
THE FACTOR OF FEAR IN THE TRIAL OF JESUS

John W. Welch

Few legal subjects are more complex than the so-called "trials of Jesus." The longer I have worked with these materials, the more convinced I become of the need to approach this topic with humility and caution. Too little is known today about the substantive laws and legal procedures that would have been followed normally in Jerusalem during the second quarter of the first century A.D.,¹ and too little can be determined about why things were done for modern people to speak with certainty about the legal technicalities of this case. As Elder Bruce R. McConkie has written, "There is no divine *ipse dixit*, no voice from an archangel, and as yet no revealed latter-day account of all that transpired

John W. Welch is a professor of law at Brigham Young University and editor in chief of BYU Studies.

1. For example, one would like to know more about the specific legal rules followed by the Sanhedrin in Jesus' day. While much is known about rabbinic law from the Talmud, it was written later, from the second to the fifth

when God's own Son suffered himself to be judged by men so that he could voluntarily give up his life upon the cross."²

Despite these caveats, it would seem appropriate in celebrating the 2,000th anniversary of the birth of Jesus Christ to think again about His death, since "for this cause came [He] into the world" (John 18:37). Gratefully, the restoration of the gospel of Jesus Christ, particularly as revealed through the Book of Mormon, provides both a clear view of the reality of the death of Jesus Christ and also a strong understanding of the eternal significance of His literal atonement on which to build. Without presuming to resolve all of the smaller, perplexing questions that swirl around any attempt to reconstruct the details of the final twenty-four hours in the mortal life of Jesus of Nazareth,³ the following strives to shed new light, especially from a Latter-day Saint point of view, on one perennial key question: What motivated the people who killed Jesus? I suggest that, although many factors undoubtedly contributed in propelling the case forward, fear—particularly fear of Jesus' miraculous powers—was a primary motivating factor

centuries A.D., by the Pharisees or their successors, presumably reflecting rules preferred by the late Pharisaic movement. Moreover, the Pharisees were not in control of the Sanhedrin at the time of Jesus; the Sadducees were decidedly in the majority there, and the Sadducees and Pharisees differed on a number of points of law. So it is very hard to speak with any degree of certainty, especially about any alleged illegalities in these proceedings. Parenthetically, Protestants in the late nineteenth century so exaggerated the alleged illegalities that many people simply concluded that such a legal fiasco had to be mythical.

2. Bruce R. McConkie, *The Mortal Messiah*, 4 vols. (Salt Lake City: Bookcraft, 1979–81), 4:142. This work's chapters on the trials of Jesus rely heavily on Farrar and Edersheim; see 4:181.

3. For a bibliography of this literature, see John W. Welch and Matthew G. Wells, "Recent Bibliography on the Trials of Jesus," *BYU Studies* 32, no. 4 (1992): 79–86. To that bibliography should be added, especially, the more recent encyclopedic study by Raymond E. Brown, *The Death of the Messiah* (New York: Doubleday, 1994). See further John W. Welch, "Latter-day Saint Reflections on the Trial and Death of Jesus," *Clark Memorandum* (Fall 2000): 2–13.

that has been largely overlooked as a crucial factor in explaining the conduct of virtually everyone arrayed around Jesus in those closing hours.

DIFFICULTIES IN ASCERTAINING MOTIVE OR INTENT

In trying to determine the intent of the people involved in the arrest, interrogations, condemnation, and execution of Jesus, one runs directly into several stubborn problems. The temptation is usually irresistible to attribute sundry sordid motives to these parties, and surely malice and jealousy played their parts. But on deeper reflection, one understands that human motivation is often very complex. It is difficult enough for judges, juries, and lawyers to ascertain human intent in a modern legal setting. In dealing with Jesus' case, readers must attempt to ferret indications of intent out of obscure textual crevices in religious documents written almost two thousand years ago.

Indeed, one scans the four New Testament Gospels for precious few indications of what specifically motivated Judas, Annas, Caiaphas, Herod Antipas, Pilate, or the ever-present chief priests. One may guess, of course, what their precise purposes may have been; and various people have argued in favor of any number of political, commercial, social, personal, religious, or legalistic motives. So wide open is the range of possibilities here that some post-Holocaust Jewish scholars following World War II were confident that Caiaphas and his temple guards had taken Jesus kindly into protective custody, intending to warn Him about the Romans who were out to crucify Him and thus that the Jews were not responsible for His death;⁴ while political historians in tune with the terrorist

4. Haim Cohn, *The Trial and Death of Jesus* (New York: KTAV, 1977), 114.

years in the Vietnam era could feel quite confident that Jesus was executed solely as some kind of a supposed guerrilla terrorist.⁵

Most commonly, Latter-day Saints assert that the Jewish leaders were motivated by hate. In 1915 Elder James E. Talmage portrayed those Jews as being galvanized against Jesus by "bitter," "malignant," "inherent and undying hatred," and, following the literary style of another era, described them as bloodthirsty maniacs.⁶ While some such descriptions may well be inferred from innuendos in the New Testament, words such as *lawless* or *nefarious* do not appear in the trial narratives per se, which should give us pause. Perhaps evil hatred played less of a role in the trial of Jesus than many readers usually think. Perhaps other emotions were more significantly involved.

Of course, the New Testament, especially in the Gospel of John, makes it clear that the world misunderstood, rejected, and in that sense hated Jesus; but for John, the world equally hates all of Jesus' true disciples: "For every one that doeth evil hateth the light" (John 3:20); "if the world hate you, ye know that it hated me before it hated you" (15:18); "I have given [my disciples] thy word; and the world hath hated them, because they are not of the world, even as I am not of the world" (17:14). From a juridical point of view, however, it would appear that such statements were not intended to supply the legal answer as to why certain Jews and Romans killed Jesus. In the cosmic conflict presented in the Gospel of John,

5. Ellis Rivkin, *What Crucified Jesus?* (Nashville: Abingdon, 1984), based on his articles from the 1950s and 1970s, sees Jesus as a threatening charismatic revolutionary, 27, whose trial "was political throughout in its intent and purpose," 87, at a time of "confusion and terror," 124.

6. James E. Talmage, *Jesus the Christ* (Salt Lake City: Deseret Book, 1976); these words are peppered throughout pages 621-37.

worldly hate serves other functions. As the opposite of divine love (*agapē*), it supplies the underlying spiritual explanation for the ultimate acceptance or rejection of the Father and the Son by all people on earth. But it is too broad to provide a specific legal explanation for Jesus' death, for this dichotomy of love and hate applies to all people, both then and now, who reject Jesus or His disciples in any way or for any reason. Something more is needed to explain why that enmity or antipathy galvanized precipitously when it did into the execution of Jesus.

Can we learn anything specifically from the New Testament about the motives of the Jews in bringing about the death of Jesus? Not as much as one would like, as the following key case illustrates. Both Matthew and Mark report that Pilate offered to release Jesus because he could tell "that the chief priests had delivered him *for envy*" (Mark 15:10; compare Matthew 27:18; emphasis added). This is the only motive ever explicitly attributed during the trials to Jesus' Jewish captors, and interpreting this data presents several problems. This information would seem to be secondhand hearsay, for it is unclear how anyone learned that Pilate "knew" (Mark 15:10) or "saw" (Matthew 27:18) that they were jealous. Moreover, the Greek phrase "out of envy" (*dia phthonon*) does not necessarily convey a particularly violent, antagonistic feeling. It connotes resentment, holding a grudge, bearing ill will, or coveting someone else's wisdom or good fortune,⁷ especially "because of some real or presumed advantage experienced by such a person,"⁸ but scarcely does this common human emotion

7. Henry George Liddell and Robert Scott, comps., *A Greek-English Lexicon* (Oxford: Clarendon Press, 1968), 1929-30.

8. Johannes P. Louw and Eugene A. Nida, eds., *Greek-English Lexicon of the New Testament Based on Semantic Domains*, 2d ed. (New York: United Bible Societies, 1988), 760.

amount to lethal hatred. Furthermore, knowing that the chief priests were jealous of Jesus still leaves us wondering what they envied. From John 11:48 one may infer that some Jews were probably jealous of His growing popularity (although the cry that "all men will believe on him" [emphasis added] is surely hyperbolic). Others may have been jealous of His charisma, His wisdom, His ability to perform miracles (see John 11:47), or a number of other things. Some may have been enviously concerned about His apparently lax antilegalistic tendencies as manifested in His open attitudes toward the Sabbath, while others held out the specter of Roman intervention (see 11:48). Of the many motives that undoubtedly played a part in this picture, it is difficult to know which ultimately became determinative. Thus, jealousy or envy alone does not explain everything in this case, especially why the chief priests would have feared Barabbas, who was a violent robber, less than they were concerned about Jesus.⁹

Pilate's motivations are equally obscure and conflicted. Based on the surviving evidence, some people have seen Pilate as a weak,¹⁰ servile, incompetent, middle-management functionary, who was easily intimidated,¹¹ manipulated by his wife, and motivated by trepidation, having recently lost his power base in Rome.¹² But other readers point to the fact that this same Pilate held in his hands great legal and military powers.

9. As I see it, Pilate knew that jealousy was a factor for the chief priests, and presumably he was surprised when they preferred even a fearsome robber like Barabbas over Jesus. Pilate's disappointment indicates that initially he viewed the envy as something petty, which implies that something more than that jealousy must have brought out their lethal cries, "Crucify him."

10. Andrew C. Skinner, "Restored Light on the Savior's Last Week in Mortality," *Ensign*, June 1999, 20; Doyle L. Green, "Christ Is Crucified," *Improvement Era* (March 1958): 187.

11. Talmage, *Jesus the Christ*, 634-41.

12. Dallin H. Oaks, "The Trial of Jesus," *Instructor* 104 (November 1969): 407.

On other occasions, he had not hesitated to assert himself decisively, even with military force, to maintain public order. Having his usual residence in Caesarea, Pilate probably knew very little about Jesus or the commotion He had created only a few days earlier in Jerusalem. Matthew 27:24 reveals an important thing about Pilate's feelings: he was deeply frustrated. Having tried in several ways to get the chief priests to drop their complaint against Jesus, Pilate saw that nothing was working and instead "a riot (*thorubos*) was beginning." This Greek word indicates that the disturbance was not only noisy (as the English word "tumult" implies) but also that the uproar involved *physical* turmoil.¹³ Ironically, this sort of thing was exactly what the chief priests earlier had feared, that if Jesus were taken and killed during the time of the festival a riot or "disorderly behavior of people in violent opposition to authority" (*thorubos*) would break out (see Matthew 26:5). So when Mark reports that Pilate took action to placate the brewing violence, he was not behaving weakly, frivolously, or irresponsibly, but he was acting firmly in the face of a serious situation. This understanding is confirmed by Mark 15:15, where the Greek may be translated not just as "willing to content the people" but as "wishing to give to the crowd a firm bond [*boulomenos tōi ochlōi to hikanon poiēsai*], he released Barabbas." Still, what actually motivated Pilate to give this group his secure pledge remains unstated and complexly obscure. He could have acted out of impatience, indifference, fear for his own safety, worry about Rome, or equally out of hope that the crowd would just go away and leave Jesus alone, trusting that Pilate would take care of matters in a manner that would be to their liking.

13. William Arndt and F. Wilbur Gingrich, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: University of Chicago, 1957), 363.

OF WHAT CRIME WAS JESUS ACCUSED?

Unable to discern a specific legal motive explicitly stated in the text, many New Testament commentators have focused on the more modest task of trying to determine which legal charges were leveled against Jesus by His captors. Can we detect through this approach any better indications of why Jesus was killed? Unfortunately, here also the record is highly ambiguous from a legal point of view. Several legal charges were raised, but none of them (whatever their substantive legal contours might have been) really stuck. It is significant that not one of the stated causes of action was consistently invoked throughout the record. This fluidity reminds us that Jesus' arresters came out against him according to the Greek, as "against a robber" (*epi lēstēn*, see Matthew 26:55; Mark 14:48; Luke 22:52), and robbers were outlaws who were given virtually no legal rights by the legal establishment, let alone a Miranda warning or the formalities of indictment on specific charges, arraignment, due process, notice, habeas corpus, and other such legal particularities.¹⁴

Consider the following state of confusion. At first, Matthew and Mark find Jesus accused of blasphemy under Jewish law (see Matthew 26:65; Mark 14:64), but Luke never mentions blasphemy. Jesus was also mocked and asked to prophesy who had hit him, as if He might also have been accused of the capital offense of false prophecy, but He remained silent and gave no fuel to the development of that allegation. Then when Jesus was taken to Pilate, He was accused, according to Luke, on three counts of sedition, namely "perverting the nation, and forbidding to give tribute to Caesar, [and] saying that he

14. John W. Welch, "Legal and Social Perspectives on Robbers in First-Century Judea," in John F. Hall and John W. Welch, eds., *Masada and the World of the New Testament* (Provo, Utah: BYU Studies, 1997), 145.

himself is Christ a King" (Luke 23:2). Pilate eventually wrote on the sign placed above the cross another possible cause of action, namely usurping the title "THE KING OF THE JEWS" (Matthew 27:37; Mark 15:26; Luke 23:38; John 19:19), which was the official title carried several years earlier by Herod the Great as a privilege personally conferred on him by Augustus Caesar.¹⁵ Which of these many causes provides the reason why Jesus was crucified? It is impossible to tell. And the matter is confusing not only to us; in the Jewish proceeding, oddly the leading official did not state a case but asked, "What is it which these witness against thee?" (Matthew 26:62; Mark 14:60); and later, even Pilate seemed unclear and had to ask, "What accusation bring ye against this man?" (John 18:29), and he never received a straight answer. The Gospels in the end simply say, Jesus was accused of "*many* things" (Matthew 27:13; Mark 15:3-4; emphasis added), apparently leaving the legal issue intentionally vague.

Moreover, one cannot even determine the broad nature of the charge on which Jesus was prosecuted. Attempts to reduce the case either to a "religious" matter or a "political" affair are overly simplistic. Such categories wrongly frame the issue in modern terms, for the spheres of religion and politics were essentially inseparable in the ancient world. One example will show how intertwined political and religious interests could become, even within a strictly Jewish context. When Jesus appeared at Jerusalem during the Feast of Tabernacles, He

15. It is unclear that Jesus ever called Himself "THE KING OF THE JEWS." In Mark 15:12, Pilate said to the Jews, "whom *ye* call the King of the Jews," and in John 19:21, Pilate refused to add words to the title, "*he said, I am King of the Jews*" (emphasis added). Nowhere does Jesus ever expressly say, "I am King of the Jews." While it is true that He was asked, "Art thou King of the Jews?" and His mockers called him "King of the Jews;" nowhere do we learn that Jesus Himself ever said these particular words. Even Luke only says that Jesus called himself a king (23:2), not "THE KING OF THE JEWS."

went to the Temple of Herod and spoke publically of Himself in messianic terms (see John 7:14-39).¹⁶ Because it was the role of the king to read the law and speak from the temple during the Feast of Tabernacles, Jesus may be seen here as usurping a royal prerogative under Jewish law. Indeed, a debate immediately ensued among the Jews over the seed of King David (see John 7:42), again raising inseparable "political-religious" issues, which provoked a proceeding in which the Jewish temple guards asked the chief priests and the Pharisees if they should arrest Jesus, but in the end no action was taken at that time (see John 7:45-48). Religion and politics both play a role here, and not just Roman politics, as many are inclined to presume. Just as Moses was both spiritual leader and public lawgiver, Jesus put himself forward not only as a law reformer but also as a new covenant maker. In this covenant-making context, Jesus was not simply a charismatic religious figure but was inevitably very much concerned with law and politics as well.

In my opinion, political dimensions in the death of Jesus have been too often overstated by modern Jewish and secular historical scholars,¹⁷ just as spiritual dimensions have been overemphasized by Christians or other inspirational writers.¹⁸ But in reality, none of the charges against Jesus (whether religious or political) explain His case satisfactorily.

16. He stated, "If any man thirst, let him come unto me, and drink," for "out of [my] belly shall flow rivers of living water" (John 7:37-38). Such claims evoke allusions to the Lord God as the fountain of living waters (see Jeremiah 2:13; 17:13), as well as the prophecy that living waters shall flow from Jerusalem in the day of the Lord (see Zechariah 14:8).

17. Seeing the trial of Jesus predominantly as a political affair punishing a seditious renegade usually goes hand in hand with denying that Jesus actually performed religious miracles or strongly claimed to be the Son of God.

18. These writers often try to evoke sympathy for Jesus by portraying Him as a pathetic, suffering victim whose legal rights were violated at every turn, but that view weakens the commanding figure of Christ and seems historically implausible.

The traditionally mentioned religious accusations were emotionally charged, but none of them were legally well grounded, as Caiaphas and his chief priests must have known. Likewise, imagining Jesus as a serious political threat to the Romans is also problematic. If Jesus had been a political threat to the Romans, why were His disciples not rounded up and punished by the Romans? And why was Paul so lavishly protected by two of Pilate's successors, Felix and Festus?

At the very least, everyone agrees that the situation is very complicated. No wonder the general populace in Jesus' day was bewildered. When He asked His disciples, "Whom do men say that I the Son of man am?" (Matthew 16:13), they reported a variety of popular opinions. Uncertainty and puzzlement were common reactions of the people to Jesus. Thus, at the conclusion of His temple speech on the Feast of Tabernacles "there was a division among the people because of him" (John 7:43). "Some said, He is a good man: others said, Nay; but he deceiveth the people. Howbeit no man spake openly of him for fear of the Jews" (John 7:12-13).

THE DRIVING FACTOR OF FEAR

When people get confused, they often become afraid. When they become afraid, they act irrationally. Although the factor of fear is rarely mentioned by New Testament commentators, I have come to believe that fear provides the driving undercurrent that best explains all the irregularities and vagaries of the so-called trials of Jesus. More powerful than a mental motive or a purposeful intent, and broader than a motivating circumstance or stimulus, the one consistent factor that runs through the story is an underlying emotion of fear (even though the people were not all afraid of the same thing). Consequently, all attempts to rationalize the trial of Jesus are doomed to failure from the outset. His trial was not

a rational affair. Sooner or later, *everyone* seems to be afraid of one thing or another.

People sympathetic to Jesus were afraid of the Jewish leaders. Even the powerful Joseph of Arimathea, we are told, kept his loyalty to Jesus secret "for fear of the Jews" (John 19:38). The disciples all fled from the scene of the arrest (see Mark 14:50), and Peter tried to conceal his identity and association with Jesus three times, evidently out of great fear of being apprehended and implicated themselves. Their fear intensified after Jesus' death (see John 20:19).

But the chief priests were also deeply afraid, particularly of Jesus. Of course, they worried that if Jesus became too popular, the Romans would come and take away "the place [the holy city, the temple, or the land] and the people" (*ton topon kai to ethnos*); and they also "feared the people" (Luke 22:2). But more strongly than those concerns, the chief priests feared Jesus. Mark clearly states that, after Jesus spoke powerfully against the temple, reportedly threatening to destroy the place by some extraordinary means (see Mark 14:58), they "sought how they might destroy him: for they *feared him*" (11:18; emphasis added).

Their scheme to destroy Him, however, seems to have gone quickly awry. After He was arrested, Jesus was treated as a hot potato, being passed from one hand to another with no one wanting to take the rap either for His death or His release. As the original plot to do away with Jesus quickly began to unravel and became far more complicated than probably had been expected, the picture is well explained as consisting of the actions "of *frightened* subordinates whose plans had gone astray," as law professor Dallin H. Oaks noted in 1969.¹⁹

19. Oaks, "Trial of Jesus," 406; emphasis added.

And they were not the only ones who were frightened. When Pilate heard the words "he has made himself the son of God," Pilate's reaction was fear (John 19:7). In fact, John states that Pilate "was really afraid" (*mallon ephobêthē*).

Even Herod the fox, just as he had "feared John" the Baptist (Mark 6:20), also feared the crowd (see Matthew 14:5). Especially in light of Herod's troubles with John the Baptist, it is reasonable to assume that these same kinds of fear restrained Herod from taking any action against Jesus, even at the risk of offending Pilate, who had hoped that Herod would relieve the Romans of the problem of dealing with Jesus.

Similarly, Golgotha and the scene of gruesome death was a theater of fear. One of the thieves on the cross rebuked the other one, "Dost not thou fear God, seeing thou art in the same condemnation?" (*oude phobē*, see Luke 23:40). And the centurion and those with him, when they felt the earth quake, "feared greatly" (*ephobêthēsan sphodra*, Matthew 27:54). All the people left the Crucifixion pounding their breasts (see Luke 23:48) out of fear and worry about what they had done.²⁰ Phobias are everywhere in this story—far more than people usually think.

WHAT MIGHT THEY HAVE FEARED?

It remains, then, for us to ask, what were these people so afraid of? While they surely feared several things, strong evidence indicates that they were deeply afraid of the supernatural. Jesus' healings and control of physical elements were open and impressive. Latter-day Saints take the stories of those miracles very seriously. Such wondrous works must have been the cause of profound concern to anyone who did

20. The same expression is used in Luke 18:13 to describe the publican who knows he has sinned, pounds his chest, will not so much as look up to heaven, and hopes desperately for mercy.

not believe that Jesus was the Son of God. Thus, a common reaction of people to the miracles of Jesus understandably was fear (see, for example, Matthew 9:8; Luke 5:26; 7:16; 8:37; John 6:19), for either He worked these wonders by the power of God or He was possessed by "Beelzebub, and by the prince of the devils casteth he out devils" (Mark 3:22; compare Matthew 12:22). After Jesus healed a man's withered hand in a synagogue on the Sabbath, the Pharisees began to talk about "how they might destroy him" (Matthew 12:14; Mark 3:6; see also Luke 6:11). And fear of the occult explains much in the trials of Jesus.

Manifestations of spirits, angels, stunning miracles, and supernatural beings would probably evoke fear in most of us. We might delude ourselves into thinking that we would take the appearance of an angel calmly in stride, but something that extraordinary would probably be very shocking to any of us. Zacharias was filled with fear when he saw the angel of the Lord standing beside the altar of the temple (see Luke 1:12). His first words to Zacharias were, "Fear not." Mary was told by the angel Gabriel, "Fear not" (1:30). The shepherds in the fields likewise had to be reassured, "Fear not, for I bring you good tidings" (2:10). The keepers at the tomb shook with fear when they saw the angel and "became as dead men" (Matthew 28:4), and even the faithful women ran away from the angel, trembling, "for they were afraid" (Mark 16:8; see also Luke 24:5). When the Apostles had assembled in secret "for fear of the Jews" (John 20:19), the resurrected Lord's first words to them were, "Peace be unto you" (20:19), "be not afraid" (Matthew 28:10), but even at that they still "were terrified and afrighted" (Luke 24:37).

Trying to arrest Jesus must also have been terrifying. The chief priests could not have undertaken this venture lightly. Anything could have happened. They must have steeled

themselves against the unexpected. No wonder they felt the need to move quickly. Jesus was known to have amazing powers. He was a new Moses, and many of the miracles he performed exceeded those of Moses. The chief priests were well aware of what Moses had done to Pharaoh and his massive army. Perhaps they were also apprised of the time when the men of the synagogue in Nazareth had attempted to apprehend and kill or banish Jesus and how "passing through the midst of them" He had slipped away (Luke 4:30), or perhaps they had been involved in the first attempt in Jerusalem to stone him when "Jesus hid himself, and went out of the temple, going through the midst of them, and so passed by" undetected (John 8:59). With Jesus known as something of an escape artist, the leaders in Jerusalem would have known that they had their hands full in trying to take him at the height of His power.

More than that, Jesus was widely known as a miracle worker.²¹ If He had the power to command loaves and fishes, still the waves, wither fig trees, or order evil spirits, what powers might He use in defense of Himself and His Apostles? Only a few days before the chief priests took action, Jesus had raised Lazarus from the dead. Jesus had raised others from the dead in Galilee, but the raising of Lazarus, just over the hill from Jerusalem, brought His powers too close to the holy city. This event precipitated the action that had long been brewing. Immediately the text reports, "Then gathered the chief priests and the Pharisees [in] a council (*synedrion*), and said, What do we [do]? for this man doeth many miracles" (John 11:47). The mention of miracles here is an important disclosure. At the root of their ultimate concern was the fact that Jesus worked

21. Morton Smith, *Jesus the Magician: Charlatan or Son of God* (Berkeley: Seastone, 1978).

many miracles. If they were miracles from God, all people should receive Him; but if not, these must be false miracles, and Jesus therefore must be some kind of trickster, wizard, deceiver, or sorcerer. Coupling these powers with what they considered to be His alleged incantation against the temple (see Mark 14:58) yields a potent formula for fear and trepidation.

At His arrest, Jesus continued to call upon and to manifest His miraculous powers. Matthew reports that Jesus told Peter to put away his sword, assuring him, "Thinkest thou that I cannot now pray to my Father, and he shall presently give me more than twelve legions of angels?" (Matthew 26:53); and Luke recounts that when one of the disciples cut off the right ear of the high priest's servant Jesus "touched his ear, and healed him" (Luke 22:51). Anyone in the group of arresters hearing or seeing these things must have been stunned as they "went backward and fell to the ground" (John 18:6). Moving forward again must not have been easy.

Supernatural factors continue to play a dominant role in the New Testament account clear to the end. People standing by the cross seriously wondered if Jesus could save Himself; they saw Him as a trafficker in evil spirits and thus waited to see if God would want Him (see Matthew 27:43). They waited to see if the miracle-working prophet Elijah would get Him down off the cross (see Mark 15:36). While that did not happen, the rocks split apart, graves opened, and holy spirits came forth out of the ground after Jesus' death and resurrection (see Matthew 27:51-53).

Thus, behind everything here lurks a strong undercurrent of misplaced fear that Jesus was an evil magician. This brings into play a significant disclosure from the Book of Mormon. In Mosiah 3:9, we find a statement that answers the question, Why was Jesus killed? Speaking to King Benjamin, an angel

from God announced that Jesus Christ would come down from heaven to dwell among men, that He would go about "working mighty miracles" (Mosiah 3:5), healing the sick, raising the dead, and casting out evil spirits, but "even after all this they shall consider him a man, *and say that he hath a devil*, and shall scourge him, and shall crucify him" (3:9; emphasis added). In this prophecy, nothing stands between their seeing Jesus as having a devil and their putting Him to death. Likewise in Jacob's prophecy, Jesus' working of "mighty miracles" (2 Nephi 10:4) leads immediately to His being "crucified" (10:5). For the Book of Mormon, this was the precipitating, proximate cause of Jesus' death: some stiff-necked people engaged in priestcrafts would consider him to be of the devil.²²

Latter-day Saints can relate, for the world reacted similarly to Joseph Smith. The *Latter-day Saints' Millennial Star* even ran an article in 1879 comparing the death of Jesus with the death of Joseph Smith. In both cases, the "chief crime was that he obtained revelations from heaven." In both cases, divine power has been mistaken for magic.²³

Indeed, to the bitter end, the chief priests worried that

22. In more general terms, of course, the Book of Mormon speaks of wickedness and "priestcrafts and iniquities" (2 Nephi 10:5) as the broadly prevailing and conducive condition that would make the death of Jesus possible. Several times Nephi spoke of the death of Jesus, saying that He would be "taken by the people" and be "judged of the world" (1 Nephi 11:32), that "the world, because of their iniquity, shall judge him to be a thing of naught" (1 Nephi 19:9), that he would be rejected and crucified because of iniquities, hardheartedness, and stiffneckedness (see 2 Nephi 25:12), yet these prophecies say nothing about formal legal charges or specific motives. Even Jesus, speaking in 3 Nephi, mercifully says nothing about why he was killed. In a masterful understatement, He simply said, "My own received me not" (3 Nephi 9:16). Regarding these Book of Mormon passages, see the concluding paragraphs of this study below.

23. Edward E. Brain, "Jesus and Joseph," *Millennial Star* 41 (18 November 1879): 725.

Jesus, whom they specifically call a "trickster" (*ho planos*), would somehow appear to rise after three days as He had prophesied that He would (see Matthew 27:63, KJV = "deceiver"). Early on, the Pharisees had chided the officers for being "also deceived" or tricked (*peplanēsthe*, John 7:47; see also 7:12). Now they worried that this, this last trick (*planē*) of being made to appear to have risen from the dead, would be worse than His first trick (see Matthew 27:64). When they asked Pilate to place a guard at the tomb to prevent any such sleight of hand perpetrated with assistance from His followers, Pilate told them to use their own temple guard, and they were concerned enough actually to do so (see Matthew 27:65–66).

This concern on the part of the chief priests and Pharisees substantiates the Book of Mormon text. What they feared most of all was some kind of ultimate, evil trick. They call Jesus a *planos*, which can mean especially one who deceives by seduction through evil powers or spirits. Elsewhere, this term is applied to Satan himself (see Revelation 12:9) and to "the false prophet that wrought miracles" (19:20). The evil Beliar is called a deceiver (*planos*) in the Testaments of the Twelve Patriarchs.²⁴ Likewise, in the Sibylline Oracles, Beliar is said to deceive many men, including the faithful elect, through nature miracles, including raising mountains, churning up the sea, raising the dead, and performing many signs, and the word *planos* is also associated with the seduction by unclean spirits or polluted demons that led to the destruction of Noah's grandchildren in the book of Jubilees.²⁵ Obviously, being a *planos* could raise serious legal and religious concerns, particularly under Jewish law.

24. Test. Ben. 6:1.

25. Sibylline Oracles 3.63–70; 10:1–2. See further, Gerhard Kittel and Gerhard Friedrich, *Theological Dictionary of the New Testament*, trans. Geoffrey W. Bromiley, 10 vols. (Grand Rapids, Mich.: Eerdmans, 1991), 6:238.

SORCERY AND NECROMANCY AS CRIMINAL CONDUCT

Of course, certain forms of magic or wizardry were evidently not socially problematic at the time of Jesus. Magicians such as Simon the Magician (see Acts 8:9) seem to have walked the streets freely without legal prosecution. But if magic was used for improper purposes, such conduct could be severely punished under ancient law by banishment or even death. Theudas, described as a wonder-worker by Josephus,²⁶ lawfully gathered a large following but when he turned his alleged miracle powers against Rome in A.D. 45 or 46, he was attacked and beheaded by Roman horsemen.

Biblical law prohibited various kinds of sorcery, sooth-saying, or necromancy. For this reason, some "knowledge of sorcery" was a requirement to be appointed a member of the Sanhedrin, presumably so that such cases could be properly prosecuted.²⁷ Leviticus 20:27 provides: "A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death." The expression, being "worthy of death" (*thanatō thanatousthōsan, enochoi eisi*) in the Septuagint version of Leviticus 20:27 happens to contain the same words as appear in Matthew 26:66 and Mark 14:64 to condemn Jesus as worthy of death, *enochos thanatou estin*. In the Hebrew text, having a familiar spirit (*'owb*) refers especially to "calling out of the earth" or conversing with the spirits of the dead.²⁸ Being a

26. Josephus, *Antiquities* 20.5.1. This is apparently the same person referred to in Acts 5:36.

27. Talmud Sanh. 17a; Jacob Shachter and H. Freeman, *Sanhedrin: Translated into English with Notes, Glossary, and Indices* (Oxford: Oxford University Press, 1935), 87.

28. G. Johannes Botterweck and Helmer Ringgren, *Theological Dictionary of the Old Testament*, trans. John T. Willis (Grand Rapids, Mich.: Eerdmans, 1974), 1:131, 134.

wizard (*yidde'oni*) has to do with giving signs or wonders that "evoke recognition or knowledge,"²⁹ and even if a prophet gives "a sign or a wonder," Deuteronomy 13:3 made it illegal for an Israelite to follow such a person to "go after other gods" (13:2), and the punishment for leading people into such apostasy in this way was death (see 13:5). Numbers 23:23 assures, "There is no enchantment against Jacob, neither is there any divination against Israel," and Deuteronomy 18:11 declares that "a charmer, or a consulter with familiar spirits, or a wizard, or a necromancer" are all abominations to be flogged and driven out. Obviously, the signs and wonders performed by Jesus, especially His raising people from the dead and His soothsayer-like spell of demise against the temple, would readily have presented in some people's minds a *prima facie* case of serious misconduct that could easily have been misunderstood, on several grounds, even as warranting the death penalty. Indeed, the Talmud would later assert that "On the eve of the Passover Yeshu [the Nazarean] was hanged . . . because he has practised sorcery and enticed Israel to apostasy."³⁰

Likewise, under Roman law at the time of Jesus, certain forms of spell-casting or divination had recently become punishable by death. In A.D. 11, Augustus Caesar himself issued a new edict forbidding mantics from prophesying about a person's death, which had become a serious political and social problem in the Roman world.³¹ The main thrust of this decree was to expand the law of *maiestas*, which had long

29. Botterweck and Ringgren, *Theological Dictionary of the Old Testament*, 5:46.

30. Talmud Sanh. 43a. See also Josephus, *Antiquities* 18, 3, 63, and the Slavonic additions between *Jewish War* 2, 174, and 175, which, although disputed, emphasize Jesus' status as a wonder worker and attribute His legal difficulties to concerns about His miraculous powers.

31. Frederick H. Cramer, *Astrology in Roman Law and Politics* (1954; reprint Chicago: Ares, 1996), 250.

punished people who harmed the state by actions, to now include treasonous divination, especially against the imperial family. The new law curtailed "the hitherto unlimited freedom of astrological practice" through a "durable empire-wide imperial legislation [that would] circumscribe astrological and other divinatory activities everywhere."³² Scholars count approximately one hundred trials for *maiestas* during the reign of Tiberius alone, several of which involved treasonous speech or soothsaying.³³ The potential penalty for such a crime was death,³⁴ and later Roman law would specify that the punishment for enchanters or spellbinders was crucifixion.³⁵ This is not to say that Jesus was crucified for predicting the death of Tiberius Caesar, but it may explain why the chief priests (wrongly) thought they could get Pilate to take action against Jesus. If Jesus, who had been born under an unusual star and who was visited as an infant by magi from the East, spoke evil predictions against the temple and the lives of the Jews and also prophesied about the manner of His own death, perhaps He would next turn to laying spells on Caesar. If that were to happen, letting Jesus go would certainly make Pilate no personal friend of Caesar's. In final desperation, the chief priests argued that anyone who made himself a king "*speaketh* against Caesar" (John 19:12; emphasis added). This looks like the beginnings of an allegation of *maiestas*. Ultimately, of course, Pilate found no legal cause of action here: being a king (there

32. *Ibid.*, 249.

33. Robert Samuel Rogers, *Criminal Trials and Criminal Legislation under Tiberias* (Middletown, Conn.: American Philological Society, 1935), identifies 106 named defendants accused of various forms of *maiestas*, which is "more than one half of the recorded indictments" of all kinds (195). I thank John F. Hall for this source.

34. Cramer, *Astrology in Roman Law and Politics*, 249.

35. Smith, *Jesus the Magician*, 75, citing Paulus's commentary, *Sententiae receptae Paulo tributae* 23:15-18.

were several client kings in the eastern part of the Roman Empire) was not per se treasonous, and Jesus had not committed *maiestas*. Jesus claimed that His kingdom had nothing to do with Caesar's world, and Pilate was satisfied that the man from Nazareth had not broken any Roman law, even by doing what might have been seen as threatening to become magical treason. Nevertheless, Pilate was still worried enough that he was willing to permit or take action.

Laws against sorcery are mentioned occasionally by commentators writing about the trial of Jesus, but this underlying cause of action is not usually taken very seriously by them.³⁶ The main reason for this is that no formal accusation of magic ever seems to be made. Nevertheless, as Morton Smith points out, the term "worker of evil" (*kakon poiōn* or *kakopoios*) used by the chief priests before Pilate in John 18:30 (see also 1 Peter 4:15) and its Latin equivalent, *maleficus*, are "common parlance for 'magician'" in Roman law.³⁷ While the ancient Gospel writers certainly wanted to avoid giving any false impression that Jesus somehow was a magician,³⁸ and while most modern people prefer to analyze the death of Jesus in terms of modern secular categories, the supernatural may well have had more to do with the death of Jesus than people have noticed before, just as Mosiah 3:9 indicates, as discussed above.

AN OVERRIDING MOTIVE THAT MAKES SENSE

While many charges were voiced against Jesus during the proceedings against Him, none of those explicit allegations

36. For example, Donald Hanks, *Christ as Criminal: Antinomian Trends for a New Millennium* (Lewiston, N.Y.: Edwin Mellen, 1997), 12.

37. Smith, *Jesus the Magician*, 41.

38. Similarly, official Latter-day Saint accounts of the miraculous beginnings of the Restoration shy away from any easily distorted implications that Joseph Smith was involved with magic.

accounts for the pervasive fear and sufficient willingness on all determining sides (both Jewish and Roman) to execute Jesus or to see Him executed. While those overt charges played some secondary roles in the course of these proceedings, I would suggest that less obvious concerns over Jesus' miraculous power best explain all that the Gospels report as the Jews stumbled against the rock of His divine power (see Jacob 4:15).

Consider, for example, the night when Jesus was arrested. Many people concerned about this case stayed up all night. Nighttime is when witchcraft and exorcisms are performed. Ironically, it was also the time when Jesus fought the forces of evil and through an atoning agony emerged blood stained but victorious. Jesus, of course, quickly turned the tables on His approaching captors, pointing out that they were at work at night: "This is your hour, and the power (*hē exousia*) of darkness" (Luke 22:53). In contrast, He affirms that He has worked not only day after day (see Matthew 26:55) but right before people's very eyes (*pros humas*) (see Mark 14:49), openly where all Jews come together (see John 18:20). To Pilate, Jesus testified that His kingdom was not of this world, and implied that His power came "from above," not from the realms below (John 18:36, 19:11). In light of the sorcery factor, we can understand these statements as preemptive responses to any accusations that Jesus was a devil worker.

Likewise, an underlying concern about demons would explain the legal puzzles of the Crucifixion and the lack of legal formalities. The normal form of execution for blasphemy under Jewish law was stoning; and several times people took up stones thinking to stone Jesus for blasphemy (see John 8:59). Why, then, was Jesus crucified? Many people have argued that crucifixion was exclusively a Roman form of execution, and therefore the Jews ultimately must have had little to do with Jesus' execution. But since the discovery of the

Temple Scroll from the Dead Sea, scholars now acknowledge that hanging on a tree (or crucifixion) could serve in Jesus' day not only as a form of exposing the body of a person who had been stoned to death but also as a mode of execution under the prevailing Jewish law.³⁹ Killing by suffocation was one of the four manners of execution permitted under Jewish law,⁴⁰ and the cause of death in a crucifixion or hanging was usually asphyxia or suffocation.⁴¹ In one notorious Jewish case a century before the time of Jesus, eighty witches were hung or crucified in Ashkelon without proper trials because the court saw the case as a matter of emergency. The writers of the Talmud later looked back on this event and condemned it as an irregular, illegal decision by an ignorant or wicked court,⁴² but this event shows that such things could and did happen around the time of Christ, even if it were virtually impossible under normal circumstances to convict a person of any such charge. Thus, on an emergency charge involving fear of demons, either Jews or Romans were capable of putting someone to death by crucifixion, the manner in which Jesus "signified by] what death he should die" (John 18:32).

THE WITNESS OF JOHN

While the factor of fear is present to some extent in all four Gospel narratives, more than the others John sequentially links the miracles of Jesus with His death. For example, in

39. See sources listed in Welch and Wells, "Bibliography," 84-85.

40. See generally, George Horowitz, *The Spirit of Jewish Law* (New York: Bloch, 1953), 646: "By every unspecified death in the Torah strangulation is meant," but stoning came to be inferred, by analogy, as the preferred punishment for witchcraft. Talmud Sanh. 52b-54a. In later Jewish law, suffocation was not used for sorcery.

41. W. Reid Litchfield, "The Search for the Physical Cause of Jesus Christ's Death," *BYU Studies* 37, no. 4 (1997-98): 98.

42. Talmud Sanh. 45b-46a; Shachter and Freedman, *Sanhedrin*, 302-3.

John's account, it was not the politically charged events at the celebration of Tabernacles but the miraculous raising of Lazarus (which is not even mentioned in Matthew, Mark, or Luke) that was the event that set in motion the dragnet that led to the arrest of Jesus. Immediately after hearing what Jesus had done in Bethany, the word went out: "If any man knew where he were, he should shew it, that they might take him" (John 11:57), and with these legally burdened words the fearful die was cast. Thus, a few comments about the credibility and insight of John as a witness are pertinent here.

For many reasons, Latter-day Saints are, and should be, especially comfortable with John's account of the trial of Jesus. With Peter and James, John was one of the three highest ranking Apostles. Matthew, the publican, was one of the Twelve, but Mark and Luke apparently were not. Moreover, John was a firsthand witness. Only John, it appears, was present for the duration of these events, from beginning to end. He was present in the Garden of Gethsemane when Jesus was arrested, and he was the only disciple who "went in with Jesus into the palace of the high priest" (John 18:15), where (for John) the key Jewish interrogations took place. He was there at Golgotha when Jesus entrusted his mother, Mary, into John's care (see 19:26-27), and it appears that he was the only one of the Apostles who made it all the way to that awful scene. Of the spear thrust, John testified, "And he that saw it bare record [gives solemn testimony], and his record [testimony] is true" (19:35). John distinctively speaks of himself as "he that saw" (19:35), which in Greek specifically reads "the one who saw." In this phrase, John claims for himself special status, as the one who most closely witnessed the events that led up to the death of Jesus. His testimony of what happened and why should not be taken lightly.

Consistent with the points raised at the outset of this

study, John particularly wants his readers to understand that Jesus was not killed because of some political offense or for cursing the temple or its economy, as many people conclude (especially from Mark 11:15-21; 13:1-2). Unlike the synoptic writers, John does not allow that Jesus said that *He* can or will destroy the temple (as the false witnesses claimed, see Matthew 26:61; Mark 14:58); rather, John 2:19 translates, "If *you* destroy this temple, . . . in three days I will raise it up" (emphasis added). For John, the cleansing occurs at the very beginning of Jesus' ministry (see John 2:13-17), perhaps to show Jesus working at a clean temple throughout His ministry, for John understands Jesus not only as the new and everlasting intercessory High Priest (see John 17) but also as a pure and spotless sacrificial lamb. Thus, in John we find no mention of any Jewish court, let alone a verdict against him; and on this point I think John is right. Even with respect to the synoptic accounts, it is something of a misnomer to speak of the "trial" of Jesus. There was a hearing (of some kind), or perhaps an investigation or attempted deposition and the voicing of an opinion of how things "seemed" or "appeared," as the Greek reads in Matthew and Mark (*dokei*, Matthew 26:66; *phainetai*, Mark 14:64), but not a full trial and formal verdict.⁴³ We should trust John on this point. Jesus was found guilty of no legal offense, and thus Pilate held: "I find in him no fault," literally no cause of action (*oudemian . . . aitian*, John 18:38). Perhaps this also explains why John never mentions the thieves who were crucified with Jesus. Jesus was not, even by association, a robber or any other kind of criminal.

Instead, it is paramount for John that the death of Jesus

43. Mark's judgmental language is the strongest. He says that they all condemned him (*katekrinan*, Mark 14:64), but this may imply a general condemnation and not necessarily a formal verdict.

Christ was all part of God's eternal plan. It was a foregone conclusion from the beginning. It had to happen. It was a showdown between the miraculous powers of God and the dissembling powers of the world. His powers came "from above" (John 3:31). There may have been miscarriages of earthly justice, but John does not want us to think of the death of Jesus that way. Jesus was not a victim. His death was supposed to happen. God knew it would happen. Perhaps for this reason, in His mercy, God does not come out and place the blame on any single person or group of people. The writers of the New Testament gospels were intentionally ambiguous. All of them could have been much clearer about "who done it" if they had wanted to be, but that was not their point. Even in Judas's case, we do not know what motivated him; things certainly did not turn out the way he had intended or expected. In the final analysis, overwhelmed with irrational fear, all of them knew not what they really did, as Peter affirms: "I wot [know] that through ignorance ye did it, as did also your leaders" (Acts 3:17).⁴⁴

CONCLUSION

In sum, most Latter-day Saints are unconcerned with the technical political or legal details of the arrest, accusations, and hearings that led in rapid succession to the crucifixion of Jesus of Nazareth. It is usually enough for Latter-day Saints simply to know that the Savior died on the cross as the final step in the completion of His atoning sacrifice and as the first

44. The Greek reads, "I know that you acted in ignorance," as is accurately reflected in the archaic English word *wot*, which the JST changes to "know." See comment on Exodus 32:1, JST manuscript. I acknowledge the work of Kent P. Jackson, "Joseph Smith's Cooperstown Bible: The Historical Context of the Bible Used in the Joseph Smith Translation," *BYU Studies* 40, no. 1 (2001): 60, note n. 83, in bringing this reference in the JST to my attention. In *The Teachings of the Prophet Joseph Smith*, 339, however, the Prophet paraphrased this passage in

step in His breaking the bands of death for all humankind. A few Latter-day Saints, however, have spoken out quite assertively about the trial of Jesus from a legalistic point of view. The purpose of this brief study has been to explore and recommend a different approach, one that brings to the surface the underlying emotions and motivations behind the "trial" of Jesus.

In the end, which is also a beginning, Jesus was put to death by a relatively small group of people who became afraid mainly because of the mighty miracles He performed. All this is just as the Book of Mormon had foretold. Even in the face of mighty miracles, Benjamin prophesied that some would "consider him a man, and say that he hath a devil, and shall scourge him, and shall crucify him" (Mosiah 3:9). Righteous observers would see these wonders as true signs that Jesus was the prophesied Son of God; but for those who became afraid and thought that Jesus had a devil, the only option left in their minds was to reject and eliminate Him. Of course, hate, envy, politics, economics, and iniquity played their parts, but these factors do not tell the whole story. Ironically, Greeks, Romans, and others at that time (for whom the gods could be found anywhere) were quite accepting of miracle workers (unless they threatened the imperial family). The

Acts as saying, "I *would* that ye had done it ignorantly." I am not sure how to resolve these two readings, but it is possible that the word "ignorance" is being used here in different senses. Perhaps (1) those who killed Jesus did so ignorant of what was really transpiring, or their action was not presumptuously reproachful of God, which at least meant they were not subject to excommunication (see Numbers 15:30-31); but still, (2) they acted with enough knowledge of what they were doing (through the hands of others) to preclude them, as David who had arranged for the death of Uriah, from being baptized for remission of sins in this life, which, as Joseph explained, means that the blotting out of their sin can come only "through hell" and in the ultimate times of refreshing directly from the Lord (Acts 3:19). In any event, few Jews were directly involved in "killing" Jesus.

Jewish legal system, however, with its unique prohibitions against witchcraft, sorcery, necromancy, idolatry, and leading others into apostasy through signs and wonders, in the final analysis made the Jewish nation the only place on earth where anyone could have cared enough about the kinds of supernatural miracles performed by Jesus as signs of His own divinity to have reacted with such hostility against the presence of God in their midst (see 2 Nephi 10:3).⁴⁵ By their misdirected and in some ways unintended "stumbling," as Jacob explains, they would reject "the stone upon which they might build and have a safe foundation" (Jacob 4:15).

Of these truths, the Apostle John stands out as a primary witness. This was the John who was at Golgotha, "the one who saw" in more ways than one. The light had shone in the world, signs had been given, and the darkness had comprehended it not. But John saw and understood, and thus can bear strong and important testimony—a witness that is true to the eternal plan of salvation as well as the temporal developments involved in the death of the Messiah. In his first general epistle, John concluded: "And we know that the Son of God is come, [we have heard; we have seen with our eyes and handled with our hands] and he hath given us an understanding that we may know him that is true, and we are in him that is true, even in his Son Jesus Christ. This is the true God, and eternal life" (1 John 5:20; [1:1]). Of this the Latter-day Saints, the Book of Mormon, and all the holy prophets also testify.

45. Thus it was "expedient" that Jesus "should come among the Jews" (2 Nephi 10:3), whose laws made such offenses capital crimes. Polytheistic pagans would not have been so troubled by such claims to be the son of a god. Priestcrafts and iniquities at Jerusalem provided an atmosphere in which Jesus could "be crucified" (2 Nephi 10:5). The passive voice here is noteworthy open ended.