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What can the trial of Jesus teach us today? Quite a lot, says Bryan Schwartz

THE trial of Jesus still fascinates lawyers. Professors discuss it in the law journals, and the late Chief Justice of Ontario, J. C. McRuer, wrote a whole book about it.

What do the episode and its aftermath teach us about legal interpretation, and in particular about the need to understand texts in historic context and to apply them with humanity?

Jesus was brought before the Roman governor Pontius Pilate and then executed; so say all four gospels. On the role of Jewish authorities, the gospels vary.

In Matthew and Mark, there is another, earlier trial. It is at the Sanhedrin, the Jewish high court; Jesus is there convicted of blasphemy.

Matthew even alleges that a Jewish crowd urged Pilate to execute Jesus and cried out, "Let his blood be on our heads and our children." Through the centuries, that "quote" was used by anti-Semites as a death warrant against innocent Jewish people.

Historians still debate what really happened. A widely acclaimed study is *The Trial of Jesus* by Paul Winter. As a young Jewish man in Eastern Europe, Mr. Winter had studied ancient languages and modern law. He escaped the Nazis, joined the Allied forces and helped resettle survivors of the concentration camps. Among the lost were his own family. In the last decades of his life, he worked as a menial labourer by day and scholar by night. Mr. Winter was haunted by the prejudiced use of the Gospel accounts; yet his own analysis is not only immensely learned, but judicious and even-handed.

Mr. Winter found the historical evidence to be inconclusive on several disputed points, including the exact role of the Jewish high priests. Mr. Winter was convinced, though, that there was only one formal trial. Jesus was never convicted by the Sanhedrin of blasphemy. He was tried once, by Pontius Pilate, and executed as an alleged rebel against Rome.

Like many modern historians, Mr. Winter believed that the Gospels were somewhat "apologetic." That is, the Gospel writers edited and supplemented historical tradition in light of their own religious concerns. When they wrote, many years after the death of Jesus, the Gospel writers belonged to a persecuted Christian minority. They wanted to dispel Roman fears that Jesus and his followers were political subversives. The Gospel writers were also frustrated by the ongoing refusal of most Jews to accept Jesus as their messiah. So in recounting Jesus' death, the Gospels exaggerated the Jewish role and played down the Roman. The historical Pilate was a ruthless tyrant; yet the Gospel Pilate is unconcerned by Jesus and meekly submits to local Jewish pressure.

But what if the Gospel accounts (despite their mutual differences) were absolutely factual to the last detail? We would still have to interpret them with intelligence and humanity. A parable from the Talmud: a group of rabbinic sages are debating a point of sacred law. Opinion is divided.

Finally, a heavenly voice intervenes, and endorses the minority view. The Talmud reports that the majority view still prevailed; revelation is for God, but interpretation is the province of humankind. The Jewish sages often strove to find a gentler interpretation of an apparently harsh legal commandment. Jesus himself urged that the law be interpreted in light of human needs.

(In our secular legal system, where it is the word of legislatures that is supreme, the best judges still interpret laws with common sense and compassion.) "Let his blood be upon us and our children." The line is almost certainly an invention, not a factual quote. But suppose it were. What would it mean? Can "us" really mean the entire Jewish nation of the time? Impossible. Je-sus, his disciples, his followers were Jews themselves.

Does "our children" have to mean "all the generations that follow us"? Why choose such a cruel interpretation? Some scholars argue that "our children" means only Matthew's own generation: Matthew had witnessed the merciless defeat, in 70 AD, of a Jewish uprising against Rome. He felt that by not embracing Jesus as the Messiah, his generation had planted the seeds of its own sorrow.

In their language and thought, the Gospel writers drew heavily on the Old Testament. It contained its own conflicting ideas. In some places, the earlier Bible spoke of collective and hereditary guilt. If many members breached the law, a whole tribe or nation might be punished by God for many generations. Yet Abraham convinced God that all of sinful Sodom should be spared if it contained even 10 just men; and Deuteronomy commands human judges to dispense impartial justice to all individuals. In the parable of the Good Samaritan, Jesus taught that ethnic prejudice is wrong; individuals must be judged on their own merits. In 1965, the Second Vatican Council (perhaps influenced by Mr. Winter's book) issued a pronouncement related to Matthew's "blood quote." The modernized church denied that Jews were ever collectively responsible for the death of Jesus. It has also condemned anti-Semitism as a sin.

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