

THE TRIAL OF JESUS

FROM A LAWYER'S STANDPOINT

BY

WALTER M. CHANDLER

OF THE NEW YORK BAR

VOLUME I

THE HEBREW TRIAL

THE FEDERAL BOOK CO.

120 BROADWAY, NEW YORK CITY

1925

Copyright, 1908, by
WALTER M. CHANDLER

Copyright, 1925, by
WALTER M. CHANDLER

All rights reserved

CONTENTS OF VOLUME ONE

	PAGE
PREFACE TO VOLUME ONE	xiii
THE GOSPEL NARRATIVES	xxx

PART I

THE RECORD OF FACT

AUTHENTICITY OF THE NEW TESTAMENT NARRATIVES, JUDICIALLY CONSIDERED	3
CREDIBILITY OF THE GOSPEL WRITERS, LEGALLY TESTED	9

PART II

HEBREW CRIMINAL LAW

CHAPTER

I. THE MOSAIC CODE AND THE TALMUD	73
II. HEBREW CRIMES AND PUNISHMENTS	91
III. HEBREW COURTS AND JUDGES	102
IV. HEBREW WITNESSES AND EVIDENCE	127
V. MODE OF TRIAL AND EXECUTION IN HEBREW CAPITAL CASES	153

PART III

THE BRIEF

WHETHER OR NOT THE GREAT SANHEDRIN EXISTED AT THE TIME OF CHRIST	175
CONCERNING THE JURISDICTION OF THE GREAT SANHEDRIN, WITH REFERENCE TO ROMAN AUTHORITY, TO TRY CAPITAL OFFENSES AT THE DATE OF THE CRUCIFIXION	181

cient document, purporting to date from the time of Washington and the Revolution, and containing recitals about railways, telegraphs, telephones, and electric lights, would be recognized at once as spurious, because our own experience as well as facts of history would tell us that there were no such things in the days of Washington and the American Revolution. These are simple illustrations of the application of the test of experience in the mental processes of weighing and sifting the testimony of others.

Now, no serious objection to the credibility of the Gospel writers has been made under the test of the conformity of their statements with experience, except in the matter of miracles. It is generally admitted, even by skeptics, that the facts stated in the New Testament narratives might have happened in the due course of nature and in harmony with human experience, except where miracles are related.

A few skeptics have declared that a miracle is an impossibility and that the Evangelists were either deceivers or deceived when they wrote their accounts of the miraculous performances of the Christ; and that, whether deceivers or deceived, they are unworthy of belief. The great antagonist of the theory of miracles among those who assert their impossibility is Spinoza, who has thus written: "A miracle, whether contrary to or above nature, is a sheer absurdity. Nothing happens in nature which does not follow from its laws; these laws extend to all which enters the Divine mind; and, lastly, nature proceeds in a fixed and changeless course—whence it follows that the word 'miracle'

can only be understood in relation to the opinions of mankind, and signifies nothing more than an event, a phenomenon, the cause of which cannot be explained by another familiar instance. . . . I might say, indeed, that a miracle was *that*, the cause of which cannot be explained by our *natural understanding from the known principles of natural things.*"

The radical antagonism of Spinoza to the doctrine of miracles, as taught in the New Testament scriptures, was the legitimate offspring of his peculiar philosophy. He was a pantheist and identified God with nature. He did not believe in a personal God, separate from and superior to nature. He repudiated the theory of a spiritual kingdom having a spiritual sovereign to whom earth and nature are subject and obedient. Therefore, every manifestation of power which he could not identify with a natural force he believed was unreal, if not actually deceptive and fraudulent; since he could not imagine anything superior to nature that could have created the phenomenon. His denial of miracles was, then, really nothing less than a denial of the existence of a personal God who spoke the earth into being in the very beginning; and has since, with a watchful paternal eye, followed its movements and controlled its destiny.

The question of miracles is really a matter of faith and not a problem of science. It is impossible to either prove or disprove the nature of a miracle by physical demonstration. In other words, it is impossible to analyze a miracle from the standpoint of chemistry or

physics. The performance of a miracle, nevertheless, may be proved by ordinary human testimony, as any other event may be proved. We may testify to the fact without being able to understand or to demonstrate the cause.

Those who believe that there are distinct spiritual as well as physical forces in the universe; that there is somewhere an omniscient and omnipotent Spiritual Being who has but to will the creation of a planet or the destruction of matter in order to accomplish the result desired, can easily believe in the exercise of miraculous power. Those who believe the Bible account of the creation, that God said in the beginning, "Let there be light: and there was light"—such persons find no difficulty in believing that Jesus converted water into wine or caused the lame to walk, if they believe that He was this same God "manifest in the flesh." A divinity who, in the morning of creation, spoke something out of nothing, would certainly not be impotent to restore life to Lazarus or sight to the blind Bartimeus.

The trouble with the philosophy of Spinoza is that his own high priestess—Nature—seems to be constantly working miracles under his own definition; and miracles, too, that very closely resemble the wonders said to have been wrought by the Christ. Milk is taken into the stomach, subjected to various processes of digestion, is then thrown into the blood and finally becomes flesh and bone. The ultimate step in this process of transformation is unknown and, perhaps, unknowable to scientists. No deeper mystery is sug-

gested by the New Testament scriptures. The conversion of water into wine is no stranger, no more incomprehensible than the transformation of milk into flesh and bone. It may be admitted that the chemical elements are the same throughout in one process and different in the other. Nevertheless, the results of both are perfectly described by Spinoza's definition, "that a miracle was *that*, the cause of which cannot be explained by our *natural understanding from the known principles of natural things.*"

It may be truthfully remarked that nature is everywhere and at all times working wonders in harmony with and parallel to the miracles wrought by the spiritual forces of the universe. God's sovereign miracle may be described as the changing of a man, with all his sins and imperfections, into a winged spirit, thus fitting him to leave the coarse and vulgar earth for life among the stars. Nature, in her feeble way, tries to imitate the wonder by transforming the caterpillar into a butterfly, thus fitting it to leave the dunghill for life among the flowers.

Spinoza insists that miracles are impossible because "nature proceeds in a fixed and changeless course." But is this really true? Are the laws of nature invariably uniform? Does not nature seem at times tired of uniformity and resolved to rise to liberty by the creation of what we call a miracle, or more vulgarly, a "freak"? Moving in what Spinoza is pleased to call a "fixed and changeless course," nature ordinarily provides a chicken with two legs and a snake with one head. But what about chickens with three legs and

snakes with two heads, such as are frequently seen? Was nature moving in a fixed and changeless course when these things were created? Could Spinoza have explained such phenomena by his "natural understanding from the known principles of natural things"? Would he have contented himself with calling them natural "accidents" or "freaks"? Nevertheless, they are miracles under his definition; and the entire subject must be discussed and debated with reference to some standard or definition of a miracle. If nature occasionally, in moments of sportiveness or digression, upsets her own laws and creates what we call "freaks," why is it unreasonable to suppose that the great God who created nature should not, at times, temporarily suspend the laws which He has made for the government of the universe, or even devote them to strange and novel purposes in the creation of those noble phenomena which we call miracles?

Other skeptics, like Renan, do not deny the possibility of miracles, but simply content themselves with asserting that there is no sufficient proof that such things ever happened. They thus repudiate the testimony of the Evangelists in this regard. "It is not," says Renan, "then, in the name of this or that philosophy, but in the name of universal experience, that we banish miracle from history. We do not say that miracles are impossible. We do say that up to this time a miracle has never been proved." Then the Breton biographer and philosopher gives us his idea of the tests that should be made in order to furnish adequate proof that a miracle has been performed. "If to-

morrow," he says, " a thaumaturgus presents himself with credentials sufficiently important to be discussed and announces himself as able, say, to raise the dead, what would be done? A commission composed of physiologists, physicists, chemists, persons accustomed to historical criticism would be named. This commission would choose a corpse, would assure itself that the death was real, would select a room in which the experiment should be made, would arrange the whole system of precautions, so as to leave no chance of doubt. If, under such conditions, the resurrection were effected, a probability almost equal to certainty would be established. As, however, it ought to be possible always to repeat an experiment—to do over again that which has been done once; and as, in the order of miracle, there can be no question of ease or difficulty, the thaumaturgus would be invited to reproduce his marvelous act under other circumstances, upon other corpses, in another place. If the miracle should succeed each time, two things would be proved: first, that supernatural events happen in the world; second, that the power of producing them belongs or is delegated to certain persons. But who does not see that no miracle ever took place under these conditions? But that always hitherto the thaumaturgus has chosen the subject of the experiment, chosen the spot, chosen the public? " ¹

This is an extract from the celebrated "Life of Jesus" by Renan, and is intended to demolish the Gospel account of the miracles of the Christ. It is not too

¹ "Intro. Vie de Jesus," p. 62.

much to say that the great skeptic has failed to exhibit his usual fairness in argument. He has indirectly compared Jesus to a thaumaturgus, and has inferentially stated that in the performance of His miracles He "chose the subject of his experiment, chose the spot, chose the public." Every student of New Testament history knows that this is not true of the facts and circumstances surrounding the performance of miracles by Christ. It is true that vulgar curiosity and caviling incredulity were not gratified by the presence of specially summoned "physiologists, physicists, and chemists." But it is equally true that such persons were not prevented from being present; that there was no attempt at secrecy or concealment; and that no subject of experiment, particular spot, or special audience was ever chosen. The New Testament miracles were wrought, as a general thing, under the open sky, in the street, by the wayside, on the mountain slope, and in the presence of many people, both friends and enemies of Jesus. There was no searching or advertising for subjects for experiment. Far from choosing the subject, the spot, and the public, Jesus exercised His miraculous powers upon those who came voluntarily to Him suffering with some dreadful malady and asking to be cured. In some instances, the case of affliction was of long standing and well known to the community. The healing was done publicly and witnessed by many people.

Renan suggests that the thaumaturgus mentioned in his illustration would be required to repeat his performance in the matter of raising the dead before he

would be fully believed. This reminds us that Jesus wrought many miracles. More than forty are recorded in the Gospel narratives; and in the closing verse of St. John, there is a strong intimation that He performed many that were never recorded. These, it is respectfully submitted, were amply sufficient to demonstrate His miraculous powers.

Whatever form infidelity may assume in its antagonism to the doctrine of miracles, it will be found that the central idea is that such things are not founded in experience; and that this test of credibility fails in the case of the Gospel writers, because they knowingly recorded impossible events. It would be idle to attempt to depreciate the value of this particular test; but it must be observed that nothing is more fallacious, unless properly defined and limited. It must be remembered that the experience of one man, nation, or generation is not necessarily that of another man, nation, or generation. The exact mechanical processes employed by the Egyptians in raising the pyramids are as much a mystery to modern scientists as a Marconigram would be to a savage of New Guinea. The Orient and the Occident present to each other almost miraculous forms of diversity in manners, habits, and customs, in modes of thought and life. "The Frenchman says, 'I am the best dyer in Europe: nobody can equal me, and nobody can surpass Lyons.' Yet in Cashmere, where the girls make shawls worth \$30,000, they will show him three hundred distinct colors, which he not only cannot make, but cannot even distinguish." Sir Walter Scott, in his "Tales of the

Crusaders," thrillingly describes a meeting between the Turkish Saladin and the English Richard Cœur-de-Lion. Saladin asked Richard to give him an exhibition of his marvelous strength. The Norman monarch picked up an iron bar from the floor of the tent and severed it. The Mahometan crusader was amazed. Richard then asked him what he could do. Saladin replied that he could not pull iron apart like that, but that he could do something equally as wonderful. Thereupon, he took an eider-down pillow from the sofa, and drew his keen, Damascus-tempered blade across it, which caused it to fall into two pieces. Richard cried in astonishment: "This is the black art; it is magic; it is the devil: you cannot cut that which has no resistance!" Here Occidental strength and Oriental magic met and wrought seeming miracles in the presence of each other. In his great lecture on "The Lost Arts," Wendell Phillips says that one George Thompson told him that he saw a man in Calcutta throw a handful of floss silk into the air, and that a Hindoo severed it into pieces with his saber. A Western swordsman could not do this.

Objectors to miracles frequently ask why they are not performed to-day, why we never see them. To which reply may be made that, under Spinoza's definition, miracles are being wrought every day not only by nature, but by man. Why call Edison "the magician" and "the wizard," unless the public believes this? But is it any argument against the miracles of Jesus that similar ones are not seen to-day? Have things not

been done in the past that will never be repeated? We have referred to the pyramids of Egypt and to the lost art involved in their construction. A further illustration may be found in the origin of man. One of two theories is undoubtedly true: that the first man and woman came into the world without being born; or that man and woman are the products of evolution from lower orders of animals. No other theories have ever been advanced as to the origin of the human race. Now, it is certain that modern generations have never experienced either of these things, for all the human beings of to-day were undoubtedly born of other human beings, and it is certain that the process of evolution stopped long ago, since men and women were as perfect physically and mentally four thousand years ago as they are to-day. In other words, the processes which originated man are things of the past, since we have no Garden of Eden experiences to-day, nor is there any universal metamorphosis of monkeys going on. Therefore, to argue that the miracles of Jesus did not happen, because we do not see such things to-day, is to deny the undoubted occurrences of history and developments of human life, because such occurrences and developments are no longer familiar to us and our generation.

To denounce everything as false that we have not individually seen, heard, and felt, would be to limit most painfully the range of the mental vision. The intellectual horizon would not be greatly extended should we join with our own the experience of others that we have seen and known. Much information is reported

by telegraphic despatch and many things are told us by travelers that we should accept as true; although such matters may have no relation to what we have ever seen or heard. Else, we should be as foolish as the king of Siam who rejected the story of the Dutch ambassador, that in Holland water was frequently frozen into a solid mass. In the warm climate of the East Indian tropics the king had never seen water so congealed and, therefore, he refused to believe that such a thing had ever happened anywhere.

Experience is a most logical and reasonable test if it is sufficiently extended to touch all the material phases of the subject under investigation. It is a most dangerous one if we insist upon judging the material and spiritual universe, with its infinite variety of forms and changes, by the limited experience of a simple and isolated life, or by the particular standards of any one age or race. A progressive civilization, under such an application of the test, would be impossible, since each generation of men would have to begin *de novo*, and be restricted to the results of its own experience. The enforcement of such a doctrine would prevent, furthermore, the acceptance of the truths of nature discovered by inventive genius or developed by physical or chemical research, until such truths had become matters of universal experience. Every man would then be in the position of the incredulous citizen who, having been told that a message had been sent by wire from Baltimore to Washington announcing the nomination of James K. Polk for the presidency, refused to believe in telegraphic messages until

he could be at both ends of the line at once. The art of telegraphy was a reality, nevertheless, in spite of his incredulity and inexperience. The American savages who first beheld the ships of Columbus are said to have regarded them as huge birds from heaven and to have refused to believe that they were boats, because, in their experience, they had never seen such immense canoes with wings. Herodotus tells us of some daring sailors who crept along the coast of Africa beyond the limits usually visited at that time. They came back home with a wonderful account of their trip and told the story that they had actually reached a country where their shadows fell toward the south at midday. They were not believed, and their report was rejected with scorn and incredulity by the inhabitants of the Mediterranean coasts, because their only experience was that a man's shadow always pointed toward the north; and they did not believe it possible that shadows could be cast otherwise. But the report of the sailors was true, nevertheless.¹

These simple illustrations teach us that beings other than ourselves have had experiences which are not only different from any that we have ever had, but are also either temporarily or permanently beyond our comprehension. And the moral of this truth, when applied to the statements of the Evangelists regarding miracles, is that the fortunate subjects and witnesses of the miraculous powers of Jesus might have had experiences which we have never had and that we cannot now clearly comprehend.

¹ D. L. Moody, "Sermon on the Resurrection of Jesus."