



Obeying the Holy Spirit (Acts 5:17-42)

Commentary: Week Twelve

***Scripture divisions used in our series and various commentaries differ from each other.
This is the reason for the occasional discrepancy between
the verse range listed in our series and the commentary notes provided in our Scripture Studies.*

New American Commentary¹

8. All the Apostles Before the Council [5:17–42](#)

As in [3:1–4:5](#), the apostles' healing led to their arrest by the temple authorities and to a hearing before the Jewish Sanhedrin. Many similarities exist between this section and other portions of Acts, especially the twofold trial scenes of [4:5–22](#) and [5:27–40](#) and the escape scenes of [5:17–26](#) and [12:6–11](#). This has led many scholars to postulate Luke's use of different sources that covered the same events, but this tends to overlook the real progression that takes place in the narrative. The conflict between the Christians and the Jews steadily intensified. With the growing success of the Christian witness, there is a heightened reaction on the part of the Jewish authorities—at first only a hearing, warning, and release ([4:5–22](#)). Now those on the Council would impose the death penalty ([5:33](#)) and were only thwarted in their intentions by the sage advice of a Pharisee ([5:34–39](#)). The apostles were again released, but this time the Council had them whipped before so doing ([5:40](#)). The conflict became even stronger with the killing of Stephen ([6:8–8:2](#)) and the resulting persecution of the Christians in Jerusalem ([8:1](#)); and it reached its apex in chap. [12](#), where the execution of James and the attempt to do the same to Peter found the support not only of the Jewish officials but the populace as well ([12:3](#)).

This second encounter with the Sanhedrin can be divided into three main parts: the initial arrest and its almost ludicrous result ([5:17–26](#)), the hearing before the Sanhedrin ([5:27–40](#)), and the release of the apostles with their continued witness ([5:41–42](#)).

(1) Arrest, Escape, and Rearrest [5:17–26](#)

[5:17–18](#) As before, the Sadducees were enraged by the apostles' preaching. They were described as being "filled with jealousy," undoubtedly over the tremendous success of the Christian witness ([5:15–16](#)). The word translated "jealousy" can also mean *zeal*, and there may well have been an element of zeal in their determination to stamp out this growing messianic movement before its increasing popularity aroused the concern of the Roman authorities and led to severe reprisals. The high priest was again the spokesman. He was ultimately responsible for the proper maintenance of the temple precincts and its cultus, and so it was very much on his turf where the Christians were having all their success (cf. v. [12b](#)). His cohorts in the local party of Sadducees would have shared his concern for preserving the peace against such popular movements and supported him in putting the apostles in the public jail (v. [18](#)). One should not miss the irony of their being placed in the public jail, i.e., openly and for everyone to see. Soon they would be unable to find these very ones who were so openly placed in jail.

1. John B. Polhill, *New American Commentary – Volume 26: Acts*, (Nashville, TN: Broadman Press, 1992), WORDsearch CROSS e-book, 163-173.

5:19–21a The miraculous escape of the apostles is told with the greatest economy here. In vv. **21b–26** it will be retold in far greater detail. The emphasis is placed on the total helplessness of the Jewish authorities. In this way the lesson of Gamaliel’s speech is illustrated vividly beforehand—“If it is from God, you will not be able to stop these men” (v. **39**).

An “angel” of the Lord appeared to the imprisoned apostles at night, opened the prison doors, and led them out (v. **19**). The angel gave the apostles God’s instructions. They were to return to the temple and speak “the full message of this new life.” They were to resume their witness, preaching the gospel that leads to life, the message of salvation. The apostles went and did as the angel bade them, early in the morning when the crowds would be gathering in the temple to observe the morning sacrifice. They obviously were not concerned for their safety. They returned to the very spot where they had been arrested, preaching the same words of life for which they were arrested. Perhaps there is irony in their deliverance by the angel. Sadducees did not believe in angels.

5:21b–24 Now the interesting part of the story begins. The scene shifts to the Council chambers where the Sanhedrin had gathered for its morning session. The first item on the agenda was the interrogation of the apostles; so officers were sent to the jail to fetch them. But they were not there. The officers hastened back to deliver the startling news. The prison doors were securely locked. The guards were duly *standing* at their posts (and thus evidently awake). Yet there was no one inside. How in the world did they get out through locked gates, past the guards? The Council was at a total loss.

5:25–26 Finally someone arrived with the good news, or was it bad news? The prisoners hadn’t totally escaped. They were on the temple grounds, back to their old tricks, teaching the people. Now the captain, the *sagan*, decided he had better handle the matter personally. After all, he was second in rank to the high priest himself and ultimately responsible for order on the temple grounds. Unusual circumstances like this had best not be left to lesser officials. So he went with his officers to gently persuade the apostles to accompany him to the Council chambers. He personally might have desired their execution by the usual procedure of stoning, but at this point he was more concerned about being stoned to death himself by the people, who held the apostles in the highest regard (cf. v. **13**). One must not miss the irony in this entire fiasco.

The Sanhedrin was totally thwarted in its designs, totally helpless to control the situation. All was in God’s hands. The only reason the apostles finally appeared before the Council was their own willingness to do so. And they were willing to do so because the events of the night had convinced them once more that they were very much in God’s hands.

(2) Appearance Before Sanhedrin **5:27–40**

This second appearance before the Sanhedrin is significantly different from the first (**4:5–22**). That one only involved two apostles, Peter and John. Here all the apostles stood before the Council. There was no formal charge leveled against Peter and John; the questions mainly regarded their authorization (**4:7**). The apostles now were confronted with violation of the Council’s interdiction (**5:28**). The possibility of a verdict of death was not raised before, but at this point it became explicit (**5:33**). Most significant of all, there was no particular spokesperson for the Christians. Now there was, and he was a Pharisee (**5:34–40**). The trial scene falls into two rather balanced parts, focusing on the witness of the Christians (**5:27–32**) and the intercession of Gamaliel (**5:33–40**).

[5:27–28](#) The trial began with the apostles being brought before the Sanhedrin. The Greek text has them “stood up” (*estēsan*) before the body, and this was the usual procedure, the defendants standing, the judges sitting. The high priest as presiding officer began the interrogation, charging the apostles with two offenses. First, they had broken the interdiction of the Sanhedrin and continued to preach “in this name.” Second, they were determined to lay the guilt for “this man’s blood” on them, the Jewish leaders.

What the high priest did not say is perhaps more significant than what he did say. He made absolutely no reference to the apostles’ escape. Was this out of total embarrassment? Further, he scrupulously avoided mentioning Jesus by name. Does this reflect that already at this early stage mentioning the name of Jesus was considered in some circles as blasphemous? In any event, there were formal charges this time. The apostles had been duly warned by the court not to continue further witness, and the interdiction had been fully ignored. They were unmistakably culpable. The high priest’s concern about being charged with responsibility for Jesus’ “blood” may have had more significance than appears at first sight. To “lay someone’s blood” on someone is an Old Testament expression for a charge of murder and in accordance with the *ius Talionis* demanded the death of the guilty party. In essence the high priest was saying, “You are trying to get us killed for responsibility in this man’s death” (author’s paraphrase).

[5:29](#) Peter, of course, was not trying to get the leaders killed but rather to get them saved. As in the first trial, his response was more of a witness than a defense. As then, he referred to the basic principle of obeying God rather than man (cf. [4:19](#)), this time the form being even closer to that of Socrates’ famous quote in Plato’s *Apology* 29d. This principle underlies this entire section of Acts. Where God’s will lay in this instance was fully demonstrated in the escape with its command to resume the preaching in the temple. Not impeding God’s purposes would be the main thrust of Gamaliel’s speech. Peter had no choice. He had to remain true to the divine leading. His saying has continued to be used by Christians throughout the centuries, by Christian martyrs making the ultimate sacrifice in obedience to their Lord, and by power-hungry medieval popes exerting their influence over the secular rulers. It is a dangerous saying, subject to abuse and misappropriation; and one should be as clear as Peter was about what God’s purposes really are before ever using it.

[5:30–32](#) Peter’s witness before the Sanhedrin was basically a summary of the Christian *kerygma*, as it had been at his first trial ([4:10–12](#)). The basic elements are all there—the guilt of the Jewish leaders for crucifying Jesus, the resurrection and exaltation, repentance and forgiveness in his name, the apostolic witness. There are some differences in detail. Jesus’ crucifixion is described as “hanging on a tree,” probably in allusion to [Deut 21:23](#), an Old Testament text the early Christians saw as pointing to Christ.

In v. [31](#) the exalted Christ is described as “Prince” and “Savior.” Neither term was new to Peter’s sermons. The first term occurred in his temple sermon ([3:15](#)), where it had the nuance of author or originator of the resurrection life. Here it has the sense of “leader” or “prince” but still in close connection with the new life he brings through repentance and forgiveness of sins. It is thus closely connected with the title “Savior,” which Peter had not used before. The concept of the salvation in his name, however, was at the very heart of his previous witness before the Sanhedrin (cf. [4:12](#)). Here as there Peter’s purpose was the same—to demonstrate that Christ is indeed the risen Savior and to urge repentance and commitment to his name. Peter was issuing an invitation to the Sanhedrin. They had indeed sinned in hanging Jesus on the cross, but there is forgiveness and salvation for Israel in him. If they needed further proof that he is their deliverer, risen and exalted to God’s right hand, the apostles could bear eyewitness testimony to these realities (v. [32](#)).

The pouring out of the Holy Spirit, so evident in all the miraculous works that were being accomplished, was bearing his own witness. Then as now, the Spirit is granted to all who obey God. Peter had been obedient, obeying God rather than man. Now his implicit appeal was that the Sanhedrin follow him in the same obedience.

[5:33–34](#) The Jewish leaders were not the least inclined to respond to Peter’s appeal. Their reaction was quite the opposite. They were infuriated (*dieprionto*; lit., “sawn in two”). Some called for the death penalty, undoubtedly the Sadducees on the Council. Theologically they were not inclined to be convinced by Peter’s appeal to the resurrection, and politically Peter’s messianic message only served to further confirm that this was a dangerous, rabble-rousing group. They might have passed the verdict then and there had not a voice been raised urging moderation. It was a voice from the Pharisaic minority on the Council.

One wonders how much of a part politics played in the Sanhedrin’s decision on this particular occasion. Josephus said that the Sadducean officials usually yielded to the recommendations of the Pharisees because the latter enjoyed the support of the masses. Gamaliel may have used this occasion as another opportunity to assert this Pharisaic ascendancy over the Sadducees. As a Pharisee he would have had more sympathy with the Christians theologically. Pharisees believed in a coming Messiah, in the resurrection, and in a life after death, none of which the Sadducees accepted. The Pharisees also had an oral tradition of interpretation of the Torah that gave them considerable flexibility and openness to change. Not so the Sadducees, who accepted only the written Torah and were far more rigid and conservative in attitude. Such differences must have contributed considerably to Gamaliel’s more tolerant stance toward the apostles.

The Gamaliel in question here was Gamaliel I, who is referred to in several places in the rabbinic literature, though surprisingly sparsely for a man of his stature. He was the son or grandson of the famous Hillel and seemed to have been at the prime of his influence from about A.D. 25–50. Rabbinic tradition gives him the title of Nasi, or president of the high court, and has his son Simeon follow him in that role. His grandson Gamaliel II held the presidency after A.D. 90, when the court met at Jamnia. Perhaps nowhere is the esteem in which he was held better expressed than in the following statement of the *Mishna*: “When Rabban Gamaliel the Elder died, the glory of the Law ceased and purity and abstinence died.” For Christians he is best known through his pupil, Paul ([Acts 22:3](#)).

[5:34–39](#) Gamaliel’s power in the Sanhedrin is subtly reflected in his ordering the apostles to be removed “for a little while.” Such matters were generally the prerogative of the high priest, and his reference to “a little while” reflects his confidence that it wouldn’t take him long to sway the court. He began by urging the court to “consider carefully” what they were about to do to the apostles. Considering that the death penalty had just been suggested, he was implying that this might be a bit rash and bring unfortunate results down on them, particularly given the Christian popularity with the masses. There was a better way. Simply leave the movement alone. Leave it to God. If he was not in it, it would fizzle out (vv. [38–39](#)).

[5:36–37](#) To make his point, Gamaliel cited two examples of similar messianic movements in recent Jewish history. His reasoning was simple. Neither movement succeeded—God was not in them. The examples he chose, however, raise serious historical problems. These revolve primarily around the first example—Theudas. According to Gamaliel, this Theudas appeared “some time ago,” claiming to be somebody (cf. [8:9](#)), raised a following of about 400 men, and was killed. With his death the followers scattered in every direction, and the whole movement ended. The only other Theudas during this period of whom there is record is mentioned in Josephus’s *Antiquities* (20.97–99). According to Josephus, this Theudas raised a considerable following from the masses, persuading them to take along all their possessions and join him at the Jordan River. Claiming to be a prophet, he insisted that at his command the waters of the Jordan would part (as in the days of Joshua). Getting wind of the movement, the Roman procurator arrived on the scene with a squadron of cavalry, took many prisoners, and beheaded Theudas, taking the trophy to Jerusalem (for a public object lesson).

If Luke and Josephus were talking about the same Theudas, there is a serious anachronism, for Josephus's Theudas is dated during the procuratorship of Fadus, whose term began in A.D. 44, some ten to fifteen years later than the time when Gamaliel would have delivered this address. To make matters worse, Gamaliel then gave the example of Judas the Galilean, who he said arose after Theudas, when in fact Judas's rebellion occurred in A.D. 6, nearly forty years earlier than Theudas's movement.

Many approaches have been taken in dealing with this problem, but basically three possibilities emerge: (1) either Josephus was in error, (2) or Luke was responsible for the anachronisms, or (3) they refer to two different Theudas. It is unlikely that Josephus would have made such an error. He lived in Palestine during the period of Fadus and would have had personal recollection of such events as the movement under Theudas. This leads many scholars to attribute the anachronism to Luke. Obviously for those who are impressed with Luke's general historical accuracy elsewhere and who are not disposed to according him such a mistake, the third option remains the most viable route.

Although it is an argument from silence, there is solid basis for arguing that the Theudas of Acts may be a different person from the one mentioned by Josephus. For one, the Acts account is very brief and could be applied to any number of messianic pretenders. Apart from the name Theudas and the fact of his death, it has little in common with Josephus's account. All the colorful highlights are missing—the parting of the Jordan, the arrival of the cavalry, the beheading. Acts gives the modest following of 400 men; Josephus spoke of “the majority of the masses” following Theudas. Acts says they were dispersed; Josephus, that many were arrested.

A second consideration is that the name Theudas may be a nickname or a Greek form of a common Hebrew name. In such a case the Theudas of Acts may be identified elsewhere by a different, Hebrew name. Finally, Josephus spoke of innumerable tumults and insurrections that arose in Judea following the death of Herod the Great (4 B.C.). Though he mentioned no leaders of these movements by name, this would be a plausible context for the Theudas incident mentioned in Gamaliel's speech.

Gamaliel's second example is less problematic. He referred to Judas the Galilean who arose “in the days of the census.” This is almost surely the same Judas who is referred to by Josephus in both his *Jewish War* and his *Antiquities*. He started a major rebellion in protest of the census under Quirinius (A.D. 6–7), which was undertaken for purposes of taxation. Josephus did not mention his death, but Gamaliel referred to his being killed and all his followers being scattered. Although the original rebellion under Judas was stifled by the Romans, such was not the case with the general movement begun by Judas. According to Josephus, he laid the foundations of the Zealot movement within Judaism, a movement that would grow to such proportions that in less than twenty-five years after Gamaliel's speech, it would initiate all-out war with the Romans.

[5:38–39](#) Gamaliel's point is clear (vv. [38–39](#)). God will work out his will. A movement that has his backing will prevail. Otherwise it will abort. So leave these men alone, lest you find yourselves fighting God. At this point in time Gamaliel might also have been concerned about their finding themselves fighting the Jewish populace. In any event he enunciated a sound rabbinic principle: “Any assembling together that is for the sake of Heaven shall in the end be established, but any that is not for the sake of Heaven shall not in the end be established.” Gamaliel's advice was sound and yet also a bit ironical. Already his counsel was finding fulfillment—in the growing Christian community, in their signs and wonders, in their escape from jail just the night before. It had become obvious whose side God was on. Already the Council were finding themselves fighters against God.

5:40 The Sanhedrin concurred with Gamaliel's advice. Again they released the apostles, but this time with a flogging. The flogging referred to was the customary punishment used as a warning not to persist in an offense. It consisted of thirty-nine lashes, often referred to as the forty less one (cf. [2 Cor 11:24](#)). Based on the provision for forty stripes given in [Deut 25:3](#), the practice had developed of only giving thirty-nine in the event of miscounting, preferring to err on the side of clemency rather than severity. It was still a cruel punishment. With bared chest and in a kneeling position, one was beaten with a tripled strap of calf hide across both chest and back, two on the back for each stripe across the chest. Men were known to have died from the ordeal. As before, the apostles were warned not to continue their witness in Jesus' name. This time the warning was reinforced with somewhat stronger persuasion.

(3) Release and Witness [5:41-42](#)

5:41-42 The apostles were not persuaded. They would continue to obey God rather than men. In fact, they rejoiced at having suffered for the name, very much in accord with the beatitude of their Lord ([Luke 6:22f.](#)). And the witness to the name continued—publicly in the temple and privately in the homes of the Christians. Luke seems to have used a common Greek rhetorical construction in v. [42](#) called a chiasm, which is most easily pictured as an A-B-B-A pattern. In the temple (A) and in homes (B), the apostles taught (B) and preached the gospel (A). Teaching was the task within the Christian fellowship, preaching the public task in the temple grounds. If there is any significance to his using such a device, it would be to give emphasis to the beginning and concluding elements. Their witness, their preaching of the gospel, was their primary task and occupation.