked and the Evil': Selected Essays on Crime and Punishment in Antiquity* (ed. S. Nowicki; Beiträge zur Wirtschafts-, Rechts, und Sozialgeschichte des östlichen Mittelmeerraums und Altvorderasiens 1; Münster: Ugarit-Verlag, 2016) 113–21.

19 Smith, 'Law of Libel', 171.

but criticised leaders *by name*. This does not seem to be the kind of writing Paul wished to produce.²⁰ Whether he specifically refrained from writing such material because of fear of censure is purely a matter of speculation.²¹ Secondly, libel in dramatic performances was more subject to prosecution than libel in written material. For instance, aristocrats who sued dramatists for libel in their plays are still mentioned by name in written satires, and those satirists did not face charges.²²

Maiestas was a broad charge²³ that included a range of possible offences and potential punishments.²⁴ Robinson calls it the ‘fundamental crime ... an attack on the organization of society’.²⁵ It could include violent acts against the state, subversive words against the imperial family or subversive non-verbal communicative acts, such as defacing the seal of the emperor.²⁶

Scholars sometimes emphasise the long list of apparently trivial things that were occasionally prosecuted as *maiestas* in antiquity as evidence for how careful Romans had to be.²⁷ If undressing where an imperial statue happened

20 We could also include anonymous pamphleteering under this heading. Though this kind of writing was criminalised, it is impossible to find evidence that Paul was interested in producing such material, or that it would have served Paul’s missionary interests. F. H. Cramer, ‘Bookburning and Censorship in Ancient Rome’, *Journal of the History of Ideas* 6 (1945) 157–96, at 168–9.

21 Though note that Paul does name Aretas in 2 Cor 11.32. Barclay, *Pauline Churches*, 375.

22 Smith, ‘Law of Libel’, 172.

23 S. L. Guterman, *Religious Toleration and Persecution in Ancient Rome* (London: Aiglon Press LTD, 1951) 45; K. V. Markov, ‘The Trial of Senator Libo: A Comparative Analysis of the Versions of Tacitus and Cassius Dio’, *They Called Me to Destroy the Wicked and the Evil*, 121–8, at 124–5. For the repealing and reinstatement of *maiestas* laws under Caligula, see A. Keaveny and J. A. Madden, ‘The Crimen Maiestatis under Caligula: The Evidence of Dio Cassius’, *The Classical Quarterly* 48 (1998) 316–20.

24 R. A. Bauman, *Impietas in Principem: A Study of Treason against the Roman Emperor with Special Reference to the First Century AD* (Munich: Oscar Beck, 1974) 58.

25 O. F. Robinson, *Penal Practice and Penal Policy in Ancient Rome* (London and New York: Routledge, 2007) 62.

26 T. W. Marshall, ‘The Law of Treason under the Roman Empire’, *Law Magazine and Review* 22 (1896) 33–8, at 34–6; C. Gizewski, ‘Maiestas’, *Brill’s New Pauly* (ed. H. Cancik and H. Schneide), doi: http://dx.doi.org/10.1163/1574-9347_bnp_e718120, accessed 10 August 2019. This is often taken to be the charge that Paul faces in Acts 17.7. See H. A. W. Meyer, *Critical and Exegetical Handbook to the Acts of the Apostles* (2 vols.; Edinburgh: T. & T. Clark, 1877) II.104–5; F. Blass, *Acta apostolorum sive Lucae ad Theophilum liber alter: editio philologica apparatus critico, commentario perpetuo, indice verborum illustrata* (Göttingen: Vandenhoeck & Ruprecht, 1895) 187; H. W. Tajra, *The Trial of St. Paul: A Juridical Exegesis of the Second Half of the Acts of the Apostles* (WUNT 11/35; Tübingen: Mohr, 1989) 36–42; J. K. Hardin, ‘Decrees and Drachmas at Thessalonica: An Illegal Assembly in Jason’s House (Acts 17.1–10a)’, *NTS* 52 (2006) 29–49, esp. 31 n. 5, from which the above sources are drawn.

27 See Tacitus, *Ann.* 1.74; Rudich, *Dissidence and Literature under Nero*, xxv–xxvi; W. W. Flint, ‘The Delatores in the Reign of Tiberius, as Described by Tacitus’, *The Classical Journal* 8 (1912) 37–42.

to be could land one in prison,²⁸ Paul and his companions would certainly need to watch their steps. However, this misconstrues the data. First of all, when Suetonius and Tacitus list the absurd crimes that were prosecuted as *maiestas* under Tiberius, these examples are included as an indication of how absurdly tyrannical a specific emperor was. Tiberius was infamous for his treason trials; Claudius was less so.²⁹ However, even under the most paranoid of emperors, the evidence does not indicate that most Romans went around terrified that they might be seen showing treasonous disrespect to the state. When we read reports of Romans facing death or exile in widespread treason charges, they are virtually always aristocrats.³⁰ Of course, our sources are most interested in aristocrats, but these are also the kinds of Romans whose attitudes towards the emperor could destabilise his reign. It matters much more if a senator despises the emperor than if his baker does. Furthermore, most treason trials in Paul's era that we read about are the products of political intrigue – lower-born individuals with political aspirations betraying their superiors to gain their status. It is hard to see how such dealings and backbitings would have affected the unconnected underclass, of which most Christians were a part. If treason trials were primarily a way for politicians to get rid of rivals,³¹ and these trials did include accusations surrounding political speech, this suggests (as in the Wu Han example) that

28 Dio Cassius, *Roman History*, Epitome 67.

29 R. A. Bauman, *Impietas in Principem*, 19. Marshall, 'Treason', 35–6, though Marshall nuances this to note that careless language was rarely prosecuted. Rosenblitt also posits that Tacitus' evaluation of Tiberius and emphasis on his tyranny is refracted through his experiences under Domitian. See A. Rosenblitt, 'Rome and North Korea: Totalitarian Questions', *Greece & Rome* 59 (2012) 202–13. For the accuracy of Tacitus' take on treason trials, see E. P. Bowen, 'Did Tacitus in the Annals Traduce the Character of Tiberius?', *The Classical Weekly* 6 (1913) 162–6.

30 Judge argues that *maiestas* was specifically a crime of the upper class; civil disturbances committed by the non-elite Roman resident would be punished less formally. E. A. Judge, 'The Decrees of Caesar at Thessalonica', *RTR* 30 (1971) 1–7; Hardin, 'Decrees and Drachmas', 31–2; T. E. J. Wiedemann, 'From Tiberius to Nero', *The Cambridge Ancient History* (ed. A. K. Bowman, E. Champlin and A. Lintott; Cambridge: Cambridge University Press, 1996) 198–255, at 219; also R. A. Bauman, *Crime and Punishment in Ancient Rome* (London/New York: Routledge, 1996) 40. Menouva notes that those sentenced for treason in the first century, according to the records of Tacitus, are senators; senators' wives are convicted of magic or soothsaying. These people, Menouva argues, are 'most guilty of the Emperor's or Empress' personal disfavor' (119). Further discussion of the control of upper-class literature can be found in M. Meiser, 'Lukas und die römische Staatsmacht', in *Zwischen den Reichen: Neues Testament und römische Herrschaft* (ed. M. Labahn and J. Zangenberg. TANZ 36. Tübingen: A. Francke, 2002), 180–184; Schreiber, 'Paulus als Kritiker Roms?', 342n12; K.A. Raaflaub, 'Aristocracy and Freedom of Speech in the Greco-Roman World', in *Free Speech in Classical Antiquity* (ed. I. Sluiter and R. M. Rosen. Mnemosyne; Leiden/Boston: Brill, 2004) 41–62, at 54–7.

31 Clearly how Markov sees this offence. See Markov, 'The Trial of Senator Libo', 124–6.

policing speech was not an end in itself. Policing speech was a good way for powerful Romans to get rid of other powerful Romans, but these Romans were probably less interested in attacking peasants who were simply dissatisfied with the status quo.

Much of this has already been argued by John Barclay, who writes that Paul's writings would have been politically inconsequential to Rome, along with the vast majority of Roman subjects' opinions.³² Barclay also notes that many of Paul's most subversive claims – particularly, that the gods of Rome are not gods – were standard Jewish positions and did not need to be hidden.³³ Barclay depicts a Rome where the underclass could basically say what it wanted, and Jews in particular had exceptional licence to challenge Roman religion and the imperial cult. However, Barclay's claims have met a fair challenge from Christoph Heilig, whose monograph *Hidden Criticism?* sets out to place methodological controls on the hunt for hidden transcripts. Heilig specifically deals with the question of the necessity of 'hiding' written criticism and concludes that Barclay's framing is too positive. Yes, Jews could say that emperors were not gods, but this was still within the context of mainstream Jews voicing allegiance to the emperor and submitting to him. Jews could criticise belief in an emperor's divinity, but they could not criticise the concept of emperors themselves. Thus, even though Jews did not sacrifice *to* the emperor at the Temple, they sacrificed *on his behalf*. Heilig argues that if Paul wanted to challenge the imperial order in general, he would need to find an oblique way to do so.³⁴ Similarly, Jews could deny the divinity of an emperor, but they could not claim that there was a different leader who had a right to his power. The emperor may have had non-worshippers, but he certainly did not have competitors.

Let us evaluate these claims. Would Paul have had to conceal criticism of the Roman Empire and its trappings as a whole? It is difficult to say. It is hard to find solid evidence that Paul wanted to criticise the entire imperial order but felt compelled not to do so. Systematic anarchist thought that disparaged the entire concept of a kyriarchal state is hard to find even in the most subversive of ancient literature. Even Jewish apocalyptic or messianic writings, which proudly condemn the Empire and look for the fiery end of myriad nations and nations, still assume that some kind of king will take dominion over the whole earth. This king is simply remarkable because he is chosen by God³⁵ and Jewish.³⁶

32 Barclay, *Pauline Churches*, 381. For Barclay's in-depth study on Josephus' rhetorical strategy and criticism of Rome, see particularly *Pauline Churches*, 307–16.

33 Barclay, *Pauline Churches*, 381.

34 Heilig, *Hidden Criticism*, 88–91.

35 See particularly the examples of Zerubbabel in Haggai 2:1–3. J. Schaper, 'The Persian Period', *Redemption and Resistance: The Messianic Hopes of Jews and Christians in Antiquity* (ed. M. Bockmuehl and J. Carleton Paget; New York and London: T&T Clark, 2007) 3–14.

36 A good example of this is the political messiah of the Qumran scrolls, as in 4QIsaiah 18–22. J. W. van Henten, 'The Hasmonean Period', *Redemption and Resistance*, 15–28, at 21–8.

The strongest example we can find for criticism of imperialism in general are writings that betray a nostalgia for the Roman Republic. These actually could lead to charges of *maiestas*.³⁷ But it is difficult to imagine that Paul felt this way. Jews who resisted the Empire were not looking back to the Republic. They were looking ahead to the eschaton, and the hope that good kings would replace the bad ones. This is exactly what Paul seems to be waiting for in the parousia, and the language is not hidden at all.

However, this still leaves us with one kind of speech that Heilig believes that Rome could not abide – the proclamation of a rival for imperial power. Heilig is on steadier ground when he claims that naming a competitor for Caesar's titles and lordship was far riskier than simply criticising the emperor. After all, the authors of the Gospels all seem to think that this was the crime for which Jesus was executed. However, here we fall into another trap. If Wright is correct that the 'echo' of imperial propaganda is so strong that the claim 'Jesus is Lord' declares that 'Caesar is not', then Paul's letters already contain a bare-faced threat to Rome. Why would we need to search further for hidden criticism when Paul has already courted a death sentence and proclaimed a king besides Caesar? We are left with two options. Either Paul's coded subversion of the Roman government was so subtle that Romans would not hear it (in which case, it would be useless as a code for Roman Christians) or Paul was capable of drawing metaphorical language from the political sphere without actually attacking it. The latter solution seems likely. After all, Christian apologists of the second century regularly refer to Jesus as Lord in their texts that are meant to demonstrate what peaceable Roman subjects they are.³⁸ The invocation of the term κύριος alone was clearly not enough to make a Roman think he was reading *The Anarchist's Cookbook*. Even in our own day, Calvinist Christians are quite capable of discussing the doctrine of election without hearing a quiet critique of how Americans choose a president. The concepts are distinct. Either the proclamation of Jesus as Lord was not an actionable offence against the state, or it was and Paul is being as explicit as he wants.

That said, because of the flexible definition of *maiestas* in antiquity, we cannot rule out the possibility that some of Paul's claims could be seen as seditious. We have only demonstrated that there is not good evidence that a Roman tentmaker would need to be on high alert in his speech. We cannot yet rule out the possibility that Paul is using 'hidden criticism' in his letters, but a major motivation

37 See Bauman, *Impietas in Principem*, 100 for the trial of the historian Cordus. See also R. MacMullen, *Enemies of the Roman Order: Treason, Unrest, and Alienation in the Empire* (Cambridge, MA: Harvard University Press, 1966) 55.

38 Burk, 'Is Paul's Gospel Counterimperial?', 317, and White, 'Anti-Imperial Subtexts', 309, both note that this vocabulary has Septuagintal origins. The use of the words εὐαγγέλιον, δικαιοσύνη, ἐκκλησία and παρουσία may not be drawn deliberately from the political sphere at all, but from the Septuagint.

for it – that a great deal of political speech in antiquity was a prosecutable offence – cannot be demonstrated. This brings us to the second assumption underlying a great deal of anti-imperial reading of Paul's letters: that Paul's speech was subject to falling into the wrong hands and being used against him. We now must evaluate the evidence that Paul's letters were in danger of being 'overheard' by Roman powers.

3. Surveillance

Let us imagine Paul has just written a letter and is about to have it delivered. Let us also imagine its contents have possible treasonous implications. Who would know? How much political surveillance did Paul live under? As we saw in the first section, that the Roman authorities watched Paul is more often affirmed than proved.³⁹ Horsley blames Paul's frequent imprisonments on the 'semi-effective' surveillance techniques of Roman magistrates. Barclay, on the other hand, simply writes that 'Rome was not a police state', and Paul's letters were unlikely to fall into the hands of anyone.⁴⁰ But the question of whether Paul was subject to surveillance can surely be answered more definitively than this. Who was reading Paul's mail? There were two main places where Paul's words could have been intercepted: on the road, and through the oral reports of people attending his churches.

First, the road. How did letters travel in the ancient world? Public mail delivery was only available for state business, so Paul would have depended on private means for delivering letters. The wealthy used slaves for this purpose.⁴¹ Paul apparently used friends and associates.⁴² With the exception of 'Chloe's people' in 1 Cor 1.11, most of Paul's envoys were people who were well known to him and invested in the success of his mission. Phoebe, who carried the Epistle to the Romans, is a deacon (Rom 16.1), and introduced in glowing terms. Titus carried at least some of the Corinthian correspondence (2 Cor 7.6–8). This is apparently the man Paul took with him to the Jerusalem Council (2.1). Timothy acted as Paul's envoy (1 Cor 4.17; 16.10; Phil 2.19; 1 Thess 3.2, 6) and may have carried the first Epistle to the Thessalonians. Whenever we have people carrying Paul's letters, they are rarely, if ever, people whom Paul did not know or had

39 Rudich in *Political Dissidence under Nero* calls the Julio-Claudian dynasty 'as vicious as any modern dictatorship, with the difference that it lacked the technology that in our age provides the means of total control' (242). When discussing dissidence in private communications between members of the working class, the difference that Rudich treats as incidental is actually quite significant, as I hope to show in this section.

40 Barclay, *Pauline Churches*, 381.

41 J. Nicholson, 'The Delivery and Confidentiality of Cicero's Letters', *The Classical Journal* 90 (1994) 33–63, at 33–4.

42 J. Stambaugh and D. Balch, *The Social World of the First Christians* (London: SPCK, 1986) 40.

reason to mistrust. The odds that these people would take Paul and his letters before a magistrate are slim.

So much for the letter carriers. What about on the road? The roads of the Roman Empire were relatively well policed in order to prevent banditry (which, admittedly, still happened). This should not lead us to suppose that Timothy's bag was subject to search and seizure at regular checkpoints. We have a few references to intercepted letters in antiquity; Cicero expresses anxiety that his letters might be stolen *en route*. Both Cicero and Sallust also recount the same instance of letter interception in the story of the Catiline conspiracy.⁴³ However, it is hard to assume that Paul worried about his letters being intercepted in the way in which an influential politician or active rebel would. In our own era, trash theft occurs, but most of us do not seek to prevent it in the way Angelina Jolie and Selina Meyer might. In the same way, the fact that Cicero worried about spies does not mean that Paul did. Paul never expresses any anxiety that his letters might not arrive at their destination – a concern that Cicero frequently voices.⁴⁴ Sending out slaves or soldiers who intercept a specific envoy would have been a deliberate, pre-planned act. In an era where policing in the provinces was a scattershot project run by illiterate people,⁴⁵ there was no surveillance dragnet that Paul's letters could be caught in.⁴⁶

This brings us to the second place where Paul's words could be overheard and used against him: the church itself. *Maiestas*, like most other crimes in the Roman system, was prosecuted privately by *delatores*. A *delator* could be any adult male who was of good social standing in his city. He did not need to be personally victimised by a crime, but simply willing to prosecute a crime that he was aware of in the hope that he could receive some compensation for his police work.⁴⁷

43 J. Nicholson, 'The Delivery and Confidentiality of Cicero's Letters', *The Classical Journal* 90 (1994) 33–63.

44 Nicholson, 'Delivery', 39–42.

45 For literacy rates in the Roman world, see H. Y. Gamble, *Books and Readers in the Early Church: A History of Early Christian Texts* (New Haven: Yale University Press, 1995) 2–10.

46 For the limited policing abilities of the Roman Empire, see J. Krause, *Gefängnisse im römischen Reich*, (Stuttgart: F. Steiner, 1996) 28–38; C. Fuhrmann, *Policing the Roman Empire: Soldiers, Administration, and Public Order* (Oxford and New York: Oxford University Press, 2012) 182–5. Military police presence in the provinces actually seems to have been something of a scarce resource, and troops were particularly thin on the ground during Paul's lifetime. G. Gambash, *Rome and Provincial Resistance* (New York: Routledge, 2015) 34. Tertullian complains that Christians are being watched by *curiosii* in *De fuga* 13 – either informants (Fuhrman, *Policing*, 221) or soldiers (G. Lopuszanski, 'La police romaine et les chrétiens', *L'Antiquité Classique* 20 (1951) 5–46) who kept an eye on suspect local populations. These figures eventually had an intrusive role in Christian life, but Tertullian writes well after Paul's era in a time where Christians were an identifiable and disliked anti-social minority in the Roman world. It does not follow that Christians in Paul's day would have been subject to the same level of control.

47 Robinson, *Penal Practice*, 35.

Delatores were usually privately motivated individuals who had their own personal and political reasons for denouncing their fellow citizens (Seneca, *Ben.* 3.26; Tacitus, *Ann.* 6.18; Ammianus Marcellinus 27.7 and 28.1; 29.2, 4). *Delatores* were routinely mocked as low-born (Juvenal, *Sat.* 3.29)⁴⁸ and using accusations as a means of social advancement.⁴⁹ This is because *delatores* often achieved prestige, won honours or appointments, or received the property of those they successfully prosecuted.

Were there any potential *delatores* in Paul's churches? There were certainly plenty of low-born men there. Paul regularly interacted with freedmen, so it is certainly possible that he could have met one who might consider a turn as a *delator*. Likewise, not everyone who attended Paul's churches was a faithful adherent of Paul's teachings. At least some Christian meetings may have been open to outsiders (1 Cor 14.16, 24–6), and according to the Corinthian correspondence, not every Christian in Corinth felt as much loyalty to Paul as they did to others. However, the extent to which a *delator* could hope to profit from his actions was proportionally linked to the wealth and status of his target. The more prestige an individual had, the more prestige a *delator* stood to gain by bringing him down.⁵⁰ This makes Paul an unattractive target. Paul was a day labourer; the only real estate he probably had was at best a couple of tents. Financial and political advancement from bringing down Paul would have been minimal. Besides all this, even if a potential *delator* heard seditious material read from a Pauline letter, at the point at which the *delator* heard it Paul might be hundreds of miles away in another city. Even if a *delator* did covet Paul's tents and wish to bring a charge against him he would have to go and find Paul first.

What about personal reasons? Did Paul have enemies who might accuse him of treason to get him out of the way?⁵¹ This is much more likely. Paul strikes a cloak-and-dagger note himself when he reports that 'false brethren' were 'sneaking in' and 'spying' (παρεισάκτους ψευδαδέλφους οἵτινες παρεισῆλθον κατασκοπήσαι, Gal 2.4) on the freedom of his church. However, here we hit another snag. Paul's opponents, as far as we can tell from his letters, are all Christians themselves.⁵² Acting as a *delator* was a risky proposition. At best, it

48 S. H. Rutledge, *Imperial Inquisitions: Prosecutors and Informants from Tiberius to Domitian* (New York: Routledge, 2001) 21.

49 Rutledge, *Imperial Inquisitions*, 20–53.

50 Rutledge, *Imperial Inquisitions*, 21.

51 Another common motive for delation. Robinson, *Penal Practice*, 35.

52 One possible exception that has been suggested is οἱ ἄγγελοι in 1 Cor 11.10. Winter posits that these 'messengers' are possible informers who would gather information on the goings-on in church gatherings and report to the authorities. B. W. Winter, *After Paul Left Corinth: The Influence of Secular Ethics and Social Change* (Grand Rapids: Eerdmans, 2001) 134–8. This seems unlikely, since Paul speaks of ἄγγελοι three other times in the letter (1 Cor 4.9; 6.3; 13.1), and all of these refer to divine beings. There does not seem to be a

could earn one money and status while eliminating opponents and settling old scores. At worse, it could land one in legal trouble as well.⁵³ Would members of a proselytising foreign cult associated with cult abominations and misanthropy really go around accusing one another of treason if their own cases were equally shaky? No doubt bitter enmity existed between the developing Christian sects, but it would have been unbelievably risky for them to all start accusing one another of treason. They were, after all, all proclaiming the same crucified Lord.

Paul did go to prison on multiple occasions, which means someone accused him of criminal behaviour. But it is hard to find evidence that these crimes had anything to do with his letters or anything he taught about Rome. Dieter Georgi argues that if Paul was executed by the Roman Empire, it *must* have been because he was accused of treason when the 'protective code' of calling Jesus the true king in his letters was broken. The problem is that Georgi has virtually no evidence to support this claim. He argues from silence that if Paul was executed for treason, Luke would not have made a record of it.⁵⁴ He does not explore the question of who 'cracked the code' of Paul's letter to the Romans. Finally, his treatment of Rom 13.1-7, which would presumably scramble the code-breaking skills of any *delator*, is wildly inadequate. Georgi argues that this passage is actually subversive because it discusses the governor without mentioning the *princeps* or an exalted status of Rome. This suggests that Paul longs for decentralisation of Roman power and a shift towards early Republican governing structures. This leaves us with a Paul who was deeply invested in Republican nostalgia and an empire where private citizens were executed if their mail was insufficiently patriotic.⁵⁵ On both counts, this seems unlikely.

If we look at our earliest source for Paul's legal trouble, Acts, it seems that local officials did not need to know much about what Paul taught in order to find him dangerous. Paul's high-conflict relationship with other Christians, his complicated status in non-Christian synagogues and his mission to bring pagans into monolatrous worship of Israel's God made him a troubling figure already. Paul did not need to be found denouncing the emperor to end up in prison. His conflict with virtually every existing social group outside his own churches was a problem

reason to seek an alternative translation besides 'angels'. These angels could be evil angels, who will endanger women they see with their heads uncovered, or they could be holy angels who are present with the congregation and oversee the creation order. See M. D. Hooker, 'Authority on her Head: An Examination of 1 Cor 11:10', *NTS* 10 (1964) 410-16, at 413.

⁵³ Rutledge, *Imperial Inquisitions*, 100.

⁵⁴ D. Georgi, 'God Turned Upside Down', *Paul and Empire: Religion and Power in Roman Imperial Society* (ed. R. A. Horsley; Harrisburg, PA: Trinity Press International, 1997) 148-57, at 157.

⁵⁵ Georgi, 'God Turned Upside Down', 156.

already. Paul was a frequent recipient of synagogue discipline. He disturbed the peace enough to earn corporal punishment. He made a habit of convincing pagans to abandon their religion and follow foreign gods.⁵⁶ Wherever he went, there were riots. When placed in this context, Paul's eventual execution is not a mystery that needs to be explained with anti-imperial codes. Paul was a habitual, highly visible troublemaker, and his letters would not need to be 'decoded' to prove that.⁵⁷

4. What Paul Would Say, and What He Did Say

Perhaps the hunt for 'hidden transcripts' remains valid if we find a motive other than Roman surveillance and prosecution. Wright finds a potential one in *Paul and the Faithfulness of God*, supposing that Paul is less worried about attacks from outsiders than about offending church members. A clear statement of everything 'Paul believed about Caesar and Rome' could frighten away new members, or incite others to violent action. Thus, the motive of Paul's supposed hidden criticism is fear not of persecution, but of confusing his audience with overly strident language. In order to assume the presence of hidden criticism, then, we do not need to prove the existence of Roman surveillance or prosecution of politicised speech – only the destructive potential of strident political language.

This solution is still inadequate. First, the occasion of trying to prevent an armed insurrection is not the time to mince words.⁵⁸ 'Caesar is not God, but don't revolt and don't kill anyone' is an unobjectionable statement for a Jewish man, and also hard to misconstrue from a reader's perspective. If this is all Paul wished to say, he could – and in the plainest reading of Paul's letters, he did. But even more than this: whatever the motive might be, we are still trapped in the cycle of trying to tease out what Paul *would* have said if his circumstances were different. Would Paul have excoriated Caesar in private correspondence if he knew none of his converts would respond violently? Would Paul have denied the goodness of the *pax Romana* if he had a constitutionally protected right to free speech? Would Paul have called for an open rebellion if he still

56 See Barclay, *Pauline Churches*, 381. We should note that while eastern religions found adherents all over the Empire, the proselytism of 'foreign' religions among Romans was not often looked upon favourably. A number of sources attest to the fact that even authorised cults were subject to some control from the state (Guterman, *Religious Toleration*, 32–3).

57 Krause notes that the imprisonment of individuals who were known to cause disturbances was a common urban phenomenon in antiquity. These are, however, people whose behaviour is specifically associated with civil unrest and rioting, not with the publication of texts with possible subversive readings. See Krause, *Gefängnisse*, 98–9. For the legal specifics of Jesus' trial, who was probably executed for similar reasons, see J. G. Cook, 'Crucifixion and Burial', *NTS* 57 (2011) 193–213, at 199–203. For other ancient examples of Romans facing charges for instigating riots, see Bauman, *Impietas in Principem*, 85–6.

58 Heilig, *Hidden Criticism*, 130.

had friendly contacts with his Zealot buddies from the old days? We just do not know.

Ultimately, this is the final shortcoming of the hunt for hidden criticism in Paul's letters. The question that this scholarship asks is, 'If circumstances had been different for Paul as a man in the first century, what different things might Paul have said?' The only clues, though, are what Paul *did* say about the Empire, and outside Romans 13, it wasn't much. Even if Paul draws vocabulary from political metaphors, the evidence just does not exist that this is Paul at his most subtly subversive. With few exceptions, Paul is silent about Caesar and his empire, and we have little evidence that tells us how to construe that silence.

The evidence simply is not on our side if we wish to posit that Paul lived in fear that his words would be used against him in court. This could be true for politically elite Romans in some eras, but Paul was not among their number. Even if Paul's words could have brought about his execution, it is not clear who would have charged him. Paul's fiercest opponents also proclaimed another king besides Caesar, and charging Paul with this crime would have been foolhardy. We just cannot make the evidence add up to a Roman world where Paul could not speak as openly about the Empire as he wanted to. If there is hidden criticism of Rome in Paul's letters, we have no motive for why it is hidden.

Here's a joke. Why don't you see elephants hiding in trees? Answer: because they are really good at it. For years in Pauline scholarship, this logic has also answered the question, 'Why don't you see Paul criticising the Roman Empire?' Answer: because he is really good at hiding it. What makes the elephant joke funny (or at least a little funny) is that assuming that elephants are present but well concealed in trees is a cumbersome explanation that ignores the obvious truth: there are no elephants in the trees. Perhaps the next step for reading Paul in his world is accepting the disappointing fact that radical denunciations of the Roman Empire are the Pauline equivalent of elephants in trees. Maybe they are well concealed, but they probably are not there at all.