

DARRELL L. BOCK

Blasphemy and Exaltation  
in Judaism and the  
Final Examination of Jesus

*Wissenschaftliche Untersuchungen  
zum Neuen Testament 2. Reihe*

106

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Mohr Siebeck

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Herausgegeben von  
Martin Hengel und Otfried Hofius

106





Darrell L. Bock

# Blasphemy and Exaltation in Judaism and the Final Examination of Jesus

A Philological-Historical Study  
of the Key Jewish Themes Impacting  
Mark 14:61-64

Mohr Siebeck

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## Preface

This monograph presents my study of an event that has long fascinated me. My previous labors in Luke's use of the Hebrew Scriptures in the New Testament revealed that Jesus' examination by the Jewish leadership played a central role in the evangelists' representations of Jesus. I have always wanted to take a closer look. My research took place at the Eberhard-Karls-Universität Tübingen during my sabbatical in 1995-96. Notes of gratitude are appropriate, as such an endeavor is never a soliloquy.

I thank the Dallas Theological Seminary for granting me a year's absence to pursue this study. Special mention goes to Hall Harris and Harold Hoehner, who regularly kept in touch about my progress by email, keeping up with me from thousands of miles away. Such collegiality is most appreciated. In addition, my graduate assistants, Greg Herrick and James Davis, read the entire manuscript and engaged in fruitful reflection about the topic. Greg also converted my files into the proper computer format. Finally, I wish to thank those who gave helpful comment to earlier portions of this work: David Capes, Bruce Chilton, Craig Evans, Larry Hurtado, and Carey Newman. Their feedback improved the study. Whatever shortcomings remain are mine.

I extend heartfelt thanks to the German government and to the Alexander von Humboldt Stiftung, whose generosity helped to underwrite my research and allowed my family to accompany me. It is rare to find countries that value the serious study of the humanities as the Bundesrepublik Deutschland does. Doing research in a different culture with people who are serious about the pursuit of genuine interaction in their field has been a privilege. The Humboldt program's vision for international cooperation and interaction in education is worthy not only of commendation but emulation. Special mention must be made of Julianne Brenner and Cäcilia Nauderer, who handled all the details of our stay for the Stiftung with grace and promptness.

I thank my host university at Tübingen and the faculty and staff at the Institut für antikes Judentum und hellenistische Religionsgeschichte. Prof. Hermann Lichtenberger and his support staff made me feel welcome and provided all the assistance I needed. Dr. Friedrich AveMarie not only gave me my original tour of the campus but also generously helped me locate resources when I was mired deep in Jewish source material.

When it comes to kindness, a special place must be given to my Humboldt hosts, Prof. Dr. Martin Hengel and Prof. Dr. Otto Betz. Both interacted with this work in its roughest form. Prof. Betz consistently encouraged me through

his well-known English language colloquium. Prof. Hengel met with me on several occasions to discuss the study's progress step by step. His suggestions opened new avenues for reflection. His and Frau Hengel's concern was that our family would have a good experience. Their desire bore fruit because they were hosts in every sense. To say thank you does not say enough.

I also must note our German friends in Neckartailfingen, the village where we lived. The Werths, Brauns, Rehms, and Canals kept a considerate eye on us answering all the questions a different cultural experience raises. The teaching staff of the local Gymnasium in Neckartenzlingen and most especially the Sportverein of Neckarhausen/Neckartailfingen made sure our three children not only remained busy but well educated. My son experienced the beauty of engaging in competitive Fußball as only the Germans play it. Our fellowship community at the International Baptist Church of Stuttgart also made certain that we never felt too isolated. I thank them all.

A note of appreciation must also go to my family. My wife, Sally, was willing to repeat a journey to Germany that called on her to take classes in a foreign language, returning to the classroom again after twenty years. My three teenage children, Elisa, Lara, and Stephen deserve special credit because they left friends and functioned in a new culture for a year.

This work is dedicated to a German lady who helped raise me, Greta Hock. She came to our family in Canada from Mannheim in 1953, having lost her husband to a sniper during World War II. She remained an adopted family member since the time I was born. In the middle of our sabbatical in Germany she suffered two major heart attacks, but managed to survive a quadruple bypass at the tender age of eighty-three. Her survival was a special testimony of God's grace. This dedication is especially appropriate because I grew up listening to her stories about German life, including her accounts of living through two world wars. She sparked my initial interest in this part of the world. What better symbol of appreciation could there be to her for her life of love and service than to dedicate to her the work I was able to do in her home country. I believe such a dedication represents the very kind of relationship and reconciliation the Humboldt scholarships were designed to foster.

Darrell L. Bock  
Neckartailfingen, Germany  
June 19, 1996

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## Abbreviations

For biblical and extra-biblical books, standard abbreviations are used.

AB	The Anchor Bible
ABRL	The Anchor Bible Reference Library
AGAJU	Arbeiten zur Geschichte des Antiken Judentums und des Urchristentums
AHAW	Abhandlungen der Heidelberger Akademie der Wissenschaften Philosophisch- historische Klasse
ANRW	<i>Aufstieg und Niedergang der Römischen Welt</i>
Apoc	Apocrypha
ArB	The Aramaic Bible
ATD	Altes Testament Deutsch
b	<i>Babylonian Talmud</i>
BBR	<i>Bulletin for Biblical Research</i>
BECNT	Baker Exegetical Commentary on the New Testament
Bib	<i>Biblica</i>
BIS	Biblical Interpretation Series
BJS	Brown Judaic Studies
BZNW	Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft
BZRG	Beihefte der Zeitschrift für Religions- und Geistesgeschichte
CBQMS	Catholic Biblical Quarterly Monograph Series
CBSC	Cambridge Bible for Schools and Colleges
CRINT	Compendia Rerum Iudaicarum ad Novum Testamentum
CSHJ	Chicago Studies on the History of Judaism
DJDJ	Discoveries in the Judean Desert of Jordan
FB	Forschung zur Bibel
FZPT	<i>Freiburger Zeitschrift für Philosophie und Theologie</i>
GCS	Die Griechischen Christlichen Schriftsteller der ersten drei Jahrhunderte
H	Jerome's Vulgate

Herm	Hermenia- A Critical and Historical Commentary on the Bible
HKNT	Herders theologischer Kommentar zum Neuen Testament
HT	Hebrew term
ICS	<i>Illinois Classical Studies</i>
JC	<i>Judaica et Christiana</i>
JJS	<i>Journal of Jewish Studies</i>
JQR	<i>Jewish Quarterly Review</i>
JSHRZ	Jüdische Schriften aus hellenistisch-römischer Zeit
JSNT	<i>Journal for the Study of the New Testament</i>
JSPS	Journal for the Study of the Pseudepigrapha Supplement Series
JStJud	<i>Journal for the Study of Judaism</i>
JTS	<i>Journal of Theological Studies</i>
K	Kethiv
KTVU	Kleine Texte für Vorlesungen und Übungen
LSJ	Liddell-Scott-Jones Lexicon (1940 ed.)
LXX	Septuagint
m	<i>Mishnah</i>
MM	Moulton-Milligan, <i>The Vocabulary of the Greek Testament</i> (1930 ed.)
MT	Massoretic Text
NCC	New Century Commentary
NovT	<i>Novum Testamentum</i>
NTOA	Novum Testamentum et Orbis Antiquus
NTS	<i>New Testament Studies</i>
OTL	Old Testament Library
OTP	<i>The Old Testament Pseudepigraphy</i>
p	<i>Palestinian Talmud</i>
PN	Passion Narrative
Q	Qere
RAC	Reallexicon für Antike und Christentum (ed. Ernst Dassmann)
RB	<i>Revue Biblique</i>
RBen	<i>Revue Bénédictine</i>

RQ	<i>Römische Quartalschrift für Christliche Altertumskunde und Kirchengeschichte</i>
RSR	<i>Recherches de science religieuse</i>
RT	Rabbinische Texte
SBLDS	Society of Biblical Literature Dissertation Series
SBLMS	Society of Biblical Literature Monograph Series
S-B	Strack/Billerbeck's <i>Kommentar zum Neuen Testament aus Talmud und Midrasch</i>
SHR	Studies in the History of Religion: Supplements to <i>NUMEN</i> -Religions in Antiquity
SJ	<i>Studia Judaica: Forschungen zur Wissenschaft des Judentums</i>
SJLA	Studies in Judaism in Late Antiquity
SNovT	Supplements to <i>Novum Testamentum</i>
SPAW	<i>Sitzungsberichte der (königlichen) Preussischen Akademie der Wissenschaft</i>
SPB	<i>Studia Post Biblica</i>
StUNT	Studien zur Umwelt des Neuen Testaments
SVTP	<i>Studia in Veteris Testamenti Pseudepigrapha</i>
TANZ	Texte und Arbeiten zum neutestamentlichen Zeitalter
TDNT	<i>Theological Dictionary of the New Testament</i> , eds. G. Kittel and G. Friedrich (10 vols.; 1964-76)
TLI	<i>The Talmud of the Land of Israel</i> (ed., J. Neusner), vol. no. follows (35 vols.)
TSAJ	Texte und Studien zum Antiken Judentum
TWAT	<i>Theologisches Wörterbuch zum Alten Testament</i> , eds. G. J. Botterweck and H. Ringgren; 7 vols., 1970-)
TU	<i>Texte und Untersuchungen zur Geschichte der altchristlichen Literatur</i>
TynB	<i>Tyndale Bulletin</i>
ÜTY	Übersetzung des Talmud Yerushalmi (= Der Jerusalemer Talmud in deutscher Übersetzung)
VT	<i>Vetus Testamentum</i>
WBC	Word Biblical Commentary
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
x	times (with a numeral in word counts)
YJS	<i>Yale Judaica Series</i>
ZNW	<i>Zeitschrift für die Neutestamentliche Wissenschaft</i>

## Introduction

Mark 14:61 πάλιν ὁ ἀρχιερεὺς ἐπηρώτα αὐτὸν καὶ λέγει αὐτῷ· σὺ εἶ ὁ χριστὸς ὁ οὐρανοῦ τοῦ εὐλογητοῦ; 14:62 ὁ δὲ Ἰησοῦς εἶπεν· ἔγώ εἰμι, καὶ ὅψεσθε τὸν οὐρανὸν ἐκ δεξιῶν καθήμενον τῆς δυνάμεως καὶ ἐρχόμενον μετὰ τῶν νεφελῶν τοῦ οὐρανοῦ. 14:63 ὁ δὲ ἀρχιερεὺς διαρρήξας τοὺς χιτῶνας αὐτοῦ λέγει· τί ἔτι χρείαν ἔχομεν μαρτύρων; 14:64 ἤκουσατε τῆς βλασphemίας· τί ὑμῖν φαίνεται; οἱ δὲ πάντες κατέκριναν αὐτὸν ἔνοχον εἶναι θανάτου.

These words allegedly report one of the most significant cross-examinations in legal and religious history. According to the evangelist Mark, the key question is, “Are you the Christ, the Son of the Blessed One?” It comes from the Jewish high priest, who Mt 26:57 tells us is Caiaphas. Before this leading Jewish figure stands a popular but strongly controversial Jewish Galilean teacher, Jesus. He comes from a small village named Nazareth.

Jesus’ reply in response to this query started the decisive stage to the most famous crucifixion ever performed. Jesus’ subsequent death and the events that followed it launched the Christian church and produced a split within Judaism that produced a history of tension between the old and new religion.

The key conflict of the scene centers around the leadership’s perception that blasphemy took place because Jesus claims that he will be exalted to God’s right hand and come on the clouds. Three questions dominate this study. Why would such a claim for exaltation be considered worthy of death to the Jewish leadership? How did the early church, as represented by Mark, portray the nature of the disagreement that led to this execution? Could such an account credibly reflect the original examination scene, revealing to us the gap of perception that existed between Jesus and the Jewish leadership?

The Jewish examination of Jesus has been studied for centuries. It has even been visually memorialized in epic paintings like the “Christ before the High Priest” by Gerrit van Honthorst (c. 1617). In this powerful portrayal one bright candle illuminates the face of the high priest as he asks Jesus if he is the Christ, and the same light shows a cynically pensive Jesus waiting to give his dramatic reply. The painting, which resides in the National Gallery of London, artistically depicts the moment that blasphemy and exaltation became united in a conflict of opinion that has been alight ever since. Yet surprisingly no comprehensive study of this event presents a focused consideration of the Jewish background to the two major conflicting themes

that Jesus' reply raises, namely, blasphemy and exaltation. It is time to fill this gap. Renewed attention on the value of Jewish materials for New Testament study, the extent of such material now made more widely available, and a fresh direction in the history of religion's approach to Jesus studies make the time ripe for such a study. The Marcan pericope of the examination scene raises many issues. However, this study is concerned only with the philological and religious-historical background of the high priest's question and Jesus' reply — a reply that led the high priest to tear his garments and proclaim that Jesus had uttered a blasphemy that was worthy of death. Other issues will surface and be examined, but only as they help us identify what Mark was trying to say in this portion of his presentation and whether that presentation ultimately has roots in the religious-cultural context of Jesus' life. In an era when many New Testament studies are moving away from careful philological-historical study in the earliest, most relevant sources, it is important to see if such a study still has merit. Can such a study help us understand an important and extremely controversial text better? In an era when literary readings are on the rise, should we give up on what historical study can teach us? Though I welcome the new tread as helpful, it is not advisable to ignore questions of history, especially as a new wave of research is opening up fresh avenues in these disciplines as well.

As we shall see, those who have studied this text have challenged this report's historicity, because Jesus did not commit the crime of blasphemy as it is outlined in the *Mishnah*. Jesus apparently did not utter the divine name in an offensive way that would have invoked the penalty mentioned in *m Sanh* 7.5: "The blasphemer is not culpable unless he pronounces the Name itself." This narrow definition of blasphemy, clearly attested as well in the later Jewish material, has raised the question whether this report of Jesus' trial fits the historical-cultural background it portrays, rather than being a piece of early church rhetoric and propaganda.<sup>1</sup>

So key questions surround this account. What was Mark trying to say? Can we know what might have really happened? Only a comprehensive survey of blasphemy in Judaism can answer the question whether a broader definition

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<sup>1</sup> For a recent declaration that the Marcan Jewish examination evening scene "derives from a Christian hand" and is, in fact, "a kind of christological compendium," see Simon Léglasse, *The Trial of Jesus* (London: SCM Press, 1997), p. 41. He concludes, "there is little in this narrative which can be said to have a historical origin." Rather, he says, "Jesus' reply is none other than the confession of faith of the first Christians." Léglasse, typical of discussions of this text, emphasizes the confession as the Son of God and does no historical work of any detail. He says, "this dialogue is Christian; it is an *ad hoc* composition aimed at bringing out the mystery of Christ the Son of God, uniting in his person the glory of the divinity and a destiny which consigns him to suffering and death." I shall examine this kind of reading of Mark in chapter 4.

or expression of blasphemy existed in the first century. Could Jews see other types of utterances, claims, or acts as blasphemous? The second chapter of this study focuses on this specific issue after the first chapter considers recent views about the nature of the blasphemy at the examination of Jesus as portrayed by Mark. This survey of the discussion of the Marcan text in this century raises the question whether a consensus is starting to emerge about where the crucial and controversial part of the reply in Mark.

Jesus' reply centers in a claim to be seated at the right hand of power and to return as a figure that rides the clouds. The response evokes exaltation imagery that also needs careful study. Though Judaism was not united on this concept, almost all strands of this ancient religion wrestled with these questions. In Jewish thinking, who gets exalted into directly God's presence and how were such exaltations viewed? Here is the focus of the third chapter. Both human agents and angelic figures will be considered to see how often one is said to sit next to God. How common is it for these figures to be able to go directly into his presence? How long do they stay? What are they said to be doing when they are there? These questions put Jesus' reply and claims into a cultural context where the emotive force of his response can be appreciated. Such study also allows us to assess its potential uniqueness.

The fourth chapter returns to the examination scene to see if this cultural background helps to define the nature of the blasphemy charge from a Jewish point of view. Our first goal is to understand the event as Mark has presented it and to treat some of the fundamental historical-legal questions his description of events has raised. The issue of possible sources for his report also needs consideration. Next the nature of the blasphemy charge will be treated. Can we define as precisely as possible what concerns stood at the base of the charge? Is there a case for the scene's authenticity? Does the description of the trial possess historical credibility? Five aspects of objection to the scene not already covered will conclude the final part of the chapter.

The study of ancient events is an elusive affair. First, often it is the case that written sources are few. Second, the events often are recorded in texts some distance in time from the original events. Third, sometimes the report involves a language different from the events themselves, with only one side's perspective being present. All of these limitations apply to Jesus' examination as presented by Mark. Nonetheless, the best starting place for such study is to consider the historical evidence and cultural perspective(s) reflected in the documentary sources. This study concentrates on the Jewish understanding of blasphemy and exaltation. It is one way to see how the perspective and report of a Christian document compares to a Jewish perspective. For this reason, other Christian documents are excluded from consideration when it comes to

the major issues of blasphemy and exaltation.<sup>2</sup> Every effort is made to pay attention to terminology, to date the documents cited and to detail the internal differences between the views raised. If the study of Judaism in the last half-century has taught us anything, it is that first century Judaism was a complex, multi-faceted entity. Some of these conflicts surface in the differing perspectives these Jewish documents reveal on both blasphemy and exaltation. Nonetheless, a certain consistency emerges in these two themes that can illuminate our understanding of this event. That consistency explains what issues drove the response to Jesus that emerged.

The question of who Jesus is and who he claimed to be has been of significance for two millennia, but such a question was never as important as it was in this examination before the Jewish leadership. The question will surely continue to be examined, as it ought to be, given its historical significance. But, it is always valuable to consider the roots of such an event and to know what claims may have led to such a historic parting of the ways. At the least, this study seeks to understand how one Christian evangelist, namely Mark, understood the nature of the disagreement and whether his portrayal makes sense in the cultural setting of the trial. Is it possible that this text gives insight into what ultimately led to this most famous of executions?

In sum, our pursuit of the understanding of this crucial event can be reduced to one question: What can the Jewish views of blasphemy and exaltation tell us about the Jewish examination of Jesus as presented by Mk 14:61-64? I believe that careful historical-cultural study of this background tells us a great deal about what originally brought about the theological separation of Christians from Judaism, providing a far more illuminating portrait of the nature of this event than even the most moving of paintings on the subject.

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<sup>2</sup>The exclusion of Christian material in the chapters on the Jewish background to blasphemy and exaltation is purposeful. Though the earliest Christianity still saw itself as Jewish, the evaluation of the trial scene's cultural background with regard to blasphemy and exaltation should not be overly colored by evidence that is already touched by potentially earlier, similar disputes over Jesus' identity.

## Chapter I

# The Charge of Blasphemy in Mark 14:53-65: Recent Interpretation and a Move Toward Consensus

### 1. Out of Many Questions, One

Surely one of the most discussed texts concerning the life of Jesus is Mk 14:53-65, where Jesus comes before the Jewish leadership for examination. It also is a potentially important text. This event, if nailed down historically, would provide great insight into why Jesus was crucified and the nature of the controversy surrounding his ministry and mission. As a result, much energy has been expended on the careful analysis of this one scene.

A thorough examination of this text's history of interpretation, just in this century alone, would show that many questions swirl around the account. In fact, a consideration of this passage demands that at least fifteen major questions be answered. 1) What was the nature of the blasphemy portrayed in this scene? 2) Was the meeting a trial or an examination? 3) Did the Jews have authority over capital cases? 4) Was there a Sanhedrin then? 5) What would the examination procedures have been? 6) Could there have been an evening examination so close to a feast day and as part of an investigation of a capital offense? 7) Were there one or two trials (evening/morning)? 8) Where would it have met? 9) Who could have served as the transmission chain for what happened at such a meeting? 10) Would Jesus have made the Son of Man remark as reported on the occasion? 11) Is the account Mark's creation or rooted in genuine tradition? 12) Does "the temple to Messiah" movement in the questions make any sense? 13) What was the nature of the false testimony, since Jesus did discuss the fall and rebuilding of the temple? 14) What is the connection of the blasphemy verdict to the charges eventually brought before Pilate? 15) Does the major historical information for this scene, if it exists, come only from Mark's account?

Just reading the list of questions the passage raises is intimidating, since each question has its own set of additional sub-questions, some of which demand careful searching of ancient materials that are not always full of detail about the secrets being pursued. The goal of this study is quite modest in the face of this array of queries. I wish to focus on the first question in the list,

that is, the nature of Jesus' blasphemy. I seek to cover a representative sample of the significant studies of the question made since the scene received its most thoroughgoing critique at the hands of Hans Lietzmann in 1931.<sup>1</sup>

I begin with the blasphemy question, since in some ways this question is the most central one raised by the scene, regardless of how we view its historical character. If every other question in this list could be answered, and yet we could not find the answer to the nature of Jesus' blasphemy, a major key to the subsequent passion events would still be missing.

To look at the answers offered for the nature of the blasphemy, we will inevitably find ourselves running into several of the other questions the passage raises, but the studies I examine in this historical overview are chosen because of how they treat the blasphemy question and the steps they take to resolve it or treat it as insoluble. A careful, similar study of the question by David Catchpole in 1965 noted that five solutions had been proposed for the blasphemy.<sup>2</sup> Our examination will concentrate on the period since Catchpole's work, supplementing it and attempting to show that the discussion has been largely narrowed down to variations on two of the categories he raised. They are: 1) Jesus' discussion of the temple, and 2) Jesus' claim about the Son of Man seated at God's right hand and returning on the clouds, with its combined allusion to Ps 110:1 and Dan 7:13.

Lietzmann is the starting point for our study because his 1931 study largely dictated the discussion of this scene for almost fifty years. It is only in the last decade or so that the discussion has emerged from his shadow.<sup>3</sup> In fact, an element of consensus is surfacing from more recent study that may represent one of the more significant achievements of the so-called "Third Quest" for the historical Jesus. Nevertheless, our survey will show that this consensus still needs development when it comes to the historical background of blasphemy in Judaism. I will proceed one study at a time, making the significant assessments and connections along the way.

<sup>1</sup>Hans Lietzmann, "Der Prozeß Jesu," SPAW 14 (1931). This short twelve page study has had an influence that far surpasses its brevity.

<sup>2</sup>David R. Catchpole, "'You Have Heard His Blasphemy,' TynB 16 (1965):10-18. The data in this article reappears in his comprehensive study, *The Trial of Jesus: A Study in the Gospels and Jewish Historiography from 1770 to the Present Day*, SPB 18 (Leiden: E. J. Brill, 1971). The five options he noted were: 1) the claim to be Messiah, 2) the claim to be the Son of God, 3) the word against the temple, 4) the use of the divine Name in Jesus' "I am" reply in Mark, and 5) the claim to sit at God's right hand.

<sup>3</sup> Since I am focusing on this century, two studies need noting as falling before Lietzmann's work but as making a contribution to this discussion, as the subsequent allusions to them will show. They are Jean Juster, *Les Juifs dans l'empire Romain: Leur condition juridique, économique et sociale*, 2 vols. (Paris: Geuthner, 1914), which raised many of the historical challenges that Lietzmann noted seventeen years later, and the 1926 discussion of blasphemy by Paul Billerbeck in S-B, vol. 1, pp. 1007-19. Billerbeck's summary is still one of the best brief discussions of blasphemy from a Jewish perspective in print.

## 2. Hans Lietzmann, “Der Prozeß Jesu” (1931)

This powerful little study was a serious attempt to bring Jewish backgrounds into the discussion of the scene in a way that also raised serious questions about the Marcan scene’s credibility. Lietzmann’s study alternately defended and challenged the historicity of aspects of the gospel accounts’ portrayal of certain passion events, especially as presented in Mark. He argued that Mark’s account of Peter’s denials is historical, rooted in Peter’s memory, but suggested that one can divide up the trial scene into constructed units that give evidence of its creative Marcan character. He then made the case that this “stitched together character” is corroborated by a consideration of the historical evidence that comes from a list compiled by Juster. He argued, using six Jewish examples taken mainly from Josephus, that the Sanhedrin had the right to capital punishment. The examples are: 1) the execution of James (Josephus, *Ant* 20.200), 2) the execution of Stephen (Acts 6:12 — 7:60), 3) the right to slay Gentiles who come into the temple (citing Josephus, *JW* 6.124, though the relevant portion is 6.124-28); 4) the execution by burning of Jewish priest’s daughter who committed adultery (*m Sanh* 7.2, a text that also accuses the Sadducees of not having right knowledge in doing what they did, and *b Sanh* 52b), 5) a theoretical discussion of the execution of any priest — even a high priest — if he goes into the Holy Place (Philo, *Embassy to Gaius* 307 has Agrippa II’s letter to Caligula explaining the law as a protest against hanging Roman shields there) and 6) the Essene practice of executing blasphemers (Josephus, *JW* 2.145). These texts appeared to many to give some merit to Lietzmann’s case.

For Lietzmann, Mark is the only source for gospel trial accounts, a position that should not be surprising given the recent emergence of the Two Source hypothesis as the prevailing solution to the Synoptic problem. He saw Peter as responsible for the Passion Narrative (henceforth PN) up to the Jewish trial scene, but Mark created the Jewish trial, as is seen by the fact that Jesus is not executed by stoning (the Jewish custom according to Lev 24:10-16), but by crucifixion. Since the Jews had authority to issue death sentences (as the six examples noted above show), the presence of a crucifixion shows that Rome, not the Jewish leadership, was responsible for Jesus’ execution. Lietzmann’s position represented a repudiation of Jn 18:31, that the Jews did not possess authority to issue a guilty verdict for a capital crime and then administer the execution. Lietzmann argued that since the Jews possessed this authority, had they held a trial and issued the death sentence, stoning would have resulted. So the fact of crucifixion stood against a Jewish trial.<sup>4</sup> For Lietzmann, the PN

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<sup>4</sup>As we shall see, Paul Winter, *On the Trial of Jesus*, 2d rev. ed., SJ 1 (Berlin: DeGruyter, 1974), developed this approach and argued that any Jewish response was the result of Roman pressure. The first edition appeared in 1961, while many of the essays appeared in 1959.

is religious poetry. Historically, the Jews arrested Jesus but gave him over to Rome. The movement to the cross from the Jewish trial scene is formed from the OT and has parallels with the trial before Pilate and the scene of Stephen's martyrdom. In fact, the blasphemy question by the high priest in the scene is not Jewish, nor is Jesus' reply believable as blasphemy. Had Jesus spoken in this way, it would have been detested as senseless fantasy and as pernicious superstition, but not as blasphemy. Here is what Lietzmann says about the blasphemy remark as it appears in Mark:

Auf diese Messiasfrage gibt Jesus eine bejahende Antwort: diese erklärt der Hohepriester für eine qualifizierte Gotteslästerung, die ipso facto die Verurteilung zum Tode begründe, und das Synedrion beschließt demgemäß. Auch hier stehen wir vor einem Rätsel: denn es ist völlig unverständlich, worin die Lästerung bestehen soll, zumal wenn man weiß, wie nachdrücklich die Rabbinen der Mischna das Aussprechen des göttlichen Namens bei der Lästerung als Voraussetzung der Verurteilung fordern [(m Sanh. 7.5)]. Und Jesus sagt hier weiter nichts als: "Ich bin es, und ihr werdet sehen den Menschensohn zur rechten der Kraft sitzen und kommen mit den Wolken des Himmels." Das mochte man als wahnsinnige Phantasie verabscheuen, als volksverderblichen Aberglauben bekämpfen, aber eine Lästerung war es nicht—selbst der Name Gottes, die Bezeichnung "Gott", war mit jüdischer Korrektheit in der Antwort Jesu ebenso vermieden wie in der Frage des Hohenpriesters. So bleibt die Geschichte an ihrem entscheidenden Punkte lückenhaft, wenn man sie als eine auch nur annähernd getreue Wiedergabe eines historischen Vorgangs zu begreifen versucht.<sup>5</sup>

Here the problem of the nature of the blasphemy is introduced in as clear a form as possible. If, as the Mishnah says, one must pronounce the Divine Name to blaspheme, then where is Jesus' blasphemy in this scene? This fundamental question about the blasphemy would bedazzle many interpreters of this scene for years to come, while others would simply see the discrepancy as telling evidence of the scene's creation by Mark. As noted above, much of Lietzmann's work actually parallels a 1914 work by a French lawyer, Jean Juster (*Les Juifs dans l'empire Romain*). Lietzmann's six examples of possible Jewish authority for execution would become a major feature of future discussion, as debate swirled over whether Rome or Jerusalem was responsible for Jesus' death.

At this point, proceeding chronologically through the interpretive history gets difficult. Blinzler's study was issued in various editions, but his most comprehensive edition came in 1969.<sup>6</sup> Meanwhile Paul Winter was writing a series of essays that finally came together in a book in 1961 and was released

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<sup>5</sup>Lietzmann, "Der Prozeß Jesu," SPAW 14 (1931), p. 6.

<sup>6</sup>Josef Blinzler, *Der Prozess Jesu*, 4th ed. (Regensburg: Verlag Friedrich Pustet, 1969). A reworked second edition was released in 1961, while the original, much shorter study, goes back to 1951.

in a second edition in 1974 (see n. 4 above). So Blinzler and Winter interact with each other. We will discuss Winter before Blinzler because Blinzler's fourth edition, which regrettably has never been translated into English, is the fullest statement of his views and provides the fullest interaction on the issues.<sup>7</sup> This order also has the advantage of showing Lietzmann's continued influence as Winter is basically an elaboration of the direction Lietzmann began.

### 3. Paul Winter, *On the Trial of Jesus* (1961 and 1974)

This work represents a collection of studies on the trial of Jesus that argued for a reduced amount of Jewish responsibility in the events that led to the condemnation of Jesus. Studies include: discussion of the meeting place of the Sanhedrin and Mark's nocturnal session, identity of the High Priest (an attempt to argue that the gospels did not know who the involved High Priest was), the arrest (argued for a basically Roman arrest), Pilate in history and in Christian tradition, the penalty of crucifixion (the Jews never used crucifixion as a capital punishment), and Jewish death penalties (how strangulation came to be noted as a form of execution). Winter argued that the Jews did have authority to execute, so he challenged Jn 18:31-32, as Lietzmann had done. He also questioned the Paschal amnesty and Barabbas scene (the privilege was a figment of the imagination and Barabbas was involved but not clear how and in what way). The other details of his studies fall outside our scope.

The claim that the Jews did not execute by crucifixion during the Roman rule is important and we shall return to it later. But it needs to be remembered that it is one thing to say the Jews did not execute by crucifixion and another to consider whether they could pass on some of their felons to Rome for crucifixion. The possibility of such a distinction is never noted by Winter. So just because official Judaism may not have crucified Jews does not mean that the leadership could not have a role in cases where Jews ended up being crucified by Rome. The outstanding examples here are numerous and involve the various cooperative instances where Zealots of various types or opponents of the Jewish regimes were removed from the scene, not to mention the very

<sup>7</sup>A similar phenomena will surface when we discuss August Strobel, *Die Stunde der Wahrheit*, WUNT 21 (Tübingen: J. C. B. Mohr [Paul Siebeck], 1980), and Otto Betz, "Probleme des Prozesses Jesu," in ANRW, series II, vol. 25.1 (Berlin: Walter De Gruyter, 1982). They worked independently of each other, though their studies overlap at many points. In fact, Betz's article was written long before Strobel's book was released, as the Betz supplement to his ANRW article indicates. Betz wrote this supplement because his work took some time to be released. Nevertheless, we shall discuss Strobel first, and then Betz, so as to reflect their publication dates. This means that though Betz appears to supplement Strobel in the flow of the scholarly discussion, this is much more a matter of appearance than reality.

robbers of the Judean region hanged alongside Jesus (Josephus, *JW* 1.97-98- Alexander Janneus' use of this type of execution to slay 800 opposing Pharisees; *Ant* 13.379-83- the parallel discussion of Alexander; 11QT<sup>em</sup> 64:6-13, esp. 64:8, 11- crucifixion of those who deceive the people or put them at risk).<sup>8</sup> In discussing crucifixion, Winter did discuss some key texts like *4QpNah* 1:3, 7-8 from Qumran, which notes the execution of those "hanged alive on wood," something he claims that was not formerly done in Israel (but see n. 8 above). Winter also treated the *AsMos* 8:1, where a note is made of the persecution of Jews who are crucified for confessing circumcision.<sup>9</sup> He argued that the Nahum pesher's note that crucifixion was not performed before in Israel reveals both the "abhorrence" that it had taken place and thus, it seems Winter implies, a rejection of such a procedure. But Winter still argued that had Rome "merely ratified a sentence which had been passed by a local Jewish court, the sentence would not have been carried out by crucifixion, but in a manner specified in the regulations governing Jewish penal code."<sup>10</sup> So his work attempts to supplement Lietzmann in light of new evidence that was emerging. Winter proceeded very much along the lines of Lietzmann and showed that some continued along this direction, even to the point of extending it into other portions of the PN. Needless to say, for such an approach, the issue of the original nature of the blasphemy before the Jews becomes irrelevant, since they issued no sentence.

#### 4. Josef Blinzler, *Der Prozess Jesu* (1969 edition)

The latest edition of a classic study on the trial of Jesus becomes among other things, an attempt to answer Lietzmann by defending much of the gospel accounts' portrayal of the trial scene, especially as it appears in Mark and as it appears in John's chronology. The blasphemy for him is tied to the messianic claim (and not in the "right hand" remark). In a line of argument I shall trace from here on, Blinzler noted that the key seems to come in the reply which

<sup>8</sup>The significance of the crucial temple scroll text has been developed by Betz, "Probleme des Prozesses Jesu," pp. 606-08. Its importance for our topic will become evident as our study proceeds, especially in our final chapter. For how crucifixion came to be read as a fulfillment of Deut 21:22, see David J. Halperin, "Crucifixion, the Nahum Pesher, and the Rabbinic Penalty of Strangulation," *JJS* 32 (1981):32-46 and M. Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (Philadelphia: Fortress, 1977), pp. 71-76, 84, and his *Rabbinische Legende und frühpharisäische Geschichte: Schimeon b. Schetach und die achtzig Hexen von Askalon*, AHAW (Heidelberg: Carl Winter/Universitätsverlag, 1984), pp. 27-36, esp. 31-33.

<sup>9</sup>For the *Assumption of Moses* text, Winter noted that it gives evidence of awareness of crucifixion, but not that Jews practiced it. His argument here seems correct about the *AsMos* text, but not about the larger discussion. For this text, see OTP 1:930-31.

<sup>10</sup>Winter, "On the Trial," p. 62.

## Index of Sources

The following index begins with the Old and New Testaments and then discusses categories of Other Ancient Authors and Texts in alphabetical order, grouped according to category or author. Those groupings in order are: Babylonian Talmud, Christian Coptic Texts, Church Writings, Deutero-Canonical Texts, Elephantine Papyri, Greek Papyri, Hekhalot Texts, Jewish Prayers, Josephus, Midrashim, Mishnah, Palestinian Talmud, Philo, Pseudepigrapha, Qumran, Samaritan texts, Targumim, and Tosefta. Units within these groups proceed in numeric and then alphabetical order. Any inconsistencies in citation forms are in order not to disturb how references are cited in sources footnoted.

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