

DAVID W. CHAPMAN  
ECKHARD J. SCHNABEL

# The Trial and Crucifixion of Jesus

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zum Neuen Testament*

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David W. Chapman / Eckhard J. Schnabel

# The Trial and Crucifixion of Jesus

Texts and Commentary

Mohr Siebeck

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## Preface

The significance of Jesus' death is apparent from the space that Matthew, Mark, Luke, and John devote to the passion narrative, from the emphasis of many speeches in the Book of Acts, and from the missionary preaching and the theology of the Apostle Paul, who asserts that when he preaches the gospel, he proclaims nothing "except Jesus Christ and him crucified" (1 Cor 2:2). The significance of Jesus' death is recognized by historians, who view Jesus' trial as one of the most famous criminal cases of antiquity (see CORNELIUS HARTZ, *Tatort Antike. Berühmte Kriminalfälle des Altertums*. Mainz: Zabern, 2012). And the significance of Jesus' death on the cross is apparent from the history of Christian theology, piety, and art (see JOHANN ANSELM STEIGER / ULRICH HEINEN, eds., *Golgatha in den Konfessionen und Medien der Frühen Neuzeit. Arbeiten zur Kirchengeschichte 113*. Berlin: De Gruyter 2010), not least on account of the Lord's Supper or Eucharist, which regularly focuses the attention of Christians on Jesus' death. The significance of Jesus' death is connected, certainly in the texts of the New Testament, with the historical details of Jesus' trial and crucifixion. Exegetical discussions of Jesus' trial and death have employed biblical (Old Testament) and extra-biblical texts in order to understand the events during the Passover of A.D. 30 that led to Jesus' execution by crucifixion. The purpose of our book is to publish the primary texts that have been cited in the scholarly literature as relevant for understanding Jesus' trial and crucifixion. The texts in Part 1 deal with Jesus' trial / interrogation before the Sanhedrin, the texts in Part 2 with Jesus' trial before Pontius Pilatus, and the texts in Part 3 with crucifixion as a method of execution in antiquity. The sequence of texts follows a chronological order where possible.

Each Part and sub-section will have brief introductions. For each document, we provide the original text and a translation. The translations are our own, unless otherwise indicated (Old and New Testament texts are taken from the NRSV). In an age in which the study of Greek, Hebrew, and Latin are regarded by some as gratuitous, we unapologetically present Greek, Hebrew, and Latin texts, convinced that any truly serious study of antiquity requires analyzing documents in their original languages. Globalization should not be confused with linguistic imperialism where everything is reduced to English but should be taken as an opportunity to learn, master, and use the languages

of other cultures with as much ease as is possible in a lifetime. The major editions and translations of the primary sources are listed in the bibliography. The commentary will describe the literary context and the purpose of each document in context before clarifying details and commenting on its contribution to Jesus' trial and crucifixion. The commentary will refer only to the most relevant and more recent discussions in the secondary literature; completeness is neither possible nor desirable in a collection of texts. The careful reader may notice slightly different criteria for source selection between the sections on the trial of Jesus and the section on crucifixion. This is because our selection of source material has been influenced by the various kinds of questions that have engaged contemporary scholarship. Scholarly treatments of crucifixion frequently present a general depiction of crucifixion in the Roman world, with secondary application to the specifics of Jesus' death. Thus the goal in Part 3 will be to include a vast array of sources from throughout the ancient world that report or discuss crucifixion and penal suspension. Meanwhile, academic study on the trial of Jesus has typically focused on specific questions concerning the degree to which the Gospels' trial narratives cohere with first-century Jewish and Roman legal practices and other historical data. This necessitates a selection of sources that is more driven by specific questions arising from the legal procedures reportedly employed in Jesus' trial.

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David W. Chapman  
Eckhard J. Schnabel

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## Abbreviations

AB	Anchor Bible
ABD	Anchor Bible Dictionary. Edited by D. N. Freedman. New York, 1972
AE	Année épigraphique
AGAJU	Arbeiten zur Geschichte des antiken Judentums und des Urchristentums
AGR	Akten der Gesellschaft für griechische und hellenistische Rechtsgeschichte
AHAW.PH	Abhandlungen der Heidelberger Akademie der Wissenschaften. Philosophisch-historische Klasse
AHw	Akkadisches Handwörterbuch. Edited by W. von Soden. Wiesbaden 1965–1981
AJAH	American Journal of Ancient History
AJT	American Journal of Theology
AJP	American Journal of Philology
ANE	Ancient Near East
ANEP	Ancient Near Eastern Pictures Relating to the Old Testament. Edited by J. B. Pritchard. Princeton 1969
ANET	Ancient Near Eastern Texts Relating to the Old Testament. Edited by J. B. Pritchard. Princeton 1969 (1955)
ANRW	Aufstieg und Niedergang der römischen Welt. Edited by W. Haase, H. Temporini. Berlin, 1972–
AOS	American Oriental Series
APVG	Archiv für Papyrusforschung und verwandte Gebiete
AREA	Arbeiten zur römischen Epigraphik und Altertumskunde
ASP	American Studies in Papyrology
ASV	American Standard Version
AYB	Anchor Yale Bible
BAR	Biblical Archaeology Review
BBR	Bulletin for Biblical Research
BDAG	Bauer, W., F. W. Danker, W. F. Arndt, F. W. Gingrich. A Greek-English Lexicon of the New Testament and Other Early Christian Literature. Third Edition. Chicago, 2000
BDB	Brown, W., S. R. Driver, C. A. Briggs, Hebrew and English Lexicon of the Old Testament. Oxford 1968
BDF	Blass, F., A. Debrunner, and R. W. Funk. A Grammar of the New Testament and Other Early Christian Literature. Chicago, 1961 [Reprint 1982]
BECNT	Baker Exegetical Commentary on the New Testament
BETHL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
BHS	Biblia Hebraica Stuttgartensia
Bib	Biblica
BJS	Brown Judaic Studies
BNot	Biblische Notizen
BNP	Brill's New Pauly. Edited by H. Cancik, H. Schneider. Leiden, 2002–2012
BRev	Bible Review
BSac	Bibliotheca Sacra

BSGRT	Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana
BSJGW	Berichte aus den Sitzungen der Joachim Jungius-Gesellschaft der Wissenschaften
BSJS	Brill's Series in Jewish Studies
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZ	Biblische Zeitschrift
BZNW	Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft
CAD	The Assyrian Dictionary of the Oriental Institute of the University of Chicago. Edited by I. J. Gelb et al. Chicago, 1956–2010
CBET	Contributions to Biblical Exegesis and Theology
CBQ	Catholic Biblical Quarterly
CEFR	Collection de l'École Française de Rome
CHANE	Culture and History of the Ancient Near East
CHL	Commentationes humanarum litterarum
CIIP	Corpus Inscriptionum Iudaeae/Palestinae. Edited by H. M. Cotton, L. Di Segni, W. Eck, B. Isaac, A. Kushnir-Stein, H. Misgav, J. Price, I. Roll, A. Yardeni, W. Ameling. Berlin 2010–2014
CIJ	Corpus Inscriptionum Judaicarum. Edited by J. B. Frey. New York, 1975
CNT	Commentaire du Nouveau Testament
CPJ	Corpus Papyrorum Judaicarum. Edited by V. Tcherikover, A. Fuks. Cambridge, 1957–1964
CSCt	Columbia Studies in the Classical Tradition
DJD	Discoveries in the Judaean Desert [of Jordan]. Oxford, 1955–2002
DJG	Dictionary of Jesus and the Gospels. Edited by J. B. Green, S. McKnight, I. H. Marshall. Downers Grove, 1992
DLNTD	Dictionary of the Later New Testament and Its Developments. Edited by P. H. Davids, R. P. Martin. 1997
DNTB	Dictionary of New Testament Background. Edited by C. A. Evans, S. E. Porter. Downers Grove, 2000
DSSSE	The Dead Sea Scrolls Study Edition. Edited by F. García Martínez, J. C. E. Tigchelaar. Leiden, 1997–1998
EBC	Expositor's Bible Commentary
EBR	Encyclopedia of the Bible and its Reception. Edited by Dale C. Allison et al. Berlin / Boston 2009–
EDNT	Exegetical Dictionary of the New Testament. Edited by H. Balz, G. Schneider. Grand Rapids, 1990–1993
EDSS	Encyclopedia of the Dead Sea Scrolls. Edited by L. H. Schiffman, J. C. VanderKam. Oxford, 2000
EHS	Europäische Hochschulschriften
EKK	Evangelisch-Katholischer Kommentar
EBib	Études Bibliques
EHS	Europäische Hochschulschriften
EstEcl	Estudios eclesiásticos
ET	English Translation
ETL	Ephemerides theologicae lovanienses
FGH	Fragmente der griechischen Historiker. Edited by F. Jacoby. Berlin 1923–1958
FilNT	Filología Neotestamentaria
FIRA	Fontes iuris romani anteiustiniani. 3 vols. Edited by S. Riccobono, V. Arangio Ruiz. Florence 1940–1941; Second Edition 1968
FO	Folia Orientalia

FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
FS	Festschrift
fzb	Forschungen zur Bibel
GELS	T. Muraoka, <i>A Greek-English Lexicon of the Septuagint</i> . Leuven, 2009
Georges	Ausführliches lateinisch-deutsches Handwörterbuch. K. E. Georges. Darmstadt 1992 (1912/1918)
GLA	Greek and Latin Authors on Jews and Judaism. 3 vols. Edited by M. Stern. Jerusalem, 1974–1984
GNB	Gute Nachricht Bibel
HALOT	The Hebrew and Aramaic Lexicon of the Old Testament in English. Edited by L. Koehler, W. Baumgartner, J. J. Stamm. Leiden, 1994–2000
HCS	Hellenistic Culture and Society
HdA	Handbuch der Altertumswissenschaft. Begründet von Iwan von Müller
HNT	Handkommentar zum Neuen Testament
HThK	Herders Theologischer Kommentar zum Neuen Testament
HTR	Harvard Theological Review
ICC	International Critical Commentary
IEJ	Israel Exploration Journal
IG	Inscriptiones Graecae
IGLS	Inscriptions grecques et latines de la Syrie. Edited by L. Jalabert, R. Mouterde, J.-P. Rey-Coquais, M. Sartre, P.-L. Gatier. 21 vols. Paris 1911–1993
IGR	Inscriptiones Graecae ad res Romanas pertinentes. Edited by E. Leroux. Paris, 1906–1927; reprint Chicago, 1975
IJudO	Inscriptiones Judaicae Orientis. Edited by D. Noy, A. Panayotov, H. Bloedhorn, W. Ameling. Tübingen, 2004
ILS	Inscriptiones Latinae Selectae. Edited by H. Dessau, Berlin 1892–1916 [1954–1962]
IMC	Inscriptions Reveal: Documents from the Time of the Bible, the Mishna and the Talmud. Edited by Ruth Hestrin. Israel Museum Catalogue 100. Jerusalem 1973
Int	Interpretation
ISBE	The International Standard Bible Encyclopedia. Edited by G. W. Bromiley. Grand Rapids, 1979–1988
JAC	Jahrbuch für Antike und Christentum
JECS	Journal of Early Christian Studies
JBL	Journal of Biblical Literature
JETS	Journal of the Evangelical Theological Society
JGRChJ	Journal of Greco-Roman Christianity and Judaism
JHS	Journal of Hellenic Studies
JJS	Journal of Jewish Studies
JPT	Journal of Pentecostal Theology
JSJ	Journal the Study of Judaism in the Persian, Hellenistic, and Roman Periods
JSJSup	Journal the Study of Judaism Supplement Series
JSNT	Journal for the Study of the New Testament
JSNTSup	Journal for the Study of the New Testament Supplement Series
JSP	Journal for the Study of the Pseudepigrapha
JSPSup	Journal for the Study of the Pseudepigrapha Supplement Series
JTS	Journal of Theological Studies
JRA	Journal of Roman Archaeology
JRASup	Journal of Roman Archaeology Supplementary Series

KEK	Kritisch-exegetischer Kommentar über das Neue Testament
KJV	King James Version
LASBF	Liber annus Studii biblici franciscani
LCL	Loeb Classical Library
LD	Lectio Divina
LEH	Lust, J. E. Eynikel, K. Hauspie. <i>A Greek-English Lexicon of the Septuagint</i> . Stuttgart, 1992–1996
Levy	Wörterbuch über die Talmudim und Midrashim. Second Edition by H. L. Fleischer, L. Goldschmidt, Darmstadt 1963 (orig. 1924)
LGNP	<i>A Lexicon of Greek Personal Names</i> . Vols. I–VA. Edited by P. M. Fraser, E. Matthews. Oxford, 1987–2009
LN	Louw, J. P., E. A. Nida. <i>Greek-English Lexicon of the New Testament Based on Semantic Domains</i> . New York, 1988
LNTS	Library of New Testament Studies
LSJ	H. G. Liddell, R. Scott, H. S. Jones. <i>A Greek-English Lexicon</i> . Ninth Edition, with revised supplement edited by Peter G. W. Glare. Oxford, 1996.
Luther	Luther-Bibel (1984)
LXX	Septuagint; the LXX texts are taken from the Göttingen Septuaginta
Maj	Majority Text
MAMA	<i>Monumenta Asiae Minoris Antiqua</i>
MBPAR	<i>Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte</i>
MJS	<i>Münsteraner Judaistische Studien</i>
MM	J. H. Moulton, G. Milligan. <i>The Vocabulary of the Greek Testament Illustrated from the Papyri and Other Non-Literary Sources</i> . Grand Rapids, 1982 [1930]
MT	Masoretic Text
Muraoka	T. Muraoka, <i>A Greek-English Lexicon of the Septuagint</i> , Leuven 2009
NA <sup>28</sup>	Nestle-Aland. <i>Novum Testamentum Graece</i> . 28th Revised Edition. Edited by B. Aland, K. Aland, J. Karavidopoulos, C. M. Martini, B. M. Metzger, H. Strutwolf. Stuttgart, 2012
NAC	New American Commentary
NCBC	New Century Bible Commentary
NEAEHL	<i>The New Encyclopedia of Archaeological Excavations in the Holy Land</i> . Edited by E. Stern. Jerusalem and New York, 1993
NET	New English Translation
NICNT	New International Commentary on the New Testament
NIDB	<i>New Interpreter's Dictionary of the Bible</i> . Edited by K. D. Sakenfeld. Nashville, 2006–2009
NIDNTT	<i>The New International Dictionary of New Testament Theology</i> . Edited by C. Brown. Grand Rapids, 1975–1978
NIDOTTE	<i>New International Dictionary of Old Testament Theology and Exegesis</i> . Edited by W. A. VanGemeren. Grand Rapids, 1997
NIGTC	New International Greek Testament Commentary
NIV	New International Version
NJB	New Jerusalem Bible
NLT	New Living Translation
NovT	Novum Testamentum
NovTSup	Novum Testamentum Supplements series
NRSV	New Revised Standard Version
NTA	Neutestamentliche Abhandlungen
NTD	Neues Testament Deutsch

NTOA	Novum Testamentum et Orbis Antiquus
NTS	New Testament Studies
OCD	Oxford Classical Dictionary. Edited by S. Hornblower, A. Spawforth. Fourth Edition. Oxford, 2012
OCT	Oxford Classical Texts
OGIS	Orientalis Graeci Inscriptiones Selectae. Edited by W. Dittenberger. 2 vols. Leipzig 1903–1905
OLA	Orientalia Lovaniensia Analecta
ÖTK	Ökumenischer Taschenbuchkommentar
P. Coll. Youtie	Collectanea Papyrologica: Texts published in Honor of H. C. Youtie. Edited by A. E. Hanson, et al.
P. Oxy.	Oxyrhynchus Papyri. Edited by B. P. Grenfell, A. S. Hunt, et al.
P. Yale	Yale Papyri in the Beinecke Rare Book and Manuscript Library. Edited by J. F. Oates, et al.
PEFQS	Palestine Exploration Fund Quarterly Statement
PEQ	Palestine Exploration Quarterly
PKNT	Papyrologische Kommentare zum Neuen Testament
PNTC	Pillar New Testament Commentary
PSI	Papiri greci e latini. Edited by G. Vitelli, M. Norsa, V. Bartoletti, et al. Florence 1912–2008
QD	Questiones disputatae
RAr	Revue archéologique
RB	Revue Biblique
RdQ	Revue de Qumran
RE	Real-Encyclopädie der classischen Altertumswissenschaft. Edited by A. F. Pauly, G. Wissowa, W. Kroll, K. Mittelhaus, K. Ziegler, H. Gärtner. Stuttgart, 1894–1980
REA	Revue des études anciennes
REB	Revised English Bible
RHDFE	Revue historique de droit français et étranger
RNT	Regensburger Neues Testament
RPP	Religion Past and Present: Encyclopedia of Theology and Religion. Edited by H. D. Betz, D. S. Browning, B. Janowski, E. Jüngel. Leiden, 2007–2013
RRJ	Review of Rabbinic Judaism
RSV	Revised Standard Version
RV	Revised Version
SAG	Studien zur Alten Geschichte
SB	Sammelbuch griechischer Urkunden aus Aegypten. Edited by F. Preisigke, et al.
SBLDS	Society of Biblical Literature Dissertation Series
SCI	Scripta Classica Israelica
SDHI	Studia et Documenta Historiae et Iuris
SEG	Supplementum Epigraphicum Graecum. 55 vols. Edited by J. J. E. Hondius, H. W. Pleket, R. S. Stroud, J. H. M. Strubbe. Leiden, 1923–2010
SFSHJ	South Florida Studies in the History of Judaism
SHAR	Studies in the History and Anthropology of Religion
SJ	Studia Judaica
SJLA	Studies in Judaism in Late Antiquity
SJOT	Scandinavian Journal of the Old Testament
SNTSMS	Society of New Testament Studies Monograph Series
SP	Sacra Pagina



SRG	Schriften zur Rechtsgeschichte
ST	Studia theologica
STDJ	Studies on the Texts of the Desert of Judah
TAM	Tituli Asiae Minoris
TANZ	Texte und Arbeiten zum neutestamentlichen Zeitalter
TDNT	Theological Dictionary of the New Testament. Edited by G. Kittel, G. Friedrich. Grand Rapids, 1964–1976
TDOT	Theological Dictionary of the Old Testament. Edited by G. J. Botterweck, H. Ringgren, H.-J. Fabry. Grand Rapids, 1974–2006
TFPL	Travaux de la Faculté de Philosophie et Lettres, l'Université Libre de Bruxelles
ThHK	Theologischer Handkommentar zum Neuen Testament
TLNT	Theological Lexicon of the New Testament. Edited by C. Spicq. Peabody, 1995
TLOT	Theological Lexicon of the Old Testament. Edited by E. Jenni, C. Westermann. Peabody, 1997
TNIV	Today's New International Version
TNTC	Tyndale New Testament Commentary
TRE	Theologische Realenzyklopädie. Edited by G. Krause, G. Müller. Berlin, 1977–2007
TrJ	Trinity Journal
TynBul	Tyndale Bulletin
VC	Vigiliae Christianae
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
ZB	Züricher Bibel
ZDPV	Zeitschrift des Deutschen Palästina-Vereins
ZNW	Zeitschrift für die neutestamentliche Wissenschaft
ZPE	Zeitschrift für Papyrologie und Epigraphik
ZSSR. RA	Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung
ZTK	Zeitschrift für Theologie und Kirche

The abbreviations of ancient sources follow PATRICK H. ALEXANDER ET AL. *The SBL Handbook of Style: For Ancient Near Eastern, Biblical, and Early Christian Studies*. Peabody: Hendrickson, 1999, and HUBERT CANKI, HELMUTH SCHNEIDER, and MANFRED LANDFESTER, eds. *Brill's New Pauly: Encyclopedia of the Ancient World*. Leiden: Brill, 2002–2010. For abbreviations of papyri see JOHN F. OATES, ROGER S. BAGNALL, ET AL., *Checklist of Greek, Latin, Demotic and Coptic Papyri, Ostraca and Tablets*. <http://scriptorium.lib.duke.edu/papyrus/texts/clist.html> (last updated June 2011); for inscriptions see the abbreviations in *L'Année Philologique*.

## Part 1

# The Jewish Trial before the Sanhedrin

The most important discussion of Jesus' trial in the 20th century by a Jewish author was the study of JEAN JUSTER on the Jews in the Roman Empire. He argued that the Sanhedrin in Jerusalem, the highest Jewish court before A.D. 70, had the right to indict Jews who were accused of capital charges and to execute capital punishment.<sup>1</sup> HANS LIETZMANN, in his *Akademieabhandlung* of 1931 on Jesus' trial, used Juster's conclusions to argue that Mark's depiction of Jesus' trial before the Sanhedrin (Mark 14:55–65) cannot be accepted as historical.<sup>2</sup> Lietzmann believed that if Jesus had indeed been tried by the Sanhedrin and indicted on capital charges, he would have been stoned. Since Jesus was crucified according to Roman law, he was neither tried nor condemned by the Sanhedrin. While skepticism concerning the historicity of a Sanhedrin trial continues to find support, JOSEF BLINZLER,<sup>3</sup> AUGUST STROBEL,<sup>4</sup> RUDOLF PESCH,<sup>5</sup> RAYMOND BROWN,<sup>6</sup> ERIKA HEUSLER,<sup>7</sup> MONIKA

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<sup>1</sup> JEAN JUSTER, *Les Juifs dans l'empire romain. Leur condition juridique, économique et sociale* (2 vols.; Paris: Geuthner, 1914), 2:132–45. EMIL SCHÜRER, *The History of the Jewish People in the Age of Christ (175 B.C. – A.D. 135)* (revised by G. Vermes, F. Millar, M. Black, and M. Goodman; Edinburgh: T & T Clark, 1973–1987), 2:261, argues the same point.

<sup>2</sup> HANS LIETZMANN, *Der Prozess Jesu*, in *Sitzungsberichte der preussischen Akademie der Wissenschaften Nr. XIV* (Berlin: Verlag der Akademie der Wissenschaften in Kommission bei Walter de Gruyter, 1931) = HANS LIETZMANN, *Der Prozess Jesu*, in *Kleine Schriften II* (Texte und Untersuchungen 68; Berlin: Akademie-Verlag, 1958), 251–263.

<sup>3</sup> JOSEF BLINZLER, *Der Prozeß Jesu* (Vierte, erneut revidierte Auflage; orig. 1951; repr., Regensburg: Pustet, 1969); the translation by Isabel and Florence McHugh is based on the shorter 2nd German edition 1951: JOSEF BLINZLER, *The Trial of Jesus* (Cork: Mercier, 1959).

<sup>4</sup> AUGUST STROBEL, *Die Stunde der Wahrheit. Untersuchungen zum Strafverfahren gegen Jesus* (WUNT 21; Tübingen: Mohr Siebeck, 1980).

<sup>5</sup> RUDOLF PESCH, *Das Markusevangelium* (2 vols.; orig. 1976–1977; repr., HThK 2; Freiburg: Herder, 1980), 2:442–43.

<sup>6</sup> RAYMOND E. BROWN, *The Death of the Messiah: From Gethsemane to the Grave. A Commentary on the Passion Narratives in the Four Gospels* (2 vols.; Anchor Bible Reference Library; London: Chapman, 1994), 1:553–60.

<sup>7</sup> ERIKA HEUSLER, *Kapitalprozesse im lukanischen Doppelwerk. Die Verfahren gegen Jesus und Paulus in exegetischer und rechtshistorischer Analyse* (NTA 38; Münster: Aschendorff, 2000), 8–46, 239–43, who argues that Luke 22:66–23:25 corresponds to the *accusatio* in the *ordo* of Roman criminal trials (discussed in *ibid.* 218–38).

SCHUOL<sup>8</sup> and others<sup>9</sup> argue that there was a trial or examination of Jesus by the high priest and the Sanhedrin and that the Jewish authorities share the legal responsibility for Jesus' conviction with Rome. Recent investigations of the legal situation in Roman provinces, in particular in Judea, have suggested that an interrogation of Jesus by the Sanhedrin, convened *ad hoc* by the high priest, is historically plausible when we understand the episode not as a formal trial but as an investigation in which the members of the Sanhedrin had a consultative function.<sup>10</sup> F. WIENACKER suggests that due to the messianic implications of the *sedition* charge, the Roman prefect temporarily yielded the preliminary investigation to the Sanhedrin under Caiaphas, a procedure that neither robbed the sentence and execution of the character of a Roman trial nor called into question the monopoly of Roman capital punishment.<sup>11</sup>

The documents presented in Part 1 have been cited by various scholars as relevant for understanding the Gospel narratives of Jesus' trial / interrogation before the Sanhedrin. The texts are grouped into seven areas: (1) Annas and Caiaphas, the two high priests who were present during Jesus' interrogation by the Sanhedrin; (2) the jurisdiction of the Sanhedrin in the early first century A.D.; (3) capital cases in Jewish law, including stipulations concerning the interrogation of witnesses; (4) interrogation of witnesses; (5) blasphemy in Jewish law; (6) seducers of the people (*mesit, maddiah*) in Jewish law; (7) the charge of sorcery; (8) the abuse of prisoners in Jewish sources; and (9) the transfer of court cases.

## 1.1 Annas and Caiaphas, High Priests

The Gospel accounts of Jesus' interrogation before the transfer to Pilate mention two Jewish leaders: Annas and Caiaphas. Annas is mentioned for the first time in Luke's dating of the ministry of John the Baptist: "In the fifteenth year of the reign of Emperor Tiberius, when Pontius Pilate was governor of

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<sup>8</sup> MONIKA SCHUOL, *Augustus und die Juden. Rechtsstellung und Interessenpolitik der kleinasiatischen Diaspora* (SAG 6; Frankfurt: Antike, 2007), 188–89, 198–99.

<sup>9</sup> Cf. DIETER KRIMPHOVE, "Wir haben ein Gesetz ...!" *Rechtliche Anmerkungen zum Strafverfahren gegen Jesus* (2. völlig bearbeitete Auflage; orig. 1997; repr., *Ius Vivens B: Rechtsgeschichtliche Abhandlungen* 5; Münster / Berlin: LIT, 2006), 37–188.

<sup>10</sup> Cf. GUIDO O. KIRNER, *Straf Gewalt und Provinzialherrschaft. Eine Untersuchung zur Strafgewaltspraxis der römischen Statthalter in Judäa (6–66 n.Chr.)* (SRG 109; Berlin: Duncker & Humblot, 2004), 167–68, 259.

<sup>11</sup> FRANZ WIEACKER, *Römische Rechtsgeschichte. Zweiter Abschnitt: Die Jurisprudenz vom frühen Prinzipat bis zum Ausgang der Antike im weströmischen Reich und die oströmische Rechtswissenschaft bis zur justinianischen Gesetzgebung. Ein Fragment* (ed. J. G. Wolff; HdA X/3.2; München: Beck, 2006), 366 n. 60. Commenting on the killing of Stephen and on Paul's trial in Acts, WIEACKER concludes that these accounts fit reliably into the outlines of what we know about the criminal jurisdiction in the Roman provinces (*ibid.* 367).

Judea, and Herod was ruler of Galilee, and his brother Philip ruler of the region of Ituraea and Trachonitis, and Lysanias ruler of Abilene, during the high priesthood of Annas and Caiaphas, the word of God came to John son of Zechariah in the wilderness” (Luke 3:1–2). John relates that immediately after his arrest, Jesus was taken to Annas: “First they took him to Annas, who was the father-in-law of Caiaphas, the high priest that year” (John 18:13). After the interrogation, during which Jesus refers the high priest to his public teaching, Annas sends Jesus to Caiaphas: “Then Annas sent him bound to Caiaphas the high priest” (John 18:24). Annas is mentioned again by Luke when he describes the interrogation of Peter and John after their arrest in the Temple: “The next day their rulers, elders, and scribes assembled in Jerusalem, with Annas the high priest, Caiaphas, John, and Alexander, and all who were of the high-priestly family” (Acts 4:5–6).

*Annas (Ananus, son of Seth)*

(1) Josephus, *Antiquitates judaicae* 18.26

Κυρίνιος δὲ τὰ Ἀρχελάου χρήματα ἀποδόμενος ἤδη καὶ τῶν ἀποτιμήσεων πέρας ἔχουσῶν αἱ ἐγένοντο τριακοστῶ καὶ ἐβδόμῳ ἔτει μετὰ τὴν Ἀντωνίου ἐν Ἀκτίῳ ἦτταν ὑπὸ Καίσαρος, Ἰωάζαρον τὸν ἀρχιερέα καταστασιασθέντα ὑπὸ τῆς πληθύος ἀφελόμενος τὸ ἀξίωμα τῆς τιμῆς Ἄνανον τὸν Σεθὶ καθίσταται ἀρχιερέα.

*Translation.* After Quirinius had sold the property of Archelaos and when the census, which took place in the thirty-seventh year after Caesar’s victory over Anthony at Actium, had been concluded and Joazar was overpowered by a majority of the people, he (Quirinius) stripped him of the dignity of his office and appointed Ananus, the son of Seth, as high priest.

*Commentary.*<sup>12</sup> Josephus begins Book 18 of *Antiquitates* with the arrival of Quirinius, the new Roman legate of the province of Syria, and his assessment

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<sup>12</sup>The Greek text of Josephus’s works used throughout is that of BENEDIKT NIESE, *Flavii Josephi Opera* (7 vols.; Berlin: Weidmann, 1885–1895). For other text editions and translations cf. SAMUEL ADRIANUS NABER, *Flavii Iosephi Opera Omnia* (6 vols.; BSGRT; Leipzig: Teubner, 1888–1896); H. ST. JOHN THACKERAY / RALPH MARCUS / LOUIS H. FELDMAN, *Josephus* (10 vols.; LCL; Cambridge: Harvard University Press, 1926–1965); OTTO MICHEL and OTTO BAUERNFEIND, *Flavius Josephus, De Bello Judaico. Der jüdische Krieg* (Griechisch und Deutsch. 3 vols.; Darmstadt: Wissenschaftliche Buchgesellschaft, 1959–1969); ÉTIENNE NODET, *Flavius Josèphe. Les Antiquités juives* (4 vols.; Paris: Cerf, 1990–2005); STEVE MASON, *Judean War 2* (Flavius Josephus: Translation and Commentary 1B; Leiden: Brill, 2008); cf. also HEINRICH CLEMENTZ, *Des Flavius Josephus Jüdische Altertümer* (orig. 1899–1923; repr., Wiesbaden: Fourier, 1994); HEINRICH CLEMENTZ, *Flavius*

of property in Judea (18.1–3), followed by an account of the revolt instigated by Judas from Gamala and Zaddok the Pharisee (18.4–10). He then provides a description of the three “philosophies” of the Pharisees, Sadducees, and Essenes and of the “fourth philosophy” established by Judas the Galilean and his followers (18.11–25). Josephus resumes his account of the history of Judea and of Quirinius’ activities in 18.26, noting the liquidation of the estate of Archelaos, the completion of the registration of property in Judea, the deposition of the high priest Joazar who had faced serious opposition by a popular faction, and the appointment of Ananus as high priest. The Annas (“Ἀννας”) mentioned in the New Testament is identical with Ananus (“Ἀνανος”),<sup>13</sup> the high priest mentioned by Josephus, the son of Seth, an unknown member of a leading priestly family. Publius Sulpicius Quirinius was probably proconsul of Creta-Cyrenae in c. 15 B.C., appointed consul in 12 B.C., legate of Galatia-Pamphylia perhaps between 5–3 B.C., then perhaps proconsul of the province of Asia. He accompanied C. Iulius Caesar, Augustus’ adopted son, as tutor on his mission to the East in A.D. 2–3. Shortly thereafter he was appointed governor of Syria. It is unclear how long he remained in Syria. The reference to “the thirty-seventh year” reckons with the Actian era (the battle of Actium took place in September of 31 B.C.), i.e. the census took place in A.D. 6. Quirinius’ funerary inscription has been found in 1764 near Tibur (*titulus Tiburtinus*).<sup>14</sup>

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Josephus, *Geschichte des jüdischen Krieges*. (orig. 1900; repr., Wiesbaden: Fourier, 1984); WILLIAM WHISTON, *The Works of Flavius Josephus* (Complete and Unabridged. Updated ed.; orig. 1737; repr., Peabody: Hendrickson, 1987), based on the inferior text of SIWART HAVERKAMP, *Flavii Josephi quae reperiri potuerunt, opera omnia graece et latine cum notis et nova versione Joannis Hudsoni* (2 vols.; Amsterdam: Wetstenios, 1726). The Greek version of *B. J.* appeared between A.D. 79–81, *A. J.* was published A.D. 93–94.

<sup>13</sup> Annas is the abbreviated form of Ananias (Ἀνανίας), in Hebrew Hananiah (חַנַּנְיָהּ), meaning “Yah[weh] has shown favor”; cf. TAL ILAN, *Lexicon of Jewish Names in Late Antiquity* (TSAJ 91.126.141.148; Tübingen: Mohr Siebeck, 2002–2011), 1:99–102, who lists 39 occurrences of the name. Other Greek transcriptions of the name are Ἀνανος, Ἀνανος, Ἀναν. On Annas cf. JAMES C. VANDERKAMP, *From Joshua to Caiaphas: High Priests After the Exile* (Minneapolis: Fortress, 2004), 420–24; RAINER METZNER, *Die Prominenten im Neuen Testament. Ein prosopographischer Kommentar* (NTOA 66; Göttingen: Vandenhoeck & Ruprecht, 2008), 234–37, 342–43; MARTIN HENGEL / ANNA MARIA SCHWEMER, *Jesus und das Judentum* (Geschichte des frühen Christentums Band I; Tübingen: Mohr Siebeck, 2007), 79–80; RAINER METZNER, *Kaiphäs: der Hohepriester jenes Jahres: Geschichte und Deutung* (Ancient Judaism and early Christianity 75; Leiden: Brill, 2010), 21–26, 61–67, 256–66.

<sup>14</sup> ILS 918 = CIL XIV 3613; cf. VICTOR EHRENBERG and ARNOLD H. M. JONES, *Documents Illustrating the Reigns of Augustus and Tiberius* (Second ed.; orig. 1955; repr., Oxford: Clarendon, 1976), No. 199. P. Sulpicius Quirinus is not mentioned in the text; for the most recent arguments that the inscription ILS 918 refers to Quirinius cf. GEZA ALFÖLDY, *Un celebre frammento epigraphico tiburtino anonimo* (P. Sulpicius Quirinius?), in *Le iscrizioni dei Cristiani in Vaticano* (ed. I. Di Stefano Manzella; *Inscriptiones Sanctae Sedes* 2; Città del Vaticano Roma: Monumenti, Musei e gallerie pontificie Distribuzione esclusiva, Edizioni Quasar, 1997), 199–208; cf. ALEXANDER DEMANDT, ‘Hände in Unschuld’. Pontius Pilatus in der Geschichte (Köln: Böhlau, 1999), 75–76.

Quirinius died in A.D. 21.<sup>15</sup> The next governor of Syria that we have information about is Caecilius Metellus Creticus Silanus (A.D. 12–17).

Josephus connects Ananus' appointment to the events of the year A.D. 6, the thirty-seventh year after 31 B.C., the year when Augustus defeated Mark Anthony in the battle of Actium. Caesar, i.e. the emperor Augustus, deposed Archelaos, son of Herod I, as ethnarch of Judea and sent him into exile in Vienne in Gaul. He ordered Quirinius to assess people's property in a census and to dispose of the property of Archelaos, and he appointed Coponius as prefect of Judea (Josephus, *A. J.* 18.1–2; see No. 11). Ananus succeeded Joazar, son of Boethus, whom Quirinius deposed in response to the activities of a "majority of the people" or "a popular faction" which might have been connected with the nationalist Judas the Galilean (*A. J.* 18.23–25).<sup>16</sup> Annas was thus the first high priest appointed by a Roman governor after the imposition of direct Roman rule in Judea.

EMIL SCHÜRER regarded Josephus as a "preserver of facts."<sup>17</sup> Much has changed in Josephus scholarship since the early 20th century. HORST MOEHRING argued in his 1957 dissertation, on the basis of composition-critical analyses, that Josephus is the author of the works ascribed to him in the true sense of the term: the material in Josephus' works is more or less freely created, with no necessary connection to historical events.<sup>18</sup> PER BILDE's study of Josephus similarly uses composition criticism, with little interest in history, to portray Josephus as a competent author.<sup>19</sup> STEVE MASON believes that composition- and narrative-critical analyses of Josephus have shown that "we have no place to stand that affords traction for getting behind Josephus" because "where we have only one relevant narrative and no other evidence, we cannot hope to produce probable solutions to our historical questions."<sup>20</sup> He argues that "one can no longer use Josephus as a fact-book for NT study."<sup>21</sup> Undeterred, SHAYE COHEN uses

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<sup>15</sup> Cf. WERNER ECK, Sulpicius [II 13] P. S. Quirinius, *BNP* 13 (2008): 939–940; SCHÜRER, *History*, 1:259.

<sup>16</sup> RICHARD A. HORSLEY, High Priests and the Politics of Roman Palestine: A Contextual Analysis of the Evidence in Josephus, *JSJ* 17 (1986): 23–55, 21.

<sup>17</sup> EMIL SCHÜRER, *Geschichte des jüdischen Volkes im Zeitalter Christi* (3 vols. 4. Auflage; Leipzig: Hinrichs, 1901–1911); SCHÜRER, *History*. The phrase "preserver of facts" is from STEVE MASON, Josephus as Authority for First-Century Judea, in *Josephus, Judea, and Christian Origins: Methods and Categories* (Peabody: Hendrickson, 2009), 7–43, 16, who is unnecessarily polemical when he refers to SCHÜRER and "his many followers in the NT-*Umwelt* industry" (*ibid.* 24); cf. STEVE MASON, Josephus and the New Testament, the New Testament and Josephus: An Overview, in *Josephus und das Neue Testament. Wechselseitige Wahrnehmungen* (ed. C. Böttrich and J. Herzer; WUNT 209; Tübingen: Mohr Siebeck, 2007), 15–48, 33. For the following survey cf. STEVE MASON, Contradiction or Counterpoint? Josephus and Historical Method [2003], in *Josephus, Judea, and Christian Origins: Methods and Categories* (Peabody: Hendrickson, 2009), 103–137.

<sup>18</sup> HORST R. MOEHRING, *Novelistic Elements in the Writings of Flavius Josephus* (Chicago: University of Chicago, 1957), 64, 87, 144.

<sup>19</sup> PER BILDE, *Flavius Josephus between Jerusalem and Rome: His Life, his Works and their Importance* (JSPSup 2; Sheffield: JSOT, 1988).

<sup>20</sup> MASON, *Contradiction*, 136, 134; cf. STEVE MASON, *Flavius Josephus on the Pharisees: A Composition-Critical Study* (SPB 39; Leiden: Brill, 1991); STEVE MASON, *Josephus and the New Testament* (Second ed.; Peabody: Hendrickson, 2003), 27–31; MASON, *Authority*.