The Trial of Jesus Christ: A Question Of Culpability

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As to all other writings... I do not accept their teachings as true on the mere ground of the opinion held by them; but the canonical writings are free from error. —Augustine

The belief that holy scripture is inerrant has unfortunately imparted a corresponding degree of legitimacy to the implications of certain scriptural interpretations. This fact has made it difficult for historical investigators to question either the plausibility of certain scriptural passages, or the merits of the conventionally held beliefs and attitudes such passages engender. When the ramifications of scripture are troubling for particular groups, as the passion narratives are for the Jewish people, historical investigation must cross the limen of faith and knowledge in search for the most judicious understanding of events and their historical legacy.

In the passion narratives of the Johannine and synoptic gospels, there is a measure of similarity between the respective accounts of Jesus’ final days. A parallel progression of events pertaining to the arrest, trial and crucifixion of Jesus emerges from the gospels. The passion narratives gained widespread recognition among the Christian laity as authentic historical accounts of Jesus’ last days. The narratives’ claim to historical accuracy, however, was grounded much more in church dogma than historical research.

In each gospel, the legal proceedings against Jesus are depicted in such a manner that the responsibility for the judgment against him appears to land squarely on the doorstep of the Jewish community. Essentially, the gospels portray Jews as accessories to, or perpetrators of, deicide. The Jewish peoples’ supposed culpability for this heinous act formed the foundation of endless prejudices, persecutions, and even pogroms against them.

A careful, historical analysis of the gospels, however, exposes a number of inconsistencies, inaccuracies, theological manipulations and interpolations which provide grounds for doubting the accuracy of the passion narratives. The limited quality and availability of historical documents concerning the trial of Jesus necessarily casts into doubt the veracity of the biblical accounts of that event. This analysis will demonstrate that no assignment of accountability for the persecution and prosecution of Jesus rationally issues from the gospels’ account when studied in light of other pertinent historical evidence.
This study proceeds in the following manner. First, it is demonstrated that no clear consensus exists among historians regarding the establishment of a certain time frame into which the events of the passion can be placed. Second, an examination of the social and political milieu of occupied Jerusalem is presented, allowing for a subsequent analysis that calls into question a large measure of the trial testimony found in the gospels. Third is a discussion of the forces which historians regard as having decisively shaped the literary construction of the gospels. This discussion presents the possibility that questionable events and inaccuracies in the account of the trial of Jesus are best understood in light of theological motives. Finally, the contradictions, problems and implications that result from considering the passion narratives in light of the material presented in this study are discussed.

Historical investigation of the trial of Jesus immediately reveals the disquieting fact that two different time frames for the passion exist in the gospels. Most New Testament scholars are resigned to the belief, despite numerous attempts to find a synthesis, that the time frames are irreconcilable. The Jewish calendar defined a day as the twenty-four hours from sundown to sundown. The seven-day week ended on the Sabbath (Saturday). Passover occurred during the month of Nissan, commencing on the fourteenth day. On the afternoon of that day, lambs were ritually slain in the temple. After sundown, now the fifteenth of Nissan, the Passover meals were eaten. The exact day of the week on which Passover fell varied, of course, from year to year.

In his book In Quest of Jesus, W. Barnes Tatum notes that historians agree that the gospels unanimously convey that Jesus' Last Supper occurred on Thursday, and that he was crucified on Friday (Tatum, 168). The significant contradiction occurs in the temporal relationship these events bore to the Passover celebration. The synoptic gospels agree that Jesus' last meal was a Passover meal, and he was crucified the following afternoon. This scenario places the occurrence of these events on Friday, the fifteenth day of Nissan. Therefore, Jesus was crucified on Passover day.

The Johannean account does not indicate that Jesus' last meal was a Passover meal. Because John claims Jesus was crucified as the lambs were being slaughtered in the temple, his account places the events of the passion on Nissan the fourteenth, the day of preparation for Passover.

Tatum describes four divergent historical interpretations of the actual time frame of the passion (Tatum 168). Two of the interpretations are germane to this study. In accepting the synoptic time frame, historians dismiss the Johannean time frame by noting its obvious symbolic juxtaposition of the crucifixion with the slaughtering of the lambs in the temple. John's gospel transposed several events in Jesus' ministry to satisfy theological designs and this dating, it is argued, is another such transposition. Historians, in support of the synoptic time frame, cite several incidental items of the Last Supper that appear characteristic of a Passover meal. These citations range from the location and timing of the meal to the variety of wine served. Several facts
undermine this line of argument, however. The most notable of these is the complete absence of any reference to the Passover lamb in the synoptic accounts.

The argument for the Johannine account notes the possible theological designs of the synoptic time frame. The synoptic writers, in adopting such a time frame, endeavored to establish a connection between the sacramental meal of the church and Judaism’s most sacred ritual meal. Tatum notes the connection between the two rituals: the Lord’s Supper and the Passover Supper (Tatum 160).

The prominent argument for the adoption of the Johannine time frame and that which is most cogent for this study concerns the violation of Jewish spiritual law committed by the persons involved in activities that supposedly occurred on a Jewish holy day. The celebration of Passover day, restricts the behavior and activities that may occur during its observance. Several activities avowed to have transpired within the synoptic time frame constituted a violation of Sabbath restrictions: Jewish participation in legal proceedings; the crucifixion; the purchase of the linen shroud by Joseph of Arimathea; and the burial of Jesus’ body. Additional support for the Johannine account is found in the Rabbinic text b. Sanh. 43a, “It was taught: On the eve of Passover Yeshu [ms M: the Nazarean] was hanged” (Catchpole 4). Certain resolution of the question concerning the actual time frame of Jesus’ passion has eluded historians. What is certain, however, is that both time frames, when superimposed on the events depicted in the gospels, raise issues that make the accuracy of the accounts of those events suspect. The questions prompted by these issues will receive further attention later in this discussion.

Initial difficulties concerning an historical account of the events of Jesus’ trial are not limited to the time frame in which those events occurred. Indeed, the gospels provide distinct accounts, not only of the number and variety of charges presented against Jesus, but also of the actual number of trials Jesus had to endure. The passion accounts in the gospel produce, roughly, two scenarios of the proceedings against Jesus. The gospels of Mark and Matthew claim Jesus faced two trials; one a Jewish trial, administered by Caiaphas before the Sanhedrin, a Jewish religious court of justice, and the other a Roman trial, adjudicated by Pontius Pilate.

According to the account in Mark and Matthew, agents of Caiaphas arrested Jesus. Although the text never explicitly defines the charges against Jesus, he stood formal trial for blasphemy. The Sanhedrin sentenced Jesus to death. This account relegates the sole authority over capital punishment to the Romans. The Sanhedrin, as a result of Jesus’ conviction, delivered him to Pilate. Pilate, for unenumerated reasons, suspected the Jews of duplicity and was inclined to release Jesus. Only after stentorian protests from the Jewish crowd did Pilate acquiesce and sentence Jesus to crucifixion. This scenario relies heavily on the validity of the pro-Johannine argument that the Jewish adjudicating body could not impose a death sentence.

The second scenario, which draws much from the Lucan account of the trial, asserts that
Jesus faced an informal inquiry by the Sanhedrin in order for them to find evidence with which to bring political charges against him. The following day, the Sanhedrin delivered Jesus to Pilate, who, after ascertaining the desires of the Jewish crowd, sentenced Jesus to crucifixion. This scenario from the outset implies Roman complicity in the trial of Jesus. With an understanding of the distinctiveness of these accounts of the trial of Jesus, an examination of the social and political setting in which these possible scenarios may have occurred is critical, if we are to determine whether historical research corroborates either.

Historical investigations can explicate events that are anomalous within their social and political milieu. Thorough documentation allows historians to be at ease in the understanding that within the framework of “normal events” transpire incidents not apparently related to those forces which guide and determine more routine phenomena. Any legitimate historical conclusion, however, when derived from documentation as limited as the materials concerning the trial of Jesus, cannot stand opposed to what historical investigation reveals to be the consuetudinary practices of the period and merit more than speculative status at the same time. It is with this understanding that we turn to view the political and social conditions that existed during Jesus’ lifetime.

The Jewish people had lived under the imperial rule of Rome for approximately fifty years before Jesus’ birth. Imperial Roman rule began when General Pompey placed the Roman seal on Hyrcanus II (63-40 BCE). All Jewish Kings thereafter became mere instruments of Roman government. A tolerable situation for the Jewish masses became unbearable when Rome dispensed with all formalities of local rule and, after the death of Herod, established a procuratorship (40-4 BCE). Jewish scholar Dr. Ellis Rivkin described the mise en scene:

From that moment on, the Jews were to know no peace, no serenity, no security until the temple was in ruins, thousands lay slain, and thousands more had been carted off to Rome. (Rivkin 17)

The Jewish people grew profoundly resentful of their subjugation, especially because of the Roman abridgement of their freedom of religious expression. The staunch refusal of the Jewish people to pay homage to Caesar resulted in an agitated populace that was often at odds with the Jewish governmental agents of Rome. In this environment, the gathering of large crowds was a potential threat to internal stability and a continuous source of fear among Roman and Jewish authorities. Roman officials discouraged radical behavior and large assemblies on the grounds that they might lead to mass violence or insurrection.

Several incidents provide evidence that the era in which Jesus lived was a tumultuous one. Near the end of his reign, Herod commissioned the installment of a golden eagle on the gate of the temple. Herod believed this emblem would kindle no religious wrath among the Jewish people
as it merely represented secular loyalty to Rome and had no idolatrous implications. Two individuals belonging to the loosely organized faction called Zealots, however, interpreted it as an affront to Yaweh and tore the statue down. For their action, the Zealots were executed by fire. The delayed demonstration of mourning for these individuals turned into a riot and was ruthlessly squelched by Herod’s son Archelaus. Archelaus withdrew his army from Jerusalem only after 3,000 Jews had been killed.

This incident demonstrated the lack of a clear demarcation between events motivated by political unrest and those that sprung from Jewish opposition to religious oppression or sacrilege. Herod perceived the eagle as an innocuous symbol of allegiance to Rome. Its removal clearly constituted a challenge to Roman rule. Herod accordingly regarded the Zealots as insurrectionists who deserved the penalty of death. The Zealots were equally convinced the eagle compromised the temple, and had to be removed regardless of the consequence. It is difficult to determine whether the riot was a response to the initial sacrilege or a protest of the treatment of the Zealots. The inability of the antagonists in this affair to fathom each other’s motives led to an environment that was continually susceptible to unrest. In fact, the elements that contributed to the fomentation of the riot of the golden eagle were ubiquitous during the period of the Roman occupation of Judea. The riot was paradigmatic of many such instances of unrest.

Political unrest and severe repercussions resulted again when Roman authorities availed themselves of the temple treasury in order to fund the building of aqueducts. What the Romans interpreted as a legitimate exercise of government authority for secular and social purposes, the Jews interpreted as religious oppression. The Jews responded to the appropriation of funds with an attack against Roman soldiers. In the days that followed the Jewish attack, 2,000 crosses supporting the bodies of crucified insurrectionists dotted the hills surrounding Jerusalem. Rivkin writes that events of this nature, in which both sides misinterpreted the causal motives of the others’ behavior, frequently occurred throughout Judea at this time (Rivkin 18).

It is well known to historians that unrest continually issued from the great and widespread discontent among the Jews during this period. A movement known as the Fourth Philosophy, which advocated the subversion of the Roman administration in Judea, emerged from this milieu. Historians Samuel Brandon, Rivkin, and Solomon Zeitlin note that this movement found its raison d’etre in opposing the standard Roman practice of conducting censuses and collecting tax revenue from the Jewish people. They viewed this commonplace administrative procedure as an infringement on the absolute sovereignty of God over the Jewish people. The group became a permanent threat to the stability of Roman rule, as it stood ever ready to cultivate political and religious sentiment oppositional to the regime. It is appropriate to examine briefly the Roman ruler charged with maintaining order within this agitated ambience, and we direct our attention to him.
Pontius Pilate made his first great political foray into this highly volatile society, and ruled longer than any other Roman procurator. Historians illustrate the shrewd and Draconian style which epitomized Pilate’s administration, by detailing two events that occurred early in his reign. Pilate brought standards of Caesar into the temple. After observing the standards the following day, many worshipers prostrated themselves around Pilate’s house and remained there for five days. When surrounded by soldiers, the protesters offered their necks to the Roman swords rather than acquiesce to the presence of the standards. Pilate, not wanting his superiors to hear of continued mass insurrections, removed the standards. This incident provided him the opportunity to develop an effective strategy for defusing future crises of rebellion.

During a subsequent demonstration, Pilate placed soldiers, disguised as worshippers and armed with cudgels, among the crowd. Upon signal, the soldiers beat to death the lead figures in the crowd. Shocked by this inexplicable turn of events, the crowd quickly dispersed, trampling many to death in its path. The Jewish historian Josephus described the result of this action: “Cowled by the fate of the victims, the multitude was reduced to silence” (Rivkin 26). The representation of Pilate, the final arbiter of Jesus’ fate, as a shrewd, tough procurator is commonplace among historians. The comments of two historians typify that representation:

They [the Jews] had for several years experienced the severity of this governor, and must have known that he had not sufficient confidence in them to accept so readily their opinions and decisions. (Husband 242) ... His key to effective governance was to nip revolutions in the bud by making no distinction between political and religious dissidents. Dissidence, not motive or rallying cry, was his target...For Pilate the beginning of wisdom was the fear of revolt, however masked by religious pieties. (Rivkin, 28)

With this understanding of the nature of Roman imperial rule, i.e., the temperament of the procurator Pilate and the effect he had on the Jewish people, an examination of the social and political structure within the Jewish community completes the knowledge necessary to understand the body politic that existed at the time of Jesus’ trial. Three distinct factions—the Sadducees, Pharisees and Essenes—comprised the Jewish population at this time. The Sadducees believed that God revealed his law only in the five books of Moses. The Pharisees held the belief that both the five books of Moses and the oral tradition passed on from generation to generation revealed the law of God. The Essenes, a faction largely removed from the community, believed that several books in addition to the Pentateuch and other books of the bible revealed God’s law. The larger Jewish community did not share the philosophy of the communal Essenes.

During the time of Jesus and the reign of Pilate, the Pharisees were the predominant Jewish faction, holding positions of authority and establishing policy on the observance of Jewish law.
The public expressions and practices of Judaism adhered to the stricter interpretation of the law maintained by the Pharisees. While Jewish historians such as Zeitlin and Rivkin differ on the degree of public manifestation of the animosity between the Pharisees and Sadducees, they and other historians contend that leaders of these groups practiced a policy of “live and let live,” for fear of creating any public unrest that would surely result in Roman reprisals.

The office-holding Pharisees followed a strategy that Rivkin termed the “doctrine of two realms.” Essentially, this doctrine promoted among the people the tactic of exchanging obedience to Roman law for Roman tolerance of Jewish religious practices. This loose compact originated during the rule of Salome Alexandra and continued through Herod’s reign and the procuratorship of Pilate. Although the failure of Roman officials and Jewish leaders to draw any significant distinction between religiously and politically motivated acts was a continuous source of social unrest, this arrangement stayed the progression of unrest into mass insurrection during the reign of Pilate and the high priest Caiaphas. It also allowed the Jewish authorities to present themselves to their constituents as bearing little responsibility for unpopular Roman edicts. The Jewish social structure at this time is well known to historians; the nature of the few political bodies at the disposal of the Jewish leaders, however, continues beyond the margin of what historians can state with certainty regarding the milieu of Jesus’ time.

Against this backdrop stood one of the most historically enigmatic and controversial structures related to the trial of Jesus—the Sanhedrin. This council was responsible for enforcing Jewish religious law. Although it clearly did not have the power to rule on political matters, that is all that is certain about the Sanhedrin. Examinations of the writings of Josephus, Tacitus, and Rabbinic texts have led most historians to assert that Sanhedrin arraignment proceedings were subject to strict laws that prevented council sessions from occurring during certain times of the day and certain days of the week. Zeitlin, an expert on ancient Jewish law, detailed the restrictions that many historians agree are germane to the trial of Jesus:

The Sanhedrin held their sessions every day of the week, except Saturdays and holidays, and on the days preceding them. They never conducted sessions at night....the law forbade that a conviction should take place on the same day the trial began. Consequently, courts did not hold sessions on the eves of Saturday and holidays. (Zeitlin 71-72)

There is little else concerning the role of the Sanhedrin in the trial of Jesus on which historians have reached a consensus. Historians posit numerous theories including the claim that two different Sanhedrins existed, one political, the other religious. Another theory alleges that the Sanhedrin of Jesus’ time actually possessed no authority to act on their own discretion. Out of these numerous theories emerge certain facts that do allow extrapolations that pertain to the task
of assessing the role of the Sanhedrin.

The Sanhedrin, several historians suggest, had the authority to impose capital punishment, the Johannine evidence notwithstanding. This was in keeping with the biblical practice of prescribing death by stoning, hanging, decapitation or strangulation for certain crimes. Indeed, there is evidence of previous incidences of the Sanhedrin’s imposition of capital punishment.

Two historical events yield information valuable for an assessment of the likely role played by the Sanhedrin in the trial of Jesus. The circumstances surrounding the stoning of Jesus’ brother James indicate that the Sanhedrin, whatever the limits of their operating authority, did not function independently of Roman discretion. Josephus reports that during an interregnum, Ananus, the high priest, convened a Sanhedrin and judged James guilty of transgressions of the law and delivered him for execution. Other officials, Josephus wrote, were dismayed by this action and sent word to King Agrippa, urging him to order Ananus to desist from any further decisions. Others met the new procurator on his way to Jerusalem and reminded him that Ananus had no authority to convene a Sanhedrin without his consent. As a result, the procurator relieved Ananus of his authority.

Rivkin argues that Josephus’ writings indicate that the Sanhedrin functioned as a privy council, not a permanent governmental body. Three additional factors support this assertion. First, Josephus writes that the Levites, when attempting to receive permission to wear nonstandard robes, had to solicit the king’s authority to convene a Sanhedrin for such permission. Second, the robes of the high priest were left in the possession of the procurator and were available only with his consent. Third, he notes that Josephus used different terminology when referring to the Sanhedrin from that which he used when referring to permanent governmental bodies such as the Senate. This terminology (boule), Rivkin argues, is consistent with other instances in the text where Josephus discusses councils or bodies that were not permanent. This lack of permanency suggests that Judea, similar to other troubled Roman territories, experienced little independence in judicial matters. A policy of this nature additionally suggests that the Romans were intent on being ever aware of Judean affairs. It is difficult to reconcile the role the gospels attribute to the Sanhedrin in the trial of Jesus after surveying the available material concerning the operation of the Sanhedrin in Jesus’ time. The specific difficulties are discussed later in this study.

The high priest Caiaphas, who served during the time of Jesus, is the final political element that remains to be examined. Caiaphas’ ability to reign as high priest during the administration of several procurators, some historians believe, demonstrates that he possessed a keen political mind. The ability to rule in such a tumultuous time and enjoin the development of discontent into revolution, suggests to some degree, that he had the capacity to shape public opinion. His restraint of protest over the execution of the popular John the Baptist illustrates this point. Caiaphas’ rule alongside Pilate for ten years, it is argued, demonstrates that some degree of a
cooperative ruling relationship developed between the two.

Before the discussion of the gospels, it is appropriate to assess briefly the nature of the materials historians have utilized to create this picture of the social and political milieu that existed at the time of Jesus. The writings of Josephus have made a significant contribution to the present-day perception of Jesus' time. Josephus, a well-born Pharisee, went over to the Roman side during the war for independence in 66 CE. His conviction that the goals and methods of the Zealots and the Fourth Philosophy were responsible for Judea's violent destruction, conditioned the perspective from which he wrote. Some historians contend that his writings are biased in favor of demonstrating the wisdom of the doctrine of two realms adopted by many Jewish authorities. This prejudice may have led him to represent both the magnitude of Jewish discontent and the degree to which the Zealots manipulated that discontent. The implications of certain historically confirmed events, however, are undeniable, and Josephus presents an invaluable insight into the social and political milieu within which Jesus' ministry occurred.

Jewish scholars such as Zeitlin and Rivkin primarily used rabbinical texts in their research, texts which endorse the Josephian depiction of both events during the time of Jesus and the relationship between Rome and Judea that shaped those events. Theological and political motivations that moved the Jewish scholars Zeitlin and Rivkin to examine the trial of Jesus, warrant consideration. Both authors explicitly voice their desire to remove the yoke of guilt placed upon the Jewish community for the crucifixion of Jesus as their basis for study. A lack of abundant and verifiable documentation of Jesus' trial seriously compromises all discourse on the subject. If the historical reconstructions made from limited sources by authors such as Zeitlin and Rivkin are rationally evaluated, then Zeitlin's and Rivkin's agenda need not undermine the credibility of their findings any more than obvious theological manipulations immediately and completely dismiss the accounts of the gospel. Theological agendas and accurate historical accounts do coincide, but the evidence of theological manipulation and interpolation alongside logically flawed arguments must necessarily cast suspicion over the presentation of events in the gospel. To the degree that both a consensus of historians more readily forms around the larger body of historical evidence Zeitlin and Rivkin present, and to the degree that their work contains neither logically flawed arguments nor creed-based portrayals, we understand them as different in kind, not just degree, from the gospels.

The more cogent criticism of the work by Jewish scholars issues not from the perspective or agenda from which they write, but the limitations of their sources. The rabbinic texts utilized by Zeitlin occasionally date from a period that perhaps undermines any relevant conclusions drawn from them. This could potentially undermine Zeitlin's conclusions concerning the Sanhedrin's rules of operation. Since the documents date from the second century CE and later, the possibility exists that these rules may not have been in effect at the time of Jesus' trial. In fact one might
speculate that these rules were made in specific response to criticisms raised after Jesus’ trial. In light of both the paucity of documents that impedes all studies of the passion, and Zeitlin’s larger body of evidence, however, these deficiencies do not render his conclusions untenable. Samuel Brandon, a Christian scholar, argues for the Josephian depiction of Judea in noting that archeological research from the excavations at Masada and Qumran substantiate his portrayal. Brandon also cites information from the Dead Sea Scrolls as depicting a Jewish community in keeping with Josephus’ observations.

The gospels’ accounts of the trial of Jesus form the entire basis of the common perception of that event. Biblical historians are well aware that the authors of each gospel wrote in response to particular theological and situational concerns. These themes within each gospel, and the examples that distinguish them, are common knowledge to biblical scholars, and only a brief survey of them is necessary to further our analysis.

Any attempt to determine the veracity of the gospels’ passion accounts must immediately confront the forces that shaped their construction. Scholars interpret variances in the passion account as the result of the differing kerygmatic, eschatological and polemic (e.g., anti-Jewish) concerns that confronted each writer. These variances consist of elaboration, shifts of settings, allegorization, shifts of emphasis and, some suggest, interpolation.

Historians believe Mark wrote the earliest gospel around 70 CE., shortly after the fall of Jerusalem. Mark wrote to comfort a persecuted Christian community. Accordingly, he portrayed a very human, persecuted Jesus. Matthew, the author historians believe most readily reflected Jewish influence, attempted to portray Jesus as the new Moses, one who heralds God’s new dwelling place in the Christian church. Matthew presents Jesus’ acts as continually fulfilling scripture. The Lucan account infuses events with the spirit of Christ and proclaims a universal Jesus who came to minister to the gentiles as well as the Jews. The Johannine gospel counteracts various interpretations of Jesus and his preachings which the early church deemed unacceptable. This gospel presents Jesus as the word of God incarnate, God become man. In an attempt to counteract gnostic influences, John transposed events and presented Jesus as a regal, self-assured messiah. Suffused throughout all the gospels is the theological theme that Jesus and the events of his lifetime served to repudiate God’s covenant with the Jewish people and to establish it anew through the fledgling Christian church.

The gospel writers were not historians. They came from a tradition of Jewish writing that utilized an interpretive narrative in detailing accounts of the past. Jews perceived their history as reflecting divine intervention. The significance was not in the objective presentation of facts, but in the interpretation of the theological implications of those events. The style and perspective of the gospel writers reflect this tradition.

Tatum notes this limitation of the gospels when he writes:
There is a theological tendency in the gospel narratives which makes it difficult to distinguish between the church’s interpretation of what happened and what actually did happen during the last hours of Jesus’ life. (Tatum 166)

Tatum continues that the gospels tend to convey the passion as fulfillment of scripture. The passion narratives are replete with direct quotations and references to scripture. The soldiers dividing up Jesus’ garments (John 19.24) reflects Psalm 22.18. Pilate washing his hands of the crucifixion, a uniquely Jewish custom not practiced by the Romans, echoes Deut. 21: 6-9. The scourge of Jesus reflects Isaiah 50:6. The statements attributed to Jesus throughout the passion depict him as identifying events that fulfill scripture: the use of swords at his arrest; his betrayal by Judas; and the scattering of his disciples.

Biblical scholars refer to the gospels’ function of shifting responsibility for the execution of Jesus from the Romans to the Jews as the “apologetic tendency.” In all the gospel accounts, Pilate reluctantly sentenced Jesus to crucifixion after attempting to gain his release and attesting to his innocence. Independent of questions concerning the historical accuracy of these accounts, the conduct of Pilate clearly functions to transfer the responsibility for the trial’s outcome to the Jews. Our study of the historical information relating to the time and milieu in which Jesus stood trial has prepared us to turn to the trial with specific questions: Do the events of the trial coincide with what historical knowledge and rationale instruct us to expect would happen in the time of Jesus? Throughout, the events of the passion conform to the scriptures; is this an accurate accounting of events or the result of theologically motivated designs? In light of the social and political milieu presented in this analysis, is the removal of Jewish accountability for the crucifixion of Jesus a more careful, measured and insightful inference than the explication of Jewish guilt functioning in the gospels?

The conflicting versions of the time and procedure employed by those who supposedly brought Jesus before the Sanhedrin matches an equally large number of violations of procedural and religious laws. Mark and Matthew wrote that Caiaphas, in his house, brought Jesus before a Sanhedrin which then examined and indicted him. Several procedural laws known to regulate Sanhedrins were violated in this version. The Sanhedrins, it is recalled, are not believed to have met at night, passed judgment on the same day, met on a holy day or the eve of a holy day. The Marcan and Lucan accounts, it will be recalled, adopted a time frame which placed these events both in the middle of a holy day (Passover) and on the eve of Sabbath. The explanation offered for these numerous and severe violations of law by the strict Pharisees who dominated the Sanhedrin, is the “emergency theory.” Central to it is the notion that Jesus’ popularity would have induced the people to riot in protest of his arrest. Yet as with much in the gospel accounts, it lacks internal consistency. The gospel argument must run in both directions because it contradicts the
sentiment expressed by the crowd at the trial before Pilate. On the one hand, Jesus’ support was strong enough among the people that all manner of subterfuge and suspension of legalities was necessary to expedite his case. And yet later that very same day, the crowd rejected Pilate’s offer to release Jesus and cried for his crucifixion. What is evident from the outset of this portrayal of the trial is that it requires activity by the Pharisees that violates all manner of laws governing their conduct on holy days, and a fluctuating assessment of the popularity of Jesus, that conveniently support the writer’s position as premises.

Jesus’ appearance before the Pharisees is marked by several inaccurate presentations of Jewish law and terminology. According to the assertions of several historians, the titles Jesus claimed were not, as the gospels assert, blasphemous. Geza Vermes, in his book *Jesus the Jew*, asserts that those titles were common titles of respect and attempts at circumlocution by Jesus. Citing such sources as the Targumim, the Talmud and the Dead Sea Scrolls, Vermes claims the term “Son of God” implied one chosen by God for a special mission. Vermes writes that it did not assert divinity, and Jesus’ contemporaries would not have so interpreted it. Zeitlin writes that Jesus’ response to the Pharisees—that he would “sit on the right hand of power”—was equally innocent. He argues the term derives from the Jewish belief in the coming of God’s kingdom.

The Lucan account of the charges made against Jesus stands as an exception to the other gospels. It is the only gospel that does not mention religious charges against Jesus. Jesus attended an informal hearing in which the Pharisees discussed political charges of sedition against him. This contradiction supports the argument of many historians who interpret the trial of Jesus as a political reaction. If the charges were indeed political, as the inscription on Jesus’ cross read, then his persecution almost certainly implies Roman culpability for his crucifixion: a conclusion that does not strain credulity in view of our new understanding of the political and social climate during Jesus’ lifetime. Other problems abound as the trial moves before Pilate.

Many historians question the necessity for turning Jesus over to Pilate to facilitate sentencing. Consistent with the doctrine of two realms the Sanhedrin could have sentenced Jesus, due to the supposed religious nature of the charges. Jewish law prescribes several penalties for such a crime. None, however, involve crucifixion—a uniquely Roman practice. A uniquely Roman death in response to a uniquely Jewish crime contradicts the general understanding of the Judean political machinery. The Johannine gospel indicates that Pilate instructed the Jews to try Jesus by their own laws, and that the Jews responded that it was not legal for them to do so. The scenario in which the procurator defers to the counsel of the masses is so unlikely that it strains the credibility of the Johannine account.

The difficulties in reconciling the account of Jesus’ trial with our knowledge about the social/political machinery of the time continues with the trial before Pilate. When one considers strong evidence of the authoritarian character of Pilate’s rule, one finds the gospel accounts replete with
rationally inexplicable events. First, the accounts of Mark and Matthew never detail the new charges brought against Jesus before Pilate, nor the need for altering them. The Lucan and Johannine accounts present different charges. The Lucan charge is the political offense of claiming kingship. The Johannine account cites the religious offense of claiming to be “Son of God”—a title which may not have been offensive to Jews.

Second, all the gospels place Pilate in the position of arguing for the innocence of a charismatic known to have attracted crowds, and who in one incident (in the temple), had resorted to violence. The implications of the interaction between Pilate and the crowd illustrates the tenuous reasoning upon which the gospels rely. When a man charged with crimes and transgressions as serious as sedition and blasphemy, with enough popular support to require his arrest and trial by methods that include subterfuge and a corruption of due process came before a shrewd, tough procurator known for dispensing with the lives of both the innocent and the convicted with little hesitation, a death sentence would seem a foregone conclusion. Inexplicably, the tough procurator, Pilate, argued for his release. Pilate’s unlikely departure from character was met by the equally uncharacteristic stentorian protests from the very people whose popular support for Jesus originally necessitated the extraordinary measures taken. Despite his history of swift response to unrest, whether motivated by religious or political actions, Pilate pleads for amnesty with what the gospels now term a “mob.”

Third, frustrated by the mob’s insistence on his crucifixion, Pilate offers to release him according to an annual policy. Brandon notes, “The alleged custom of releasing one prisoner at the Passover, whether it was a privilege granted only by Pilate or observed by other procurators, is not confirmed by any other evidence” (Brandon 101). He asserts that in light of Josephus’ intent of portraying a favorable account of the benefits that the doctrine of two realms provided, it is significant that he does not mention this unique Judean benefit. Pilate offers the crowd a choice between a known insurrectionist, Barrabas, and a charismatic. Brandon terms the Roman governor’s behavior as “too preposterous and too ludicrous for belief” (Brandon 98).

Brandon and Rivkin argue that interpolation on the part of the gospel writers is the most likely explanation for the Barrabas episode. The tenuous grip the Romans had on Judea and the Draconian character of Pilate counterindicate the manner in which the trial unfolded while under Pilate’s control. This argument becomes more persuasive in light of the realization that seemingly contrived dialogue clearly functions to impart blame for Pilate’s decision to the Jews. After three frustrated attempts to release Jesus, he acquiesces to the mob’s demand for crucifixion. To this, the mob allegedly replied: “His blood be on us and our children” (Matt 27:25).

The questions that opened our discussion of the trial of Jesus allowed us to explicate several of the many internal inconsistencies and possible inaccuracies that are not reconcilable within the framework provided by the gospels. Perhaps there is some explanation for these numerous
inconsistencies and dubious occurrences in the motivation of the authors of the gospels. They had the difficult task of explaining to the persecuted membership of a new church why their messiah had suffered the ignominious fate of death on a Roman cross. It may have seemed incredible to many early Christians that the son of God had died in a manner more befitting a criminal. Most likely, there was concern among the authors that Jesus’ inglorious death repudiated his messiahship and the Church’s eschatological interpretation of Jesus’ claims regarding the imminent coming of God’s kingdom. In an attempt to counteract such concerns, it is possible that an apologetic agenda emerged. This agenda may have sought to remove from Jesus the stigma associated with the profanity of a political death, by presenting him instead as the sacrificial lamb of God given to a people who rejected him and offered him up for crucifixion. This bias would then have enabled the authors to portray Jesus as a martyr whose fate embodied the implication that the Jews had forsaken their covenant with God. This would allow the new church to comfort their persecuted followers by claiming that God’s covenant now dwelled in their church, with those still faithful to God’s son. Unfortunately, the legitimacy of this theology hinges upon the highly suspect premise of Jewish culpability for the rejection and crucifixion of Jesus.

In this light, we can understand the seemingly inexplicable manner in which the gospels depict Pilate adjudicating the trial against Jesus. A major part of historical research and opinion conditions us to expect that Pilate would have quickly and ruthlessly dispensed with any person associated with civil unrest. And yet, the gospels maintain that instead of being the Roman arbiter of Jesus’ fate, Pilate became history’s witness to both Jesus’ innocence and Jewish responsibility for his death.

CONCLUSION

The limited amount of historical information concerning the trial of Jesus necessitates a deviation from the form that historical investigation normally takes. In the absence of new documentation, it requires that we further a more accurate understanding of Jesus’ life by a methodology which employs questions designed to challenge previous conclusions. In a sense, we further our understanding by subtracting from what earlier historians have concluded. Biblical scholars attempt to increase their knowledge by continually removing layers of theological interpretation, hoping to expose an underlying authenticity. They assume that it is better to have a small body of verifiable knowledge concerning Jesus, than a larger body fraught with the perils of interpretive theological manipulation. Those studies of Jesus that are born of faith and conviction tend to resemble the latter because, for their authors, there lies in them the true significance of Jesus’ life. One may rightfully question their less than fully rational approach to history to the degree that their conclusions contradict the historical record.

Our study subjected those passion narratives that explicitly assert Jewish culpability to this
sort of historical reexamination. The presentation of the social and political milieu as well as other factors, demonstrated that significant contradictions do exist. Furthermore, rational interpretation based solely on historical information does not yield complete answers to questions concerning the passion narratives’ depiction of the trial of Jesus.

In keeping with this method of historical inquiry regarding Jesus, the present study did not engender resolution in the place of previous controversy. Rather, it allows us to understand that, although the political machinery of the time may have been responsible for the crucifixion of Jesus, the conclusion most rationally reached on the basis of historical evidence is that no assignment of culpability for the death of Jesus is appropriate or verifiable.

Biblical historians understand that the gospel authors were schooled in a style of writing that indistinguishably combined fact with interpretation into a single record. If this fact guides our inquiry and ultimately forces us to relinquish some of our “knowledge,” it also frees us from having to acknowledge valid historical grounds for one of humankind’s ugliest prejudices: anti-semitism. Those church leaders who herald the sanctimony of the gospels, need not fear that evidence of historical inaccuracies entails the entire invalidation of the gospel message, or of their faith. Investigations such as these can expose the corruption by wholly human design, of certain gospel passages, and thereby eradicate a negative lesson of history that deserves to be eliminated from human consciousness. From this perspective, Christians can understand that historical investigations of the gospels can, in many respects, allow the full dignity and grace of their faith to become manifest.

BIBLIOGRAPHY


