The Legal Precision of the Term ‘παράκλητος’

Lochlan Shelfer

Department of Classics, Johns Hopkins University, 130 Gilman Hall, 3400 North Charles Street, Baltimore, MD 21218, USA
lshelfel@jhu.edu

Abstract
The Greek term παράκλητος has often been loosely translated as ‘advocate’, with the assumption that it possesses a vague forensic quality. Hitherto, however, its precise meaning has been imperfectly understood, and there has been no cohesive legal definition for all of its appearances, especially those in the New Testament. This study examines all of the occurrences of the term παράκλητος, including previously overlooked attestations in the papyrological and epigraphical record. It argues that the term is a precise calque for the Latin legal term advocatus, meaning a person of high social standing who speaks on behalf of a defendant in a court of law before a judge. The article concludes by showing how this meaning is appropriate to the five appearances of παράκλητος in the Johannine corpus.

Keywords
παράκλητος, advocatus, paraclete, advocate,

The aim of this article is to clarify the meaning of the vexed term παράκλητος by arguing that, far from having any independent meaning of its own, it is in fact a calque for the Latin term advocatus. When Greeks came into contact with the Roman Empire during the late Republic, the word παράκλητος was developed as a precise equivalent to the Latin legal term advocatus. Thus, its significance must be found not only in its very few extant appearances, but also in the specific use of the Latin legal term. By analyzing the word and its antecedent we may come to a more precise understanding of the word and the purpose of its use in the Johannine corpus.
The difficulty of this word stems back to antiquity, as is evident from the famous statement of Origen in his *De Principiis* (2.7.4): *utrumque enim significat in graeco paracletus, et consolator, et deprecator* ("'Paracletus' in Greek means both 'consoler' and 'intercessor'").\(^1\) Origen ultimately argued that when the word is used to describe Jesus in 1 John (2.1), it should be translated as 'intercessor', and when it is used to describe the Spirit of Truth (πνεύμα της ἀληθείας)\(^2\) in the Gospel of John (14.16, 26; 15.26; 16.7), it should be translated as 'consoler'. The assumption that the word's legal meaning was insufficient to the context of John's Gospel and that a meaning along the lines of *consolator* was required continued on into the fourth and fifth centuries CE in the writings of Augustine.\(^3\) It may also be the reason that Jerome avoided having to make a theological interpretation, and merely transliterated the word as *paracletus* in John's Gospel, even though he confidently translated it as *advocatus* in 1 Jn 2.1 when it referred to Jesus and not the Holy Spirit. These authors seem to have perceived the need for a translation that encompassed the context of John's Farewell Discourse more broadly than the narrow legal precision of *advocatus*. This tradition, followed by Wycliffe, Tyndale, Luther ("Comforter", 'Tröster') and many other translators and commentators, is based on the verb παρακαλέω in its meaning 'to comfort', and the noun παράκλησις, 'comfort'.\(^4\) This interpretation has persisted among some scholars.\(^5\) Others, however, have rejected this view.\(^6\) Grayston, for instance, has shown that there is in fact very little connection between the term παράκλητος and these seemingly related words.\(^7\) Moreover, the composers of the LXX seem to have coined the term παρακλήτωρ to translate the Hebrew דְּרוֹאָה, 'the comforter', in Job 16.2, thus implying that the term παράκλητος was not appropriate to this meaning of 'comforter', and that a different term,

---

1. Book 2 of Origen's *De principiis* is preserved only in Rufinus's rather free fourth-century Latin translation. Moreover Rufinus himself did not trust the Greek edition which he translated as wholly authentic. Thus, we cannot know whether or not this confusion concerning the term belonged to Origen himself, or even to a native Greek-speaker.

2. Jn 14.16


4. E.g. Sir. 48.24 (LXX); Mt. 2.18; 5.4.

5. Most notably, Davies 1953 and Hamilton and Clendenen 2006: 57-99. For a related view, see Mussner 1961, who argues for a relationship with παράκλησις in its meaning 'exhorter'.


Many modern scholars have acknowledged a forensic nature to the term ‘παράκλητος’, as well as some sort of similarity with the Latin term *advocatus*. The translations offered have varied from ‘legal helper, adviser’, to ‘attorney’. No scholar, however, has argued for a precision in legal meaning for all five uses of the word in the New Testament. Grayston, in fact, argued for a more general meaning, and denied any legal nature to the word whatsoever. Grayston’s approach has been rightly characterized as too generalized to be of use, and it remains to offer a narrowly defined definition of the word which accepts its clear legal uses, while also recognizing that its metaphorical uses enhance its judicial nature, rather than diminish it.

The difficulty of the term ‘παράκλητος’ stems from several sources. First, it is used in a speech by the fourth-century Athenian orator Demosthenes, which implies that the word has a legal usage which predates the Roman Imperial period, even though every other appearance of the term occurs in the Roman Principate and later. This assumption has forced scholars to take Demosthenes’ use of the word into consideration within the larger concept of the ‘παράκλητος’. Second, the sheer rarity of the word makes it difficult to determine a specific meaning. Indeed, commentators have hitherto failed to analyze non-literary uses of the word, save for a single papyrus, BGU II 601.11f., ‘a miserable scrap where it is foisted in by emendation’, in the words of Crook. Finally, the four uses of the word in the Farewell Discourse of John’s Gospel (14–16) as a title for the Spirit of Truth do not seem to correspond to its legal usage.

In this article I will address each of these difficulties, beginning by arguing that Demosthenes’ use of the word is not related to its later appearances. I will then analyze the few secular appearances of the term to show that it is a distinctly Roman and legal term, and directly related to the Latin *advocatus*. I will supplement these readings with papyrological and epigraphical evidence for the term which has hitherto not been

8. Hamilton and Clendenen (2006: 66f.) discuss Aquila and Theodotion’s second-century CE translation of this passage as ‘παράκλητοι’, but this rather slim evidence is not sufficient to argue for a general definition for the word.
utilized in commentaries and analyses of the word. Finally, I will show, through a comparison of the Christian and Jewish uses of the term, that the term is appropriate for the Farewell Discourse in particular.

The term παράκλητος first appears at the beginning of Demosthenes’ De Falsa Legatione, when he exhorts the jurors not to be unduly influenced by those people who were canvassing and accosting them on account of his prosecution of Aeschines, since έορακότας ἄρτι τοὺς ὑμᾶς ἐκληροῦσθ’ ἐνοχλοῦσκαὶ προσιόντας ὑμῖν, ‘you have just now seen them annoying you and coming up to you while you were casting your lots’. He tells them to remember the juror’s oath, which exists to protect the city, whereas αἱ δὲ τῶν παρακλήτων αὐταὶ δεήσεις καὶ σπουδαὶ τῶν ἰδίων πλεονεξίων ἐίνεκα γίγνονται, ‘the entreaties and party zeal of the παράκλητοι are for private greed’. Before MacDowell’s commentary on this oration, the traditional assumption was that the use of παρακλήτων in this context should be translated as ‘defense attorney’.14 Macdowell, however, in his commentary on this oration,15 notes that those who were ‘annoying’ the jurors while they cast their lots, a process which occurred before the trial in the agora and not in the courtroom, are the same as the παράκλητοι. ‘[This] implies that the men who accosted the jurors were sent for by Aischines.’16 Macdowell’s observation may suggest that Demosthenes coined a new word from the verb παρακαλέω, in the meaning ‘to summon (friends to a trial)’, in which case it would have the fiery disdain that neologisms often carry.17 Such a use of the term is unparalleled, as we will see, and seems to be unrelated to its other appearances in the Imperial period. Indeed, the word does not appear again until the Greek language had been thoroughly influenced by the Latin language and Roman legal institutions, thus implying a reintroduction of the term in the Roman period.

After Demosthenes, the word παράκλητος only appears five times in non-Judeo/Christian writings. The word’s strong Roman connotations can be seen in a passage from Diogenes Laertius. In an especially Latinizing phrase, he relates a witticism of the fourth-century BCE philosopher Bion of Borysthenes.

14. See the following translations and commentaries: Whiston 1868: 17; Heslop 1872: 2; Shilleto 1874: 11; Vince and Vince 1926: 247; Behm 1967: 801; Saunders 1975: 57; and the LSJ definition ad loc. ‘legal assistant, advocate’.
16. Ibid. 205.
SHELFER  The Legal Precision of the Term ‘παράκλητος’

Πρὶς τον ἄδολέσχην λιπαροῦντα αὐτῶ συλλαβέσθαι, ‘τὸ ἰκανὸν σοι ποιῆσαι,’ φησίν, ‘ἐὰν παρακλήτους πέμψης καὶ αὐτῶς μὴ ἔλθῃς.’

To a babbler who was beseeching him for help, he said ‘I will satisfy you if you send παράκλητοι but don’t come yourself.’ (4.50)

The vocabulary of the phrase is clearly influenced by Latinisms, and thus cannot be the actual words of Bion, but rather a paraphrase by Diogenes Laertius, who lived under the Roman Empire. The phrase τὸ ἰκανὸν ποιῆσαι is a calque of the Latin legal term *satisfacere*, ‘to satisfy’, and does not appear in Greek until interaction with Rome had occurred in the second century BCE. This word casts the phrase as distinctly Latin, as well as distinctly legal. The παράκλητοι, therefore, are people who will speak on behalf of the babbler, much as *advocati* in the Roman legal world.

The connection of the word with the Latin legal term *advocatus* in particular can be confirmed by its use in the *Antiquitates Romanae* of Dionysius of Halicarnassus from the late first century BCE. Therein he relates the story of Verginia, a plebeian lady from the early days of the Roman Republic whose beauty enchanted the Decemvir Appius Claudius. Consumed with lust, he hatched a plan to have his client Marcus Claudius declare that she was his slave, and thereby to make away with her. The case of Verginia’s legal status ended up being brought before the tribunal, which Appius Claudius himself judged. The court scene that follows is based on Livy’s telling of the tale, and ends with Appius Claudius giving his judgment that Verginia is in fact a slave. At these words,

18. Its first appearance is in Polybius’s *Histories* (32.3.13), when Demetrius I Soter of Syria sent an embassy to the Roman senate, and they replied that they would be friendly to him ‘if he did as was satisfactory to the senate in the office of his rule’, ἐὰν τὸ ἰκανὸν ποιῆσαι κατὰ τὴν ἄρχησ ἔξουσιαν.

19. Cf. the use of the term in the distinctively Roman passage in Mk 15.14f. When Pontius Pilate asked the gathering of people what they wanted done with Jesus and they answered ‘crucify him’, he wished τῷ ὀχλῳ τὸ ἰκανὸν ποιῆσαι, ‘to satisfy the crowd’. Only a few words later, another Latinism appears, when the author of the Gospel states that the Judean prefect had Jesus scourged, using a transliteration of the Latin *flagellare*, φραγελλώσας. Brown (1994: 850) makes note of the two legalistic Latinisms, positing that ‘this is probably a deliberate imitation of Latin style to supply atmosphere for the Roman governor’s legal decision’.

20. This can be shown by the fact that a Greek version of the tale by Diodorus Siculus (12.24.2-4), a contemporary of Livy, differs markedly from both Livy and Dionysius, whereas the latter two are very close in particulars.
As many as were unprejudiced and were the παράκλητοι of those speaking just things (i.e., Verginia and her father Verginius) raised their hands to heaven and uttered a cry mixed with lamentation and resentment (11.37.1).

This parallels the tale as told by Livy, wherein Verginia was accompanied at the trial globo ... circumstantiumque aduocatorum, ‘by a mass of advocati surrounding her’ (3.47.8). Here, Dionysius clearly uses the Greek term παράκλητοι to translate the Latin aduocati which appears several times in Livy’s narrative on which Dionysius so closely based his own.

Such parallels with the Roman legal world continued even into the early third-century CE work of Cassius Dio, the Historiae Romanae, where he relates a harangue which Calenus, a partisan of Antony’s, delivered against Cicero. Among many other accusations, Calenus relates the evils which Cicero supposedly committed during his tenure as consul in 61 BCE. Before mentioning his prosecutions of Catiline and Lentulus, Calenus describes Cicero’s first injustice of having roiled a hitherto peaceful city with party strife, and of τὴν ἀγοράν καὶ τὸ Καπιτώλιον ἀλλόων τέ τίνων καὶ δούλων παρακλήτων πληρώσας, ‘having filled the forum and Capitol with, among others, slavish παράκλητοι’ (46.20.1). This line has hitherto not been fully understood by translators or commentators, most likely owing to the use of the rare word παράκλητοι. The most common translation of δούλων παρακλήτων is ‘slaves whom you had summoned to help you’. This assumes that παράκλητοι is an adjective with passive meaning derived from the verb παρακαλέω. At first glance, this seems to parallel Demosthenes’ use of the word, and to argue for some continuity of meaning between the two. This interpretation, however, ignores Cassius Dio’s own description of Cicero’s consulship. As Calenus’s recitation of events presumes a chronological order, he seems here to be referring to something which occurred at the beginning of the year. In book 37, Cassius Dio states that at the beginning of Cicero’s tenure as consul, as a result of his fear of Catiline, he no longer entered the Senate alone, but instead took with him his friends (ἐπιτηδείους) to defend him, in addition to wearing a

21. Cf. 3.47.1, ingenti aduocatione.
22. Behm 1967: 801 n. 9, calls this use of παράκλητος a ‘caricature’.
conspicuous breastplate. Cassius Dio mentions that he did this τῆς ἐκεί­νου διαβολῆς ἐνεκα, ‘so as to arouse suspicion against (his enemies)’ (37.29.4). This resembles Calenus’s words that Cicero acted so as to arouse party strife, here by wordlessly alleging that Catiline was trying to kill him. These ‘friends’, then, must be the ones against whom Calenus directs his ire, for no other such episode exists in his text. If, as thus seems likely, this is the case, then δούλων is in fact the sarcastic adjective, a common usage, and παράκλητων is the noun, as it is in all its other Imperial appearances. The phrase would then translate to ‘slavish advocati’. Thus we see that in Cassius Dio’s work παράκλητος is used to mean those who act as defenders by their mere presence.

Such a defender is seen also in Heraclitus Stoicus’s Allegories of Homer (59), where the metaphor of the παράκλητος is used to describe the speech that Priam delivered to Achilles at the end of the Iliad. Homer sent to him a speech which was τῆς ἱκετείας παράκλητον, ‘a παράκλητος of supplication’. Grayston pointed to this passage as evidence that the word παράκλητος is neither precise nor legal. He argued that it was Priam who spoke the speech for himself, not a ‘defender’, ‘intercessor’ or ‘advocate’, and thus does not imply a legal context. He fails, however, to recognize the correct metaphor which Heraclitus employs here. He does not call Priam the παράκλητος, but the speech itself, which was inspired by the god Hermes. Hermes, moreover, acted as Priam’s defender during the entire scene (II. 24.340-47). Thus, the divinely inspired speech metaphorically acts as Priam’s advocatus, and was his defender in the face of a dangerous Achilles.

The word παράκλητος also appears in a fragment of the second-century CE comic poet Mimus. Two characters are engaged in a dispute, which an older man, Father Ion, is attempting to resolve. One of the disputing parties is a family friend of Father Ion. The other party snidely states to the older man, οὐ χρώμαι σοι οὔτε κριτή <οὔτε> παρακρήτω, ‘I don’t need you to be my judge or paracrete’. The other disputant responds, correcting his Greek, παρακλήτω, ‘paraclete’.

25. P.Lit.Lond. 97.4-5.
These six uses of the word παράκλητος exhaust its meaningful appearances in pagan literature, but it is difficult to know how often the word was actually used. Behm argues that it must have been common in Hellenistic speech. Crook disagrees, stating that the word remains mysterious. Both authors considered only one piece of non-literary evidence, the spurious papyrological emendation of BGU II 601.11f. By the time Crook composed his monograph, however, the word had already securely appeared both in the epigraphical and in the papyrological record, neither of which have yet been considered in commentaries on the term παράκλητος. In 1968, a very fragmentary letter from Oxyrhynchus was published, dating to 29 April 71 CE (P.Oxy. 2725.10), in which the unnamed author states, ο παράκλητος ... θεών θελόντων ἐν ταῖς δυσί ἡμέραι, 'a παράκλητος (will be found) in two days, gods willing'. The author seems to be discussing a case in which he is involved, although the details are obscure. There is very little which can be drawn from this fragment, except for the very important fact that, during the Roman Empire, παράκλητοι existed in the Roman provinces.

The one extant piece of epigraphical evidence, on the other hand, addsuce a much clearer picture of the concept of παράκλητος. There is a series of inscriptions from north-eastern Lydia in modern Turkey termed Beichtinschriften, or 'Confession Inscriptions'. There are at present over 130 extant examples, with more being discovered and published every few years. They are inscribed prayers for propitiation to a deity or deities on account of a transgression committed by some member or members of the ancient Lydian community. The deities in question are often the god Men/Meis and the goddess Anaeitis, although the familiar members...
of the Greek pantheon also make appearances. Nearly all of these inscriptions are precisely dated, and come from between 80 and 260 CE. They are written in Greek, and are usually prompted by an affliction, often physical, which has befallen the transgressor and which is thus interpreted as a divine punishment for a transgression. These transgressions often are religious in nature (‘I hewed a sacred tree; I broke an oath; I failed to carry out or hindered the execution of a rite’). Some, however, concern legal disputes (‘I stole some pigs; I defaulted on a loan; I slept with another man’s wife’). Versnel,\textsuperscript{31} in his influential paper on curses and religious justice, has included these in his larger collection of ‘Judicial Prayers’. These Judicial Steles are Confession Inscriptions in the sense that they are erected by the guilty party, either the transgressor or the transgressor’s family in the case of death. However, in addition to the information provided by the other Confession Inscriptions, the Judicial Steles also include circumstances of the quasi-judicial proceedings in which the injured party brought his/her suit to the deity. The commencement of the case seems to have been a precise ritual in which the plaintiff brought the case to the deity or deities and entrusted the matter to them, either through the erection of a scepter or the deposition of an inscribed complaint. The deity or deities would then identify and punish the guilty party. The transgressor, or the transgressor’s family in case of death, would include all of the information of the proceedings in their confessional inscription, thus preserving for us the details of this unique practice.

These Judicial Steles, as well as numerous other inscriptions from the area, are rife with legal terminology and formulae, borrowing heavily from the language of the Roman judicial authority. The purpose of this terminology seems to be to metaphorically imbue their deities with the power of the Roman judicial authority, casting them as religious versions of the Roman governors who held assize-court in the provinces. Some scholars have also noted the many parallels in vocabulary between these inscriptions and the Jewish writings of the Roman Imperial period, including the Septuagint, the New Testament, Philo and Josephus.\textsuperscript{32} One of these inscriptions employs the use of the term \textit{paraklētos}, though this has garnered surprisingly little reaction from the community of New Testament scholars.

\textsuperscript{31} Versnel 1991.

\textsuperscript{32} See Klauck 1996; Elliott 2003; and Arnold 2005: 429-49. There has been little support for Schnabel’s (2003: 160-88) thesis that the Lydian temples initiated the practice of Confession Inscriptions in response to the growing influence of Christianity.
The inscription in question was published in 1987, and dates to 235/6 CE. The narrative therein concerns Theodoros who was stricken blind by, it is assumed, the god Men (3-5). Theodoros entreats the gods’ forgiveness for three separate sexual crimes, each time taking away his transgressions with offerings of animals (6-18). As a final act of propitiation, he erects the extant stele for the glory of the god Men. In a telling line (18-19), Theodoros states, ‘I had Zeus as my παράκλητος.’ Zeus then delivers a speech entreating the ‘Senate’ (σύγκλητος) of gods and the god Men himself to forgive Theodoros for his crime and restore his sight.

εἰδαί, κατὰ τὰ πάμματα πεπηρώκιν, νῦν δὲ εἰλοξομένου αὐτοῦ τοὺς θεούς κε στηλογραφοῦντος ἀνερύσετον τὰς ἁμαρτίας.

Look, he had blinded him (Theodoros) because of his transgressions, but now since he is propitiating the gods and writing up a stele, let him ransom his transgressions (19-21).

The god Men responds with a closing speech:

εἰλεος εἶμαι ἀνασταυμένης τῆς στήλλην μου, ἤ ἡμέρα ὥρισα· ἀνύξαις τὴν φυλακὴν, ἔξαφιω τὸν κατάδικον.

I (Men) am merciful since my stele is being erected on the day which I appointed. Open his prison, release the convict (22-26).

The legal context of this inscription is undeniable. Men refers to Theodoros as a ‘convict’, and to his blindness as a ‘prison’. The assembly of gods is called the ‘senate’, a metaphorical allusion to the Roman senate. The word is thus implicitly imbued with simultaneously legal and Roman connotations. Zeus, Theodoros’s παράκλητος, speaks on behalf of the defendant. His standing in court and the degree of his influence is directly proportional to his social status as a fellow deity in the heavenly courtroom.


34. In all other interpretations of this passage (e.g. Malay 1988:151; Petzl 1994: 8; and Chaniotis 1997: 358) the verb πεπηρώκιν has been interpreted as first person singular (‘I had blinded him’), which either made Zeus simultaneously the entreater and the one entreated, or made the entire speech Men’s, leaving the παράκλητος speechless. Brixhe and Panayotou (1990), however, have argued that πεπηρώκιν stands for ἐπεπηρώκειν, the third person singular, pluperfect form. This means that this is the speech of Zeus, the entreaty of the παράκλητος.
Now that all of the appearances of the term in pagan literature have been reviewed, a few conclusions can be offered. Παράκλητοι are exclusively defenders, and never prosecutors. Sometimes there is not just a single one, but several present. They speak or act on behalf of someone who is in danger, and the word seems to be fairly unfamiliar, technical, and legal in nature. Moreover, as we have seen, it seems to be a calque for the Latin legal term *advocatus*. The Latin term *advocatus* possessed a spectrum of distinct legal meanings in its usages from the period of the middle Republic through the Empire. In a famous statement, Asconius states, *qui defendit alterum in iudicio aut patronus dicitur si orator est aut advocatus si aut ius suggerit aut praesentiam suam commodat amico*, ‘he who defends another in court is called either a *patronus*, if he is the speaker, or an *advocatus*, if he gives legal assistance or lends his presence to a friend’. Neuhauser took this at face value, assuming that there was at first a firm distinction between *patronus*, originally a patron helping his client, and *advocatus*, and that this distinction only became blurred during the Empire. Crook disagreed, positing the Middle Republic as the time when the lines between the two were blurred and *advocatus* became synonymous with *patronus*. Certainly by the Imperial period the two terms were very close. In the provinces, moreover, *advocatus* was quite close to the early form of *patronus* in that *advocati* were often persons of high status, who offered legal assistance to their clients. Thus, the use of *advocatus* which the Greek term *παράκλητος* translates is not merely that of ‘pleader’. It is someone of elevated status, a patron, who speaks in defense of his client before a judge, and whose influence stems from that elevated status. This institution differs from that of the Greek *συνήγορος*, in that the *συνήγορος* was a fellow-citizen who offered assistance in the court-room, whereas a *patronus*, and then in the Roman Empire the *advocatus* as well, were of a decidedly higher status, lending their prestige to their client.

39. For high-status provincial *advocati*, see *AE* 1911.99; *AE* 1917/8.73; *CIL* VIII 2393; 2734; and 2743. Cf. Crook’s comments (1995: 151f.). For *advocati* as literal *patroni*, see, e.g., *Digest* 38.2.14.9.
This use of the term παράκλητος as a calque for the Imperial Latin legal word *advocatus* is confirmed by the earliest Latin Christian writers in their discussions of the Holy Spirit. Tertullian, for instance, in his tract on fasting, *Deieiunio adversus psychicos*, describes the Holy Spirit as *paracletus id est advocatus ad exorandum iudicem*, ‘the paraclete, i.e. the advocate for the purpose of persuading the judge by entreaties’. Tertullian here translates the Latin transliteration *paracletus* not merely as *advocatus*; instead, he specifies the technical legal use of *advocatus*, as the one who approaches the judge and entreats him on behalf of his *cliens*. Novatian cites a translation of John which also uses the term *advocatus* throughout the Farewell Discourse. Cyprian too, who himself may have been a professional legal *advocatus* and thus an expert on legal terminology, translated the παράκλητος of 1 Jn 2.1 as *advocatus*. This equivalent also occurs in the *Vetus Latina* translations of the Gospel of John. Jerome transliterated the appearances of παράκλητος in the Gospel of John as *paracletus*, but several Old Latin manuscripts instead have the Latin term *advocatus*. Codex Vercellensis for instance, a manuscript from the second half of the fourth century CE, has *advocatus* at Jn 14.16 and 14.26. Codex Palatinus, from the fourth or fifth century CE, has it at Jn 14.16, 15.26 and 16.7. Thus, even in Latin Christian circles the Greek term παράκλητος was understood as identical to their own term *advocatus*, the one of elevated social standing who utilizes that elite status to entreat a judge on behalf of his *cliens*.

This definition fits precisely with the, mostly metaphorical, uses of the word by Jewish writers during the Roman Empire, where it is used often. It appears most commonly in the writings of the first-century CE Jewish writer Philo, who employs it eleven times, five of which are in what is perhaps his most Romanizing work, *In Flaccum*, a polemic against Flaccus, the anti-Semitic Roman Governor of Alexandria during the end of the reign of the Emperor Tiberius (14–37 CE), and then the reign of Gaius Caligula (37–41 CE). The meaning of the word in this

41. Tertullian, *Deieiunio* 5.13.
42. Novatian, *De trin.* 29.7.
43. That Cyprian was an *advocatus* is based on the legal details given in *Ep.* 1 passim. Clarke (1965), however, argues that it is doubtful that this epistle provides secure biographical information, and that instead he was a teacher of declamation; cf. Sage 1975: 110ff. In either case one can infer Cyprian’s intimate knowledge of Roman law.
45. Other *Vetus Latina* manuscripts transliterate the term as Jerome did.
work is someone who exerts influence over the emperor on Flaccus’s behalf, accurately reflecting the word *advocatus*. First it is Macro who speaks to the emperor Tiberius for Flaccus, but when Gaius comes to power Macro is put to death and Flaccus is left without anyone. Flaccus learns that he too will be put to death, but his friends convince him that if he rids Alexandria of all Jewish persons, then the great city itself will become a sort of *παράκλητος* for him. Finally, Gaius’s brother-in-law Lepidus acts as Flaccus’s *παράκλητος* before the emperor Gaius, asking that he be transferred from his exile on the miserable island of Gyara to the nearby and much more hospitable isle of Andros. These *παράκλητοι* each have several attributes in common. First, they all occupy a position which is elevated in relation to Flaccus. Second, each has the unique ability, as a function of that elevated status, to influence the decisions of the emperor. Finally, they all support a defendant before someone who judges his actions.

Philo’s other uses of the word are more metaphorical, but they all adhere to this outline of meaning. In *De opificio mundi*, for instance, he poetically describes the senses’ relationship to the mind as that of *παράκλητοι*, bringing sounds, tastes and the like to the mind, and warning it against rejecting any of these. In this metaphor the mind occupies the place of the lofty judge, the senses have the elevated position of influence, and the things sensed are like the defendants. In the same work, he speaks of God granting to Nature lavish graces, even though Nature by itself is not able to obtain any such thing. God did this, moreover, οὐδὲνι δὲ *παρακλήτω—τίς γὰρ ἦν ἔτερος; ‘without any *παράκλητος*, for who else was there?’ This passage uses the same metaphor, showing that there was no influence-bearing *advocatus* to argue on behalf of undeserving Nature to God, but that instead God bestowed these gifts by his own mercy.

In his *De Josepho*, he depicts a speech given by Joseph to his brothers at the moment of his revelation. Joseph forgives his brothers for the wrongs they have done him, and tells them not to be downcast, for μηδενός ἐτερού δείσθε *παρακλήτου*, ‘you have no need of anyone else to be your *παράκλητος*’, that is, he will not pursue his suit against them for the injustices he has endured at their hands, and thus they have no need

---

46. *In Flaccum* 13; 22.
49. *De opificio mundi* 165.
for anyone to speak on their behalf in a court of law. In De praemiis et poenis, Philo speaks of the Gentiles who, if they repent of their polytheism and turn to God, will have the use of three ‘παράκλητοι’ with the Father. First, they will have God’s compassionate nature. Second, they will have the founders of the Jewish nation, whose prayers are not ineffectual. Finally, they will have their own amelioration which will help the first two look kindly upon them. It is true, as Grayston notes, that none of these metaphorical uses literally takes place in a legal courtroom, but it does not follow that the word is not legal, for of course it is the purpose of a metaphor to work in contexts outside of its literal one. What is clear is that all of the uses in Philo cast the scene as a metaphorical courtroom, containing a judge, defendant and advocatus.

From Philo’s frequent use of the word in comparison to the rest of the Greek literary world, it would seem reasonable to assume that the term was common in Jewish circles. Indeed, this inference is confirmed by the Hebrew and Aramaic transliteration of παράκλητος as מפרך, which appears several times in rabbinic literature and the Targumim. The meaning remains the same, someone of elevated status who, by virtue of that status, is able to speak influentially on behalf of the accused before a judge. In the Talmud, this meaning most often manifests itself as angelic παράκλητοι who inform God of humans’ good deeds, thus averting punishment. For example, in Pirke Aboth 4.11, Rabbi Eliezer the son of Yaakov said,

He who accomplishes one mitzvah gets for himself one advocatus.
He who commits one transgression gets for himself one accuser.

The word which is translated as ‘accuser’, כפינור, is clearly a transliteration of the Greek term κατήγορος. In this circumstance, an angelic inter-

51. De Josepho 239.
52. De praemiis et poenis 166f.
53. Cf. the two other appearances of the word in the writings of Philo: De specialibus legibus (1.237) where he speaks of a clean conscience as a παράκλητος, as well as De vita Mosis 2.134, where the high priest pleads the cause of humans as a vicar for the world, the Father’s son, which is humankind’s παράκλητος.
55. E.g., m. Ab. 4.11a; Exod. R. 18.3; b. B. Bat. 10a; Sifra 277a; and Targ. Job 16.20 and 33.23.
cessor will be an *advocatus* before God, while another angelic accuser will be a prosecutor, much like 'the accuser', παράκλητος, in Job 1.6-12. The reference appears to be to the judgment of God, as it is in b. Shab. 32a, where γάρ εἰρήνη εἰς τὴν πολιτείαν will save men during the judgment.

Indeed, the book of Job provides another similar example. In the speech of Elihu, the young man states ἄνα ναὶ ἄγγελος ἐγείρεται πρὸς τὸν ἅγιον ἰδίων, ἢ ἄγγελος πρὸς τὸν ἐρωτήματος, 'If there be for him an angel, an intercessor, one among a thousand, to vouch57 for humanity's uprightness ...'(33.23). In the Targum, the Aramaic translation, of this passage, the Hebrew word מַלְאָךְ, 'intercessor', is translated as wa-Šîm.58 Here again an angelic intercessor, one who has an elevated status, speaks on behalf of the defense, humankind, during a metaphorical scene of judgment before God. This passage closely parallels the Talmudic uses of the term, as an angelic patron who speaks on humanity's behalf before God the judge.

The currency of the word in Jewish writings no doubt contributed to its most famous uses in the Christian Scriptures where it appears in two places, four times in a speech by Jesus to the disciples in the Gospel of John, the 'Farewell Discourse', and once in 1 John. As a result of these passages, the word exploded in popularity, and a word that was barely used in extant non-Judeo-Christian literature appears thousands of times in Christian documents. As was mentioned above, the use of the term παράκλητος in 1 John (2.1) has unquestioningly been interpreted in a legal sense. Indeed, the usage closely resembles the Talmudic writings, as Jesus is described as the παράκλητος who will speak on humanity's behalf before God the judge: εάν τις ἀμάρτη, παράκλητον ε'χομεν προς του πατέρα, Ἰησοῦν Χριστὸν δίκαιον ('if anyone sins, we have Jesus Christ the just as our παράκλητος before God').

The use of the term in John's Gospel, on the other hand, is notably difficult. One obstacle to its firm interpretation has been the differing roles which the παράκλητος seems to play each time the term is invoked.59 Although this fact has been a stumbling block for many scholars, it need not be, for it is surely the case that not every attribute of the Spirit of Truth is encapsulated in the single term παράκλητος, nor should such a meaning be sought. Indeed, this is why John follows each of its four appearances with further explanation of the Spirit's actual duties.

56. For a detailed discussion of the term יָסָן, see Day 1988, who argues that there is not one 'Satan' but many potential celestial 'prosecutors'.
It is the Spirit of Truth (14.1-7), who will teach and remind everyone of what Jesus said (14.26), will be a witness for Jesus and the disciples (15.26-27), and will convict the world of sin, righteousness and judgment (16.8-11). Each of these attributes is expressed immediately after the title is deployed, as if by way of explanation. But it does not follow, as Lindars assumes,\(^60\) that the term itself is not self-explanatory. Instead, its appearances need to be understood not by the explanation which follows them, but by the previous theme which had prompted their employment.

The first two appearances of the term παράκλητος occur immediately after Jesus’ directive to the disciples to follow his commandments (14.15, 23). The importance of following the commandments for the disciples is obviously to attain eternal life,\(^61\) and thus refers to the final judgment before God, a theme with which the Farewell Discourse is preoccupied. The metaphor of the vine (15.1-6), for instance, concerns the judgment of those who are in Jesus, who will live and bear fruit, and those who are not, who will be cut off, wither and be thrown onto the fire. Further explication concerning the latter serves as an introduction to the third use of the term. Jesus describes those who do not follow his word, and who hate him without reason (15.20-25) before reassuring his disciples that the παράκλητος will come. Finally, as a preface to his final, not to mention cryptic,\(^62\) statement concerning the conviction performed by the παράκλητος (16.7-11), he states that he has said all this so that the disciples do not fall away (16.1). All of these statements, each of which serves as an introduction to the title παράκλητος, make reference to the final judgment which all men will experience. It is this context which motivated each of the four uses of this word, because it is the παράκλητος who will speak before God the judge on humankind’s behalf as one of elevated status, just as an advocatus, or legal patron. This resembles what Paul states in his Epistle to the Romans, that αὐτὸ τὸ πνεῦμα ύπερεντυγχάνει στεναγμοίς ἀλαλητοῖς, ‘the Spirit itself intercedes in our unutterable groans’ (8.26). The title παράκλητος is certainly not exhaustive in its depiction of the duties either of the Spirit or of Jesus, nor should its meaning be stretched in order to act as such. Instead, it is one more description of the Spirit’s attributes, one that makes use of a precise and legal terminology.

John’s use of this Latin calque fits with his wider use of Latin terminology in his Gospel. His use of transliterations, such as φραγέλλιον

---

61. Mt. 19.17; cf. 1 Cor. 7.19 and 1 Jn 2.3-4, 3.22-24.
62. This study does not seek to provide clarity on this oft-disputed passage, for which see Brown 1966: 704-14; Schnackenburg 1976: 201; de la Potterie 1977: 399-421; and Carson 1979: 547-66.
for flagellum (2.15), τίτλον for titulum (19.19) and σουδαρίω for sudario (11.44), betray the influence that Latin had over his composition.\textsuperscript{63} The reasons for using transliterations for these terms are obvious. The flagellum was used by Roman authorities, and thus would bear a Roman name. The sudarium was originally a Roman import,\textsuperscript{64} and Latin was a major language for official inscriptions, thus explaining titulus. The majority of spoken and written Latin in first-century CE Palestine seems to have been official in nature, ranging from coinage, to mercantile labels, to official dedications.\textsuperscript{65} Under this heading of ‘Official Latin’ falls the inscription above Jesus’ cross, which, in addition to Hebrew and Greek, was written in Latin, a detail preserved, tellingly, only by John (19.19-20). Also under the rubric of Official Latin with which ordinary Palestinians would be familiar was legal terminology.\textsuperscript{66} The office of the advocatus, or its Greek calque παράκλητος, as we have seen, would have been a recognizable, if somewhat technical, legal institution in the eyes of those living under provincial Roman rule.

The Jewish and early Christian uses of the technical legal term παράκλητος reflect the wider provincial habit of utilizing Roman and legal metaphors to describe their deities, as we have seen in the Confession Inscriptions. They describe their deities and heavenly inhabitants with contemporary words that reflect immense power, that is, that of the Roman judicial authority, and thereby attest to heaven’s supremacy. Just as the Romans wielded political and judicial might in the earthly kingdom, so do God and the angels in the heavenly one. It is in this context that the term παράκλητος must be understood. This legal term presupposes a judicial context in which a judge’s decision was influenced by the defense of a patron, one who interceded on behalf of a defendant, and whose influence existed by virtue of his elevated position. This is the way in which the word was used, from the rabbis who spoke of angelic παράκλητοι before God, to the Hellenized Alexandrian Philo who spoke of Flaccus’s παράκλητοι influential with the emperor, to the composer of Theodoros’s Confession Inscription in Asia Minor who saw Zeus as a παράκλητος before the god Men. This is the technical term which John employs as a title of the Spirit of Truth. It is not exhaustive of the Holy Spirit’s attributes, but is nevertheless a title with a precise legal meaning.

\textsuperscript{63} For the possibility that ως άπο σταδίων δεκαπέντε (11.18) is a Latinism, see Barrett 1978: 394 nn. 71-72.
\textsuperscript{64} Applebaum 1974: 670.
\textsuperscript{65} Millard 1995.
\textsuperscript{66} See, e.g., Sperber 1984.
References

Applebaum, S.

Arnold, C.E.
2005 "'I am astonished that you are so quickly turning away!' (Gal 1.6): Paul and Anatolian Folk Belief", *NTS* 51: 429-49.

Ashton, J.

Barrett, C.K.

Behm, J.

Betz, O.
1963 *Der Paraklet* (Leiden: Brill).

Brixhe, C., and A. Panayotou

Brown, R.E.

Cary, E.

Carson, D.A.

Chaniotis, A.

Clarke, G.W.

Crook, J.A.

Davies, G.

Day, P.L.

Deissman, G.A.
1908 *Licht vom Osten* (Tübingen: Mohr).

Dhorme, E.
SHELFER The Legal Precision of the Term 'παράκλητος' 149

Elliott, S.

Gordon, R.

Grayston, K.

Hamilton, J.M., Jr, and E.R. Clendenen

Heslop, G.H.
1872 Demosthenis Orationes Publicae (London: Rivingtons).

Klauck, H.-J.

Lindars, B.

Macdowell, D.M.

Malay, H.
2007 New Documents from Lydia (Vienna: Verlag der Österreichischen Akademie der Wissenschaften).

Millard, A.R.

Morris, L.
1989 Jesus is the Christ: Studies in the Theology of John (Grand Rapids, MI: Eerdmans).

Mussner, F.

Neuhauser, W.
1958 Patronus und Orator (Innsbruck: Universitätsverlag Wagner).

Petzl, G.
1994 Die Beichtinschriften Westkleinasiens [= EA 22].

Pope, M.H.
1973 Job (AB, 15; Garden City, NY: Doubleday).
Potterie, I. de la  
1977  
La vérité dans Saint Jean (AnBib, 74; Rome: Pontifical Biblical Institute).

Powell, J.G.F., and J. Patterson  
2004  
Cicero the Advocate (Oxford: Oxford University Press).

Ricl, M.  
1995  
'The Appeal to Divine Justice in the Lydian Confession-Inscriptions', Asia Minor Studien 17: 67-76.

Rostad, A.  
2006  

Rowe, G.O.  
1966  

Sage, M.M.  
1975  
Cyprian (Cambridge, MA: Harvard University Press).

Saunders, A.N.W.  
1975  
Demosthenes and Aeschines (New York: Penguin).

Schnabel, E.J.  
2003  

Schnackenburg, R.  
1976  
Das Johannesevangelium, III (Freiburg: Herder).

Shilleto, R.  
1874  
Demosthenis: De Falsa Legatione (Cambridge: Cambridge University Press).

Smalley, S.S.  
1978  
John—Evangelist and Interpreter (Downers Grove, IL: Intervarsity Press).

Sperber, D.  
1984  
A Dictionary of Greek and Latin Legal Terms in Rabbinic Literature (Jerusalem: Ramat Gan).

Stec, D.M.  
1994  
The Text of the Targum of Job (Leiden: Brill).

Steinleitner, F.S.  
1913  

Varinlioğlu, E.  
1989  

Veh, O.  
1985  
Cassius Dio: Römische Geschichte (Zürich: Artemis & Winkler).

Versnel, H.S.  
1991  

Vince, C.A., and J.H. Vince  
1926  
Demosthenes: De Corona, De Falsa Legatione, XVIII, XIX (Cambridge, MA: Harvard University Press).

Whiston, R.  
1868  
Demosthenes with an English Commentary (Whittaker and Co.: London).

Zingerle, J.  
1926  
'Heiliges Recht', JÖAI 23: Beiblatt columns 8-72.