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# The Journal of Theological Studies

APRIL, 1909

## CHRIST BEFORE HEROD.

LUKE XXIII 1-16.

THE part played in the proceedings of the Passion by Herod Antipas, tetrarch of Galilee, is one of those incidents which are peculiar to the third Gospel of the canonical four. The narrative has been vigorously assailed by modern criticism. Some have declared it destitute of any foundation. And even in the more conservative historians we find assumptions and concessions, respecting the purport of the story as intended by the Evangelist, which, if valid, create difficulties and doubts. The purpose of this essay is to suggest, with the submission due from one having no special competence in the subject, that the case against the narrative is itself entirely mistaken, and rests, so far as it has any basis at all, upon a traditional misapprehension and misinterpretation of the statement impeached.

The present position of the question, as it appears from the sceptical side, will be seen in a full quotation translated from the commentary of Loisy. My investigation of this matter, as a case in some ways typical and important, was conceived in the course of studying his two elaborate and interesting volumes on the Synoptic Gospels. Criticism, he says,<sup>1</sup> has seen in this episode 'a legendary fiction accepted, or even invented, by Luke. The latter hypothesis must be rejected as improbable, since everywhere else the evangelist depends upon written documents. He found the mention of Herod in one of the gospels which he knew and used. But did this document deserve complete confidence? May not its *data* have been somewhat modified by Luke for the purpose of inclusion in his narrative? It has been remarked that, not having mentioned the silence of Jesus before Pilate, he has put this touch into the appearance

<sup>1</sup> *Les Évangiles Synoptiques* ii 638.

before Herod ; that the accusation of the priests seems to be imported from the same source ; and that the soldiers of Herod and the "splendid robe"<sup>1</sup> similarly take the place and part of the Roman soldiers, who, in the first two Gospels, and in the fourth, array the Saviour in a robe of purple. The "splendid robe" of Luke need not be white,<sup>2</sup> and if it be, the purple may have been discarded by the evangelist as an object not possible for the mockery of a king.

On the other hand, the story of Luke has long prepared us for the intervention of Herod. We are informed first that the tetrarch desired to see Jesus,<sup>3</sup> and again later,<sup>4</sup> that he designed to put him to death, and that upon this occasion the Pharisees who gave warning of the design were requested by Jesus to tell Herod that, for the death of a prophet, the only possible place was Jerusalem. All this, in the conception of the evangelist, is connected with the incident now before us. But the train of events he probably did not make ; he found it ready-made in a document or documents, containing notes of the relation between Jesus and Antipas. A passage in the *Acts*,<sup>5</sup> a prayer of the disciples in which Herod is expressly noted as a participant in the condemnation of the Saviour, is inspired by the same source or derived from the same tradition. In that passage is mentioned a prophecy, which was in the mind of the author when he describes in his Gospel the parts taken, in the story of the Passion, by the Jewish priests and people, by Pilate, and by Herod : "Why did the nations rage and the peoples imagine vain things ? The kings of the earth assembled, and the rulers were gathered together, against the Lord and against his Christ."<sup>6</sup> This text from the *Psalms* may have had some influence in shaping the Gospel-narrative, but has not affected it very much, and certainly cannot have created it.

It was supposed by Renan, that Luke was acquainted with a document, "in which the death of Jesus was by mistake attributed to Herod", and that, "in order not to lose this *datum* totally", he "pieced the two traditions together". A pure mistake it could not be, but there is room for mistake with design. The apocryphal *Gospel of Peter* gives a glimpse of the way in which legend enlarged the part of Herod in the Passion, and thus improved upon the lead of the Synoptic Gospels in shifting the responsibility from Pilate ; but the part of the procurator could not conceivably be suppressed. The document, upon which Luke has drawn for information about the attitude of Herod towards Jesus, cannot, so far at least as concerns his part in the Passion, be that which was used by Mark. It was a source resembling the *Gospel of Peter*, possibly a former edition of this Gospel, and parallel to Mark and to

<sup>1</sup> *robe brillante*.

<sup>2</sup> Some Latin versions render the adj. by *albus*.

<sup>3</sup> ix 7.

<sup>4</sup> xiii 31.

<sup>5</sup> iv 27.

<sup>6</sup> Ps. ii 1-2.

Matthew. In it, all the main points of the trial by Pilate were transferred to Herod, so as to let it appear that the tetrarch gave the sentence and directed the execution. So free a treatment of history the framer of our third Gospel could not admit ; but he has summarized that version in a scene, which, so far as it goes, serves to exhibit the innocence of Jesus and the goodwill of Pilate, and to throw upon the Jewish king and his soldiers the odium of the mockery really enacted at the residence of the Roman governor . . . The purpose of clearing Pilate explains why, in the original document, his place was in a manner filled by Herod, and the substitution may be, to some extent, an echo of the original *data* respecting the measures which Antipas was disposed to take against the preaching of Jesus in Galilee.'

Now it will be seen at once that the key-stone of this criticism, the base, hinge, handle, sum of it, is the resemblance, between the trial by Pilate and the trial (so called) by Herod, in the remarkable particular of the mockery. Were it not for this, the suggestion that the two scenes are suspiciously parallel, and the inference that one may be an invention which imitates the other, would never have occurred to any reasonable mind. Except in this, the resemblance, so far as it exists, is the natural and even necessary result of the circumstances. The Accused, who made but little answer to the examination of Pilate, made none to the questions of Herod. We may well suppose so. The accusers were in both places the same persons or some of them. Of course they would be. But the repetition of the mockery is a different matter. The derisive play or performance of the Roman soldiers after the condemnation, whatever its nature or occasion, is an exceptional and irregular incident, a thing which, though in no way improbable, could by no means be presumed from the circumstances. And if, as all seem to understand, and as we must understand from the description of the interview with Herod as now interpreted,—if it is alleged by the author of the third Gospel that the tragic farce of the legionaries was previously rehearsed, as it were, by the Jewish prince ; that at an earlier and totally different stage in the proceedings Herod anticipated the Roman performance both in idea and in detail ; that he also fixed upon the title 'King of the Jews' as a topic for sport, and expressed his parody by a symbolic investiture, and above all, as if to eke out the lack of resemblance in his own person, actually incited or encouraged his soldiers to assist in the exhibition ;—if

that is the allegation of Luke, it is certainly surprising. And when it is added, that of the four canonical narratives, that of Luke, the only one which notices the act of Herod, is also the only one which does not notice the act of the legionaries, the suspicion of a transference, repetition, or mistake of some kind cannot with prudence be rejected, and, if admitted, may, or even must, extend to the whole source, in the use of which the third Gospel is here peculiar. It would be easy to shew that such doubts have had their legitimate effect upon minds as remote as possible from prejudice against the canonical witnesses.

It is therefore of some interest to enquire, what precisely is the extent of resemblance between the behaviour of Herod Antipas, as described by St Luke, and that of the Roman soldiers as described by the rest. We may, perhaps, find that in fact there is no resemblance, and that the contrary assumption, though ancient, wide-spread, and readily explained, is none the less certainly wrong.

To approach the subject properly, we must first review what is said or suggested by the first three Gospels, and especially by the third—the fourth has nothing relevant—respecting the attitude or sentiments of the tetrarch towards the movement in his little dominion, which has given him such an unenviable celebrity. In this respect already, there is a noticeable difference between the original documents and the common colouring of accounts which are intended to reflect them. The ‘hostility of Antipas’, ‘the designs of Antipas’, ‘the danger from Antipas’, are phrases easily found, as one may say, anywhere except in the Evangelists. Nor is this surprising. The tetrarch of Galilee, by all accounts, was a bad, weak man, whose poor appearance in history would be unnoticed, were it not that, during certain obscure occurrences, soldiers, who swore by his head, must have stared in the streets of Chorazin and Capernaum, of Nazareth and of Nain. He shares the horror of a name, which, wherever the Bible stories are told, has perhaps of all names the most detestable sound to the ears of the simple and tender. The ‘Herod’ of infantile imagination, the legendary ‘Herod’, compiled from the criminal record of the whole family, is a creature scarcely human. It is rather a sort of ogre, who massacres the babes of Bethlehem, to whose table the head of John Baptist is brought in a charger, who stretches forth

his hands to vex certain of the Church, who kills James, the brother of John, with the sword, who, 'because he saw it pleased the Jews', proceeds further to take Peter also, and whose proper and exquisitely hideous end is to be eaten of worms and give up the ghost. It may not be altogether easy, even for the learned and critical, to disengage from this genial confusion, and to weigh strictly upon evidence, the question whether, in a particular case and relation, the wickedness of an individual Herod was of a specified quality,—whether the sentiments of Antipas, respecting the Preacher of the Kingdom, are, or should be, defined as hostile sentiments. They are not so described in the Gospels. The first two can scarcely be said to throw any light on his feelings, the third is explicit about them, and excludes the supposition of hostility.

If we depended only on St Mark and St Matthew, we should hardly regard the tetrarch as having any connexion, except indirectly and remotely, with the figure and story of Christ. In those narratives he is connected rather with the Baptist, and upon the death of the Baptist disappears from the scene. We are told indeed with some emphasis, that when, by the preaching and works of the Twelve, the name of their Master was brought to the ears of 'the king', then, among various popular opinions about Him, the one which commended itself to Herod was this—that the new prophet must be in some sense a resuscitation of the former: 'it is John, whom I beheaded; he is risen from the dead.'<sup>1</sup> The notice seems to promise a sequel, but there is none. This silence however is significant and expressive. It forbids us to attribute to the ruler of Galilee or his government any overt act of hostility to the movement; of which surely, had it occurred, the tradition must have preserved some trace. It forbids even the supposition of anything properly called a design; for to imagine this would be to raise gratuitously the question why the design was not executed, and who or what it was that protected from the sovereign the humble objects of his machination. It is clear that, so far as Christian tradition remembered, Antipas, during the activity of the Founder, neither did nor devised against him anything at all. Of the prince's mere disposition and feelings, so long as this was the case, people in the rank of the disciples could scarcely know anything; nor do they pretend to

<sup>1</sup> Mark vi 16 (cf. Matt. xiv 1).

know. If we were to admit, as literally and precisely correct, the statement about Herod's opinion which is quoted above, what sentiments should we properly infer from it? How would a king esteem, and how would he be likely to treat, the resuscitated embodiment of a person whom he had reluctantly put to death? It seems impossible to say, and the Evangelists give us no guidance. Only, inasmuch as they here take occasion to relate the story of Herodias and her daughter, of which the plain purport is, that in persecuting the Baptist Herod acted against his own feelings and will; that it was the women of his family, who forced him to imprison, and tricked him into beheading, a man whom he personally regarded with interest and a certain awe; we should perhaps suppose, if anything, that upon this view he would be rather disinclined than inclined to molest another John who gave no provocation.

For by the successor no provocation was given; and this again is a point in which the silence of the Gospels is significant for our purpose. On one occasion only, and that private, are any words, referring to the tetrarch personally, attributed to the Saviour. The passage is from Luke,<sup>1</sup> and will be considered presently. On another occasion,<sup>2</sup> also private, the habitual warning against the religious leaders of the time, against the 'leaven' or spirit of the Pharisees, is coupled with a warning against 'the leaven of Herod', the mixture of Jewish practices and foreign culture, of which the family were representative. And elsewhere in private discourses an oblique reference may be discovered or suspected. But in the preaching not a word is reported reflecting even remotely upon the ruler of Galilee or his administration. On political topics the Preacher, so far as appears, was invariably silent; and indeed it is obvious that, apart from any consideration of danger, no other course would have been consistent with the essential novelty of the teaching, the non-political colour which was put by the Teacher upon the announcement of 'the Kingdom of God'. At the very end of His career, His enemies are still trying, and trying in vain, to extract from Him a condemnation or repudiation of the secular authorities.<sup>3</sup>

This last affair, concerning the test-question of the tribute-money,

<sup>1</sup> xiii 31.

<sup>2</sup> Mark viii 15.

<sup>3</sup> Mark xii 13, Matt. xxii 15, Luke xx 20.

is one of the few places in which the Gospels bring upon the scene the persons or class who are described as 'the Herodians'. The impulse of the attack comes from the religious adversaries, 'the Pharisees', but 'Herodians' are for this occasion joined with them. And similarly in Galilee, when the religious leaders become definitely hostile to the new teaching, and design to get rid of the Teacher, they endeavour, apparently with some success, to draw in supporters of the tetrarch: they take counsel on the subject with 'the Herodians'.<sup>1</sup> It is manifest that, for persons destitute of official protectors or patrons, this situation, however small the number, and however limited the powers, of those moving or disposed to move against them, was in itself dangerous. There was from this time danger in Galilee; and we may legitimately use the fact to explain whatever it will explain—the interval of privacy in the teaching, the journey in the direction of Tyre, and the like. But when we come to the question with which we are here concerned, how nearly these 'Herodians' were connected with Herod, and whether what is said about them implies anything about him, the answer must be purely negative. In a recent book by a specialist in this history, the Pharisees who take counsel with the Herodians are described in modern terms as 'complaining to the police'.<sup>2</sup> The expression is probably adequate. For the less high in rank we place the persons concerned, the more natural is the apparent fact, that their acts, if they acted, and their measures, if they took any, had no visible result, and that, during all the months, or perhaps years, of the Galilean ministry, neither Master nor disciples were on any recorded occasion arrested, molested, or even prohibited, by command or in the name of the public authority. When the most is made that can be made of 'the Herodians', it remains possible and not unlikely that, from Herod and those about him, from the government, the Christian movement, as a matter of politics, had received no consideration at all. And we shall see that this, or something like it, is assumed and implied by St Luke, when he describes the action and behaviour of the tetrarch on the day of the Passion.

If, going beyond the record, we ask what is presumable, we

<sup>1</sup> Mark iii 6.

<sup>2</sup> Burkitt *The Gospel History and its Transmission* p. 91. See the whole context and chapter.



shall be as far as ever from the conclusion, that Antipas, from the necessity of his position as ruler of Jewish subjects, must have regarded the Messiah with hostility. The assumption is not uncommon, but it seems to overlook an important and essential part of the facts. If the expectation of a Messiah and of a theocratic state had been now first created, if the announcement of 'the Kingdom' had been, as such, new, then indeed it would of course have been dangerous and detestable to a ruler in possession. But since the expectation and the political danger of it already existed, why should such a ruler be alarmed or displeased by the doctrine that 'the Kingdom' was not to be realized by force? Surely nothing is more certain than that such was the doctrine of Christ, and that, so far as the new teaching bore upon politics, precisely here lay its novelty, and the distinction, for example, between Christ and the Baptist. The effect of this doctrine, if accepted, was surely to eliminate the existing danger; and if all the Jewish subjects of the tetrarch could have been instantly converted to the principles of the Sermon on the Mount, his position would have been, so far, not less but much more secure. Undoubtedly the new Messiah proclaimed, like the predecessor, that 'the kingdom of heaven was *at hand*', and that in some way, but without rebellion, without violence, without ordinary means, it was in some form to appear and be established forthwith. But, without entering into subtleties of interpretation, which were certainly not in the view of Antipas, we may surely think that, in a statesman of Greek education and Roman experience, this prophecy, merely as such, would excite feelings quite different from alarm. When we add that, according to the Gospels, the Messianic claim, during the Galilean ministry, had been, so far as possible, concealed, and that in Galilee, so far as we are told, no demonstration had occurred, upon which it was even possible to put a political colour, it will appear that, if we are to speculate, the indifference of the Galilean government and sovereign, as politicians, should be supposed rather an indifferent goodwill.

And now let us consider precisely the statements of the third Gospel. These are, after all, our only authority for the expectations which the author means us to bring to the interview which he only describes. When we have noted, but without pressing, the indications that the source or sources special to him, as compared

with Mark and Matthew, were connected in some way with the person or household of Herod,<sup>1</sup> let us next observe, that, when he uses the same sources as the other two, he omits, if he had before him, even the slight traces, which they exhibit, of collision between the Christian movement and the party or principles of the prince. The 'leaven of Herod' and 'the Herodians' disappear, when passages, which in the other versions contain such mention, are almost identically reproduced.<sup>2</sup> We may perhaps, without affirming anything upon this evidence, infer safely that it was not in the design of the author to prepare us for enmity on the part of Herod against Christ, since he has neglected what, for this purpose, lay to his hand.

Over the relations between Antipas and the Baptist he passes summarily, but without changing materially the *data* of Mark. In the description of the Baptist's ministry, his imprisonment is mentioned by a brief anticipatory note,<sup>3</sup> with the addition that the rebukes, by which it was provoked, referred not only to the connexion with Herodias, but to the 'many other evil things which Herod had done'. His immorality is common ground and unquestionable. The death of John is not related at all, but is assumed in describing how Herod regarded the successor.<sup>4</sup> Here St Luke modifies the common tradition significantly. Upon the variety of popular opinions—that in the new preacher and worker of miracles 'John was resuscitated', or 'Elijah had appeared', or 'one of the ancient prophets had arisen'—Herod remained in doubt: "John", he said, "I myself beheaded; but who is this, of whom such things are reported to *me*?" And he was desirous to see him.' The correction, by which the supposed resuscitation of the Baptist is no longer represented as credible to the tetrarch, points to better knowledge of him, or at least a more likely conception. What the narrator asserts positively, and all that he asserts, is that the report of the new performances, and especially of the remarkable cures,<sup>5</sup> excited the prince's curiosity, so that he wished to see the Physician, to whom, and to whose pupils, such things were attributed. To this carefully limited proposition the evangelist

<sup>1</sup> Luke viii 3 (cf. xxiii 49).

<sup>2</sup> Luke xii 1 (Mark viii 15), Luke xx 20 (Mark xii 13).

<sup>3</sup> Luke iii 18.

<sup>4</sup> Luke ix 7.

<sup>5</sup> See the context.

recurs in the final scene. To keep in his track, we must ignore what he ignores, and hold by the statement, as the whole of what we are to assume about Herod, that he was curious about Christ, especially as a performer of miracles, and therefore desirous to see Him.

Between this and the interview, St Luke has but one reference to Herod. The passage is peculiar to his Gospel, and must be read in the author's own light. It occurs among the mass of anecdotes, remarks, and discourses which the Evangelist puts together, without pretence to definite sequence or chronology, in connexion with the last journey to Jerusalem.<sup>1</sup>

'Just at this time<sup>2</sup> came some Pharisees, saying to him, "Depart and go hence, for Herod desires to kill thee. And he said to them, Go and tell this<sup>3</sup> fox: Behold, I cast out devils and accomplish healings to-day and to-morrow, and the third day I am perfected. Only I must journey on to-day and to-morrow and the day after, for it cannot be that a prophet should perish out of Jerusalem. O Jerusalem, Jerusalem, thou that killest the prophets, and stonest them that are sent to thee, how often did I desire to gather thy children, even as a hen gathers her brood under her wings, and ye would not. Behold, your house is to be left unto you desolate. Verily, I say to you, ye shall not see me till the time be when ye shall say, "Blessed is he that cometh in the name of the Lord."'

The reader will consider, whether there is here anything relevant to our enquiry. The main point is plainly the imminence of the end, the foreseen imminence of the only possible end. The warning of the Pharisees, mentioned for the sake of the answer, implies what the author has told us before, that Herod was a bad man, to whom an evil purpose might be attributed. And so much the answer confirms. But that more is meant, that we are to infer anything positively about the tetrarch, seems impossible, since everything material to such an inference is undetermined. With what purpose and in what spirit the warning is given, whether it is true, whether authorized, whether believed,—all is uncertain. We have still therefore, as the sum

<sup>1</sup> Luke xiii 31 ff. For a full discussion see Loisy *Évangiles Synoptiques* ii 125.

<sup>2</sup> ἐν αὐτῇ τῇ ἡμέρᾳ (or ὥρᾳ). But the context (see *ib.* 22) does not give any place or time, and we must take the phrase loosely.

<sup>3</sup> τούτῳ, not (as in A. V.) 'that fox'. See further the note at the end of this essay, p. 352.

of what the narrator has told us of Herod's mind, the statement, that he was curious about the reported performances, and desirous to see the Performer.

Coming then, with this preparation, to the final scenes at Jerusalem, we read in Luke that, after the night-arrest, the Prisoner is detained at the house of the high priest till morning, when a meeting of the Sanhedrin is held there. From His replies to questions touching His Messianic and superhuman claims, they conclude that, from their point of view and on grounds of religion, 'no further testimony' is needed to justify their next proceeding,<sup>1</sup> which is to go in a body to Pilate, the Roman governor or procurator of Judaea, and prefer at a public audience an accusation of political treason. 'We found this man perverting the nation, and forbidding to give tribute to Caesar, saying that he himself is Christ a King.' Pilate, after an examination, declares that no crime is made out. The report of the interrogatory is extremely concise, and does not signify the topics or the ground of conclusion; but from the reference in the accusation to the payment of tribute, a point upon which, as we have been expressly told,<sup>2</sup> the enemies of the Defendant had recently tried, and failed, to obtain from Him a declaration suitable to their purpose, we must understand that, so far, the case has rested upon what has happened in Jerusalem since the triumphal entry. The procurator decides, as he well might, that these proceedings, as described in the Gospel, do not support the charge of rebellion against the Empire.

The accusers however persist, and try to strengthen their case by a new statement<sup>3</sup>: 'He stirreth up the people, teaching throughout all Judaea,<sup>4</sup> beginning from Galilee unto this place.' The emergence of Galilee, as the place where the alleged agitation had commenced, draws from Pilate the question, whether the man is a Galilean. 'And on learning that he was from the dominion of Herod, he sent him up to Herod,<sup>5</sup> who was himself also at Jerusalem in these days.' The last words probably mean

<sup>1</sup> Luke xxiii.

<sup>2</sup> Luke xx 20.

<sup>3</sup> ἐπίσχυον λέγοντες in v. 5 seems to be so meant.

<sup>4</sup> Used, as the context shews, loosely for the Jewish parts of Palestine.

<sup>5</sup> ἐπιγνοὺς ὅτι ἐκ τῆς ἐφορίας Ἡρώδου ἐστίν, ἀπέπεμψεν αὐτὸν πρὸς Ἡρώδη. The preposition in ἀπέπεμψεν, for which we have no exact equivalent, seems to signify merely that the sending to the tetrarch was a means of 'referring' the question to him.

what we should at all events suppose, that the occasion of the tetrarch's visit was the Passover.

Now it is of the first importance, for conceiving and interpreting rightly the scene which follows, to fix precisely the motive and legal nature of the procurator's reference, and the part which, by this reference, the tetrarch is invited to take. It is common to assume, expressly or tacitly, that Herod is invoked as a judge. The Authorized Version itself betrays this tendency, by putting upon the clause 'he was from the dominion<sup>1</sup> of Herod', that is to say, from the territory of which Herod was ruler, the narrower and more limited sense 'he belonged unto Herod's *jurisdiction*', which suggests the personal relation of ruler and subject, and a judicial competence in Herod, grounded upon this relation. Similar language pervades modern descriptions generally. M. Loisy, to take the nearest instance, speaks of the tetrarch's 'office as a judge'. The 'trial before Herod', the 'judgement of Herod', and the like, are phrases in common use. And the same conception underlies the view, too familiar and too often repeated to need illustration, that the reference to Herod is an exhibition of Pilate's weakness, and that Pilate's purpose in it is to diminish or shift his own responsibility for a judgement. But how can this possibly be? How should the procurator be able, or imagine himself able, to give the tetrarch of Galilee jurisdiction in Jerusalem? And why should so unreasonable an explanation be sought for a step which, upon the facts as presented by the Evangelist, was surely not only justifiable but necessary? The accusation, when it assumes that form, which the narrative represents, quite naturally, as a second form, an expansion and reinforcement of the original charge, becomes this: that the occurrences in Jerusalem, which Pilate had already declared to be no proof of sedition, were only part of a course of seditious preaching, an insurrectionary movement originated in Galilee. Moreover, according to the story presented by St Luke, which, whether it be complete or defective, we must here take for granted, the procurator would learn upon enquiry, that of the teaching and career, which were alleged to be seditious, not only the beginning, but almost the whole, had taken place in the territory of the tetrarch.

<sup>1</sup> Literally, *power*, ἐξουσία.

But this charge, the charge in this amended form, was such that, in justice to the parties and the public interest, no judgment could be given upon it without consulting the government of Galilee, whose knowledge or whose ignorance must be material and almost decisive. We may well suppose indeed, that precisely for this reason the Sanhedrin or their representatives did not at first take this line of attack, but tried to make out their case upon what had passed within or about Jerusalem. Upon the second charge, the charge as amended, they could hardly expect to procure a conviction without the assistance of the tetrarch; and on this, as the sequel shews, they could not count. But whatever their motives, when they did take this line, the course for the procurator was obvious,—to obtain a report or information from Galilee, to ascertain whether or not the Galilean authorities concurred in the accusation. And if no Galilean authority had been immediately accessible, the case, it would seem, must necessarily have stood over for enquiry. In the actual circumstances, the tetrarch himself, being in the city, and lodged perhaps in the very building, was the obvious and indispensable informant. And since a person of his rank and independence could not be summoned, the proper and only way was that which the procurator took, to address an enquiry to the prince, sending of course with it the prisoner and some supporters of the accusation, so that Herod, before answering, might examine them if he thought fit.

Therefore, in figuring the scene at Herod's residence, we have to remember that it is no public or prepared audience. Nor is it a trial. Representations in art, which shew the prince in robes, and surrounded by the pomp of a tribunal, guards, apparitors, and so forth, betray an error which, though mainly arising from a misinterpretation presently to be considered, owes something probably to mistake at the point now before us. The tetrarch at Jerusalem was a private person, and the visit which he receives, as related in the Gospel, implies nothing inconsistent with this fact. What sort of state he kept in the city as a visitor, is, I suppose, not ascertainable; but in whatever condition he habitually spent a private morning, in that he would be found. The party sent from the procurator's court would be small and inconspicuous, and would most probably go by private communica-

tions,—circumstances, we may note in passing, which explain why the incident was unknown to the tradition represented by Mark: we may well suppose that, of the spectators at Pilate's tribunal, few were aware for what purpose the hearing was suspended and the Prisoner withdrawn. Of those who went, fewer still, and the fewest possible, would be admitted to the prince's presence—the Prisoner, one of His guards, the messenger of Pilate, two or three of the Sanhedrin,<sup>1</sup> some six persons, let us say, altogether. Of Herod's attendants the story, as we shall see, says nothing. We may assume perhaps that he would not choose to receive the party alone; and indeed the servants in waiting are the most probable source of the information which Luke has reproduced. But they would be few—two perhaps, a secretary and a page—and naturally not military, or at all events not in arms. The apartments and access, whether or not connected internally with the *praetorium* itself, would doubtless, in such a city and time, be well guarded; but a prince does not sit with his guards. The whole scene, including in all something under a dozen persons, must be figured as purely domestic; and it is in this atmosphere only that the interview described in the Gospel finds a fit and natural setting.

As we propose now to shew, *first*, that this narrative is simple, harmonious, and adapted to the context, so long as we do not import the supposed mockery of the prisoner; *and further* that, with this importation, it becomes absurd, inconsistent, and inexplicable either as a reality or as an invention; *and finally* that for the mockery, as now supposed, or indeed for any mockery at all, the author offers no warrant; it will be convenient first to consider the passage as it would run, if the words, in which the mockery is now discovered, were omitted.<sup>2</sup>

<sup>1</sup> The words of Luke, in describing the accusers before Herod (οἱ ἀρχιερεῖς καὶ οἱ γραμματεῖς, 'the chief priests and the scribes'), would imply, if pressed, that two of the three classes of the Sanhedrin were represented, and each by more than one person. But to press the words thus would be unsuitable to the style. Nothing is meant but that some of the Sanhedrin were there, that the accusers were represented.

<sup>2</sup> Ὁ δὲ Ἡρώδης ἰδὼν τὸν Ἰησοῦν ἐχάρη λίαν· ἦν γὰρ ἐξ ἱκανῶν χρόνων θέλων ἰδεῖν αὐτὸν διὰ τὸ ἀκούειν περὶ αὐτοῦ· καὶ ἠλπίζε τι σημεῖον ἰδεῖν ὑπ' αὐτοῦ γινόμενον. Ἐπιπρώτα δὲ αὐτὸν ἐν λόγῳ ἱκανοῦς· αὐτὸς δὲ οὐδὲν ἀπεκρίνατο αὐτῷ. εἰσήκεισαν δὲ οἱ ἀρχιερεῖς καὶ οἱ γραμματεῖς εὐτόμως κατηγοροῦντες αὐτοῦ. ἐξουθενήσας δὲ αὐτὸν ὁ

'And when Herod saw Jesus, he was exceeding glad : for he was desirous to see him of a long season, because he had heard many things of him : and he hoped to have seen some miracle done by him. And he questioned him at much length, but he gave him no answer. And there stood the chief priests and the scribes, accusing him with all their might. But Herod thought him of no importance, . . . and sent him back to Pilate. And at this time Pilate and Herod were made friends, for before they had been at enmity with one another. And Pilate, when he had called together the chief priests and the rulers and the people, said to them, You have brought this man to me, as one that perverts the people,<sup>1</sup> with the result that <sup>2</sup> I, having examined him before you, have found in this man no ground for the accusation which you make against him. No, nor yet Herod ; for I sent you to him <sup>3</sup> ; and it proves that nothing deserving of death has been done by him. I will therefore give him a lesson, and let him go.'

In brief, Herod, by his reply to the enquiry, disowned the capital charge altogether. The narrative, which here as everywhere follows the external aspect of the proceedings and not the technical machinery, notes the tenor of the reply only when it becomes public by the declaration of the procurator. The documents, script and rescript, are not mentioned, any more than presently the sentence of Pilate will be recorded in technical form <sup>4</sup> : we are to suppose the necessary correspondence. Respecting the precise limits assigned to Herod's disclaimer, there is room for doubt. If it were exactly reflected by the words '*nothing deserving of death* has been done by him', it would admit or suggest that the prisoner might deserve the 'lesson' which Pilate next proposes to inflict. But upon the whole story, and in consideration of what we shall observe hereafter, we should

'Ἡρώδης . . . ἀνέπεμψεν αὐτὸν τῷ Πιλάτῳ. ἐγένοντο δὲ φίλοι ὃ τε Ἡρώδης καὶ ὁ Πιλάτος ἐν αὐτῇ τῇ ἡμέρᾳ μετ' ἀλλήλων· προσηύχον γὰρ ἐν ἔχθρᾳ ὄντες πρὸς ἑαυτούς.

Πιλάτος δέ, συγκαλεσάμενος τοὺς ἀρχιερεῖς καὶ τοὺς ἀρχοντας καὶ τὸν λαόν, εἶπε πρὸς αὐτούς, Προσηνέκατέ μοι τὸν ἄνθρωπον τοῦτον ὡς ἀποστρέφοντα τὸν λαόν· καὶ ἰδοὺ, ἐγὼ, ἐνώπιον ὑμῶν ἀνακρίνας, οὐδὲν εἶρον ἐν τῷ ἀνθρώπῳ τούτῳ αἴτιον, ἂν κατηγορεῖτε κατ' αὐτοῦ· ἀλλ' οὐδὲ Ἡρώδης· ἀνέπεμψα γὰρ ὑμᾶς πρὸς αὐτόν· καὶ ἰδοὺ, οὐδὲν ἀξιον θανάτου ἐστὶ πεπραγμένον αὐτῷ· παιδεύσας οὖν αὐτὸν ἀπολύσω. Luke xxiii 8-16.

<sup>1</sup> τὸν λαόν, the Jewish subjects.

<sup>2</sup> Such is the effect of ἰδοὺ in both places. The Biblical style ('behold') hardly gives, in this passage, a true reflexion of the original.

<sup>3</sup> On the doubtful reading here, which does not affect the present question, see note at the end of this essay, p. 349.

<sup>4</sup> v. 25 τὸν δὲ Ἰησοῦν παρέδωκε τῷ θελήματι αὐτῶν.



not construe the words in this way. The limitation 'deserving of death' comes from Pilate, and refers only to the question arising, for him, upon the rejection of the capital charge. The contribution of the tetrarch is concluded in the 'No, nor yet Herod'. In Galilee, as in Jerusalem, the Defendant, so far as was known, had committed no act of sedition. With this negative the legitimate function of the tetrarch was exhausted; and that he exceeded his function, to the prejudice of the accused, is most improbable, when we see how the accusers were received.

For in the foregoing scene, nothing is more apparent than the absence of all co-operation, sympathy, or touch, between the tetrarch and the Sanhedrin. The mere fact that he gives them no assistance is remarkable, and should be found strange by those who assume 'the hostility of Antipas', and suppose the Christian movement to have been regarded with fear, malevolence, or suspicion by the government of Galilee. What then prevented the unscrupulous Herod from using the weapon put into his hand, and crushing the agitator by simply informing Pilate that He was a dangerous person? But the Evangelist is in no such difficulty, having alleged nothing contrary to what he alleges here,—that Herod contemned the Defendant, 'thinking him unimportant', insignificant, or more exactly, 'a cipher', 'nothing', that is to say, politically nothing, of no account for the purpose of the accusation, not appreciable as a disturber of the peace. This supposed, the capital charge was ridiculous. Herod so opined, and reported accordingly to the procurator.

But further we see, and it is the chief trait in the scene, that the prince, notwithstanding his nominal religion, behaved on this occasion to the reverend and learned councillors, who waited on him, with a negligence and nonchalance which cannot have been without malice. His delight in the appearance of the Galilean, whom, as a celebrated wonder-worker, he had long been desirous to meet, and his hopes of a performance, pre-occupied him, it appears, completely. Upon this topic (so the connexion implies) he pressed the famous Magician with an interrogatory not at all abridged by an absolute lack of response, or by the invectives of the impatient delators. 'And the chief priests and the scribes stood there, accusing him with all their

might.’<sup>1</sup> Eventually, when their turn comes, they are dismissed with a contempt which, though pointed at the Prisoner, glances inevitably upon those who would represent Him as formidable. Anything more offensive to clerical magistrates than the whole performance one cannot conceive. And to the original observer and reporter—who, though in the service of Herod, may be supposed, since his report reached the disciples, not partial either to the prince or to the visitors—to him at least it seemed, that the mortification was designed. For it is added, without relevance to the story of the defendant, that there ensued a truce and alliance between Herod and Pilate; Herod, for some reason, such as in the political tangle of Judaea is easily conceivable, was at this moment well pleased to disoblige and snub the Sanhedrin, and to range himself with their adversary, the Roman governor. So at all events he did, both by his behaviour and by his report. In all this, his part is perfectly consequent.

But now let us try the effect of inserting, with the current interpretation, the words of ‘the mockery’:

‘And the chief priests and the scribes stood and vehemently accused him. *And Herod with his men of war set him at nought and mocked him, and arrayed him in a gorgeous robe, and sent him again to Pilate.*’<sup>2</sup>

Herod, that is to say, before dismissing the defendant, indulged himself and his military suite with the amusement of flouting such a ‘King of the Jews’, and improved the jest by robing him suitably—and disrobing him, doubtless, like the Roman soldiers afterwards, when the farce was done.

Now as to the mere probability of such a performance by a prince, we will not say much. It may be differently estimated. There have been princes capable of behaving so, royal bullies and players of pranks, reckless alike of the victim and of their own dignity,—Caligula, for instance, and Henry III of France, and perhaps, in certain moods, our own Richard II. We are to suppose that Antipas was a specimen of this peculiar class, a tyrannical buffoon. The fact wants proof; but let us suppose

<sup>1</sup> Literally ‘at full strain’, or ‘full pitch’, *εὐτόνως* combining both suggestions. English does not seem to afford any compact equivalent. *Vehemently, energetically, &c.*, are near, but miss the note of sarcasm.

<sup>2</sup> *ἔφουθησας δὲ αὐτὸν ὁ Ἡρώδης σὺν τοῖς στρατεύμασιν αὐτοῦ καὶ ἐμπαΐζας, περιβαλὼν αὐτὸν ἱσθητά λαμπρὰν ἀνέπεμφεν αὐτὸν τῷ Πιλάτῳ.*

it. Even then, even in a Caligula, we should expect a method in madness, the pursuit, however extravagant and indecent, of some idea, the choice and hold of an object. But Herod, according to the representation, was incapable even of this. He was discharging 'the King of the Jews', dismissing Him as innocent. He was about to inform the procurator that he found no fault in the man. Whatever his motive, honesty, pride, or malice against the prosecutors, that was the line which he took. And then, as part of this proceeding, as an incident in the acquittal, he gets up a charade—for the robe at least must be fetched—which means, if anything, that the charge is true, and that the defendant is guilty of the pretensions for which he is mocked. Herod discharges the accused, but treats Him first as the executioners did after sentence. The thing seems senseless and, on the face of it, incredible.

But if the mockery makes difficulty for those who would conceive the scene as a reality, still greater, and every way desperate, is the embarrassment of those who would explain the whole story, including this incident, as an invention. The theory of sceptical criticism, upon the evangelical narratives of the Trial and the Passion, is in general, as we saw at the beginning, this: that Christian tradition tended to exculpate the officials of the Roman Empire by transferring the odium of their acts to the detested Jews. Thus the tetrarch, a Jew, was made to take, or to share, the responsibility of the procurator as judge. A Jewish trial was devised to replace the Roman. And the third Gospel, which inserts the trial and mockery by Herod, betrays, it is said, this purpose, by omitting the Roman mockery, which was recorded in the source common to Luke and Mark.

This last point however (let us note in passing) depends plainly upon the assumption that, according to Luke, the Roman mockery *did not happen*, was not a fact. If he had a motive for omitting the incident, though it was a fact, the argument from the omission collapses. And such a motive he exhibits. It is he who, at the moment of the crucifixion, records the prayer, so sacred and so pathetic that it will hardly bear quotation in debate, for the executioners who 'know not what they do'. It is surely conceivable that such a narrator should pass over in silence the brutal sport of the legionaries, as he

passes in silence the scourging which they inflicted, not because these things did not happen or because he wishes so to suggest—for the scourging was an incident of the sentence, and, if not denied, would be supposed as of course,—but because he thought, with some reason, that there was no moral interest in actors hardly more responsible for their parts than the reeds, rods, nails, and cross.

But however this may be, and though we were to grant that the Herodean mockery, according to Luke, replaces the Roman, suppressed as *non factum*, it is still impossible, as the critics have perceived and acknowledged, to account on these lines for his version of the Herodean episode as a whole.<sup>1</sup>

For it is obvious that, to relieve Pilate, Herod must condemn, whereas, according to St Luke, he acquits, thus increasing and not diminishing the culpability of the procurator, in giving sentence contrary not only to his own opinion but also to that of his referee. Accordingly we discover a new motive for the fiction: the episode was imported in order that the innocence of the accused might be certified by two judges instead of one. But here again we stumble upon the mockery, which, as we saw, and as all see, clashes with the acquittal, and goes far to annul its effect. So in fine we have, from M. Loisy, a third and composite theory. First some one, not Luke, is to invent a Herodean trial, condemnation, and mockery, parallel to the Roman, by way of counterpoise to Roman responsibility. The evangelist accepts the trial, but, to get the advantage of Herod's testimony, changes the condemnation to an acquittal, but yet again retains the mockery, because this compensates for that of the legionaries, which, out of tenderness for Romans, he will suppress. To shun the opposing rocks we run (so it seems) upon both. The method and performance of Luke are surely on this shewing utterly incomprehensible. The truth is that the procedure of Herod as now supposed, by which the defendant is first flouted as a usurper of royalty and then absolved of rebellion, is incoherent. Take it as fact or as fiction, and turn it however we will, we shall not explain what does not agree with itself.

<sup>1</sup> See here the citation from M. Loisy, *supra* p. 321, noting the successive stages of the theory, for which the author gives full references.

To eliminate the acquittal is impossible: the 'No, nor yet Herod' is as clear as words can be. Error of interpretation must be found, if anywhere, in the verse:

'And Herod with his men of war set him at nought, and mocked him, and arrayed him in a gorgeous robe, and sent him again to Pilate.'<sup>1</sup>

Here there is at any rate one term which, as a translation, is artificial and unsatisfactory. Herod's 'men of war', that is to say, the soldiers present (as this version assumes) at the interview, and partners in the mockery, appear in the original as his *strateumata*, his 'troops', or rather 'forces'. But if such is the author's meaning, his choice of a word is amazing. The irony of M. Loisy, 'We must not ask how the tetrarch should have *armies* in Jerusalem', touches the objection truly, but ignores the chief part. It is quite true that a corps of guards, such as might accompany the prince on such a journey, should not be described as a *strateuma*, and still less by the plural *strateumata*. We are not, of course, to demand precision from the author in military matters any more than in judicial. We are not surprised when, in his *Acts of the Apostles*, the garrison of Jerusalem appears as the *strateuma* or 'force' of its commander Claudius Lysias, both in the narrative and in the commander's dispatch to his superior.<sup>2</sup> The term, whether technically correct or not, is intelligible and natural. And we will go so far as to suppose, though it does not follow, that a body of guards, if assembled and acting under the prince's command, might, by the same author, be called his *strateuma*, or conceivably, by a stretch of magnificence, his *strateumata*. But here the author is speaking, as the interpretation assumes, of soldiers in waiting, companions or personal servants, who are found with their master in the room or place where he receives unexpectedly a civil deputation. Such persons, if such there were, would be indicated as *stratiotai*, 'soldiers'. To call them *strateumata*, 'forces', is a mere abuse of language, unnatural, and not easily to be imagined.

Nor, even if properly described, would they fit their place in the narrative. 'Herod, with his soldiers, *contemned*' the prisoner.

<sup>1</sup> ἐξουθενήσας δὲ αὐτὸν ὁ Ἡρώδης σὺν τοῖς στρατεύμασιν αὐτοῦ καὶ ἐμπαίξας, περιβαλὼν αὐτὸν ἐσθῆτα λαμπρὰν ἀπέπεμψεν αὐτὸν τῷ Πιλάτῳ: Trans. A. V.

<sup>2</sup> Acts xxiii 10 ἐκέλευσε τὸ στράτευμα καταβῆναι ἀρπάσαι αὐτὸν ἐκ μέσου αὐτῶν, and *ib.* 27.

But what sort of co-operation is this? The word marked<sup>1</sup> describes a feeling or judgement of the mind; it means literally 'to make nothing of', to regard as a cipher, and so to despise or contemn. And the tense used signifies that Herod came to, took, this contemptuous view or opinion. The impropriety of saying, that he formed his opinion with the help of his guards, is veiled in the Authorized Version, which, to suit the prevalent idea, adopts the dexterous modification '*set him at nought*', thus suggesting and preparing us to expect some action or performance. Of this in the original word there is no trace.

But if, dismissing all preconceptions, we take the phrase as it is, and write 'Herod, with his forces, contemned him', or, more exactly, 'Herod, with his forces, thought nothing of him', there is surely, so far, no difficulty. The English means that to a sovereign supported by military power the prisoner seemed an insignificant adversary; having troops at his back, he contemned such a person in the character, imputed by the accusers, of a dangerous rebel and claimant to the throne. And the Greek may and should mean the same. It may perhaps be implied, that the strength of the prince was in some way represented by the state or attendance with which he, or his apartment, was surrounded. But the words do not say so, and at all events it is not the point.

To this it is next added that 'he jested upon him' or 'thereupon'.<sup>2</sup> Here again we must carefully observe, that the original word, though it would admit the explanation supposed to be given by the sequel, and might signify a mockery by performance, a mockery in action, neither contains any such notion in itself, nor even can be so understood, if interpreted, as is natural, by what precedes. 'Herod, *with his forces*, thought nothing of (the prisoner), and jested thereupon.'<sup>3</sup> The jest is explained by the words 'with his forces',—a connexion more apparent in the original, from the order of the words,<sup>4</sup> than it can be made in the order of English. The suggestion that the prisoner

<sup>1</sup> ἐφουθεήσας.

<sup>2</sup> καὶ ἐμπαίτας.

<sup>3</sup> ἐμπαίτας (αὐτῷ). Though the pronoun supplied is doubtless masculine, the translation 'thereupon' is more correct than 'upon him', because the context marks that it is as an *adversary of Herod* and his forces that the person is derided.

<sup>4</sup> Because οὖν τοῖς στρατεύμασιν αὐτοῦ is brought close to ἐμπαίτας.

was a rebel, with pretensions to Herod's throne, was received with a sneer: 'I and my forces are not afraid of him', or the like,—a form of speech, let us note, in which the rhetorical amplification *strateumata* (plural) is natural. And the jest, let us note also, might be so delivered that the sting of it would be all for the accusers; and so, from the drift of the whole anecdote, we should understand. The 'priests and scribes', who would signalize a danger to the military establishment of Galilee, are told in effect to mind their own affairs.

So far, then, there is no hint of personal affront to the defendant. It remains to consider the act of robing. Here, from the structure of Greek and its habit of accumulating participles, there is a doubt as to the grouping and connexion of words. Part for part, the passage runs thus:

'But Herod with his forces contemning him and jesting (there-) upon putting on him fine apparel sent him back to Pilate.'

Grammar admits equally the connexion of *putting* either with *jesting* or with *sent*. Which is meant? With the current conception of the scene, presupposing the hostility of Herod to the prisoner and the co-operation of the 'men of war', we should decide for the connexion with *jesting*, as apparently all interpreters, more or less definitely, now do. And it would then be possible, and preferable, to hold that, in spite of the order of words, the robing, or rather *having robed*, precedes the mockery, or is included within it. The translation of M. Loisy, for example<sup>1</sup>—

'Et Hérode, l'ayant traité avec mépris et tourné en dérision avec ses soldats, après lui avoir fait mettre une robe brillante, le renvoya à Pilate'—

inclines this way; and our Authorized Version, though likewise ambiguous, is so understood and doubtless so intended. But the contrary, a disjunction of the robing from the jest, and a connexion only with the dismissal, is indicated not only by the order but by the balance of the period.<sup>2</sup> If then the robing is derisive,

<sup>1</sup> *Les Évang. Syn.* ii. 636.

<sup>2</sup> ἐξουθενήσας δὲ αὐτὸν ὁ Ἡρώδης σὺν τοῖς στρατεύμασιν αὐτοῦ καὶ ἐμπαΐσας, περιβαλὼν αὐτὸν ἐσθῆτα λαμπρὰν ἀνέπειμψεν αὐτὸν τῷ Πιλάτῳ. There is nothing in the rhythm to suggest a comma after λαμπρὰν.

this colour must be found wholly in the act and the description of it.

Now that the words do not necessarily convey this is certain. They are not even the obvious words for such a purpose. The derision must turn upon the 'royalty' of the Prisoner, upon His claiming the title of 'king'. And since in this scene, in the interview with Herod, that title has not been mentioned at all, and it has been mentioned but once before, we should expect here, for the supposed purpose, some reminder of it, some such phrase as 'royal apparel'.<sup>1</sup> But that is not said. What *is* said, the exact shade of the words, is not quite easy to fix. The term *apparel* (not necessarily a single robe) conveys certainly something not common. Indeed that is just all that it does convey. The original (*esthes*) is a word for clothing which, by a certain poetical colour, escapes the note of commonness, but which must be defined according to the occasion. The robes of Herod Agrippa at his last audience are called *esthes*, with the addition of the epithet *royal*.<sup>1</sup> At the sepulchre it is in *raiment* (plural), which 'shines like lightning', that the 'two men' appear to the seekers of the body.<sup>2</sup> Clothing merely as such is not *esthes*, and there is perhaps a shade of dignity in the word used for 'putting on'.<sup>3</sup> But 'arrayed in a gorgeous robe' (A.V.) is not exact either in the substantive or the epithet, and shews, like the whole verse, the deflecting influence of the prevalent assumption. 'Fine apparel', 'splendid apparel', seems about right; the epithet<sup>4</sup> here adds little, if anything, to the denotation of *esthes*. However, the clothing is rich; and apparently, though it would be brought by a servant, the prince himself puts it on. That is what is said, and there is no reason to gloss it.<sup>5</sup> On the whole then clearly the act is a mark of honour.

But why should we suppose it ironical? It is now so supposed, because we take for granted that Herod is hostile to the Defendant, and because otherwise there is no part for the 'men of war'. But since there are no such performers, and since Herod declares in

<sup>1</sup> ἐσθήτα βασιλικήν, Acts xii 21.

<sup>2</sup> Luke xxiv 4 ἐσθήσεσιν ἀστραπτούσαις.

<sup>3</sup> περιβαλόν. See Luke xii 27.

<sup>4</sup> λαμπράν, a common metaphor in such connexion.

<sup>5</sup> As in 'après lui avoir fait mettre', Loisy.



favour of the Defendant, why should he not dismiss Him with honour ?

There is every reason, from Herod's point of view, why he should. It is the proper outcome of the situation and the proceedings. Herod, from the first and throughout, according to the story, exhibits an eager interest in the Galilean thus brought into his presence, because of the reports about His extraordinary powers and performances. That he overacts this sentiment, for the discomfiture of the accusing magistrates, seems to be suggested, but not at all that the feeling is feigned. The reports, as they appear in the Gospel, must have excited interest, and a certain respect, in any one not prepossessed on the other side ; and Herod was no fanatic either of religion or (as far as we know) of philosophy. The opinions and feelings, which he brings to the interview, he retains to the end. The refusal of the Magician to respond to his advances, though it could not please, must stimulate his curiosity, and might naturally increase his respect. He 'was hoping to see some miracle done by him', and, on parting with Him, he hopes so still. Backed by his opinion, Pilate will dismiss the ridiculous charge of sedition. The wizard will then be at liberty, and able, if willing, to satisfy the royal desire. In this expectation, Herod, before parting with Him, bestows on Him a royal gift and mark of favour. The form of it, a rich and valuable costume, is familiar in oriental practice, and such as the garb of the Prisoner, after the outrages of the night, might suggest as acceptable. The act of investiture is conceived in the spirit, however different in the circumstances, of that commanded by Ahasuerus for Mordecai. If it is a little extravagant (and this seems to be meant), that is in keeping with Herod's attitude throughout. He overacts his respect at the departure, as he does his interest at the arrival, with an eye to the prosecutors and a certain pleasure in disagreeing with them. And he does his best to publish his disagreement, by the changed appearance which the Defendant will present on His return to the *praetorium*. But the compliment, after all, is royal, and itself signifies the prince's political 'contempt'. Only a conscious superior could take such a liberty. That he accompanied the gift with a jest, and a jest upon the 'royalty' of the recipient, is conceivable, but would be hardly congruous ; and at all events it is neither said nor suggested.

The whole passage will run somewhat thus :

‘Herod, when he saw the celebrated<sup>1</sup> Jesus, was delighted above measure. For he had been wishing to see him a long while, because he had been hearing much about him. He was hoping too to see some feat performed by him. And he persisted in questioning him at some length, though the Master<sup>2</sup> made him no answer. And there stood the chief priests and the scribes, accusing him with all their might. But Herod “with his forces” thought him not important, and jested thereupon, and, having clothed him with fine apparel, sent him back to Pilate. And that very day Pilate and Herod were made friends, having before been at enmity with one another.’

But if this interpretation be correct, evidently the alleged resemblance and parallelism between this scene and the mockery by the Roman soldiers, as related in the other Gospels, is nothing. In language the only noticeable points of contact are that the verb *to jest* or *mock*<sup>3</sup> appears, but with a different connexion and meaning, in Mark and Matthew, and that, in John, the soldiers *clothe*<sup>4</sup> their prisoner. There is a robing here and a robing there. But in substance and spirit there is neither likeness nor opposition. There is simply no analogy at all. Circumstances, actors, things said and done, the meaning of them,—all are different; and it is not even conceivable that the story in Luke should be an equivalent or compensation for the other.

To complete the consideration of the subject as presented by M. Loisy, a word must be said about the allusion to Herod’s part in the Passion, which we read in the *Acts of the Apostles*, and also about that part as it appears in the *Gospel of Peter*. In the *Acts*<sup>5</sup> ‘Herod and Pontius Pilate with nations and peoples of Israel’ are conjoined as acting against the Messiah. The passage, part of a prayer, may possibly not have been composed by the author of the *Acts*; but since he gives it without remark, it should be, in his view, not inconsistent with what he has related of Herod in his Gospel. Nor is it inconsistent, even if the action

<sup>1</sup> τὸν Ἰησοῦν. In Greek such as that of the Gospels, this shade of expression is often not significant; but the phrasing of this anecdote, for some reason, is more delicate than that even of Luke is usually. The article therefore should, I think, be pressed.

<sup>2</sup> Or perhaps merely ‘the other’, but I think αὐτός has the more specific sense. It indicates partly Herod’s conception, partly that, quite different, but analogous, of the reporter.

<sup>3</sup> ἐμπαίξεν.

<sup>4</sup> περίβαλον.

<sup>5</sup> iv 27.

of Herod, mainly favourable to the Defendant upon any interpretation, was, as it is here interpreted, in purpose favourable altogether. Herod stands in the Gospel, as he is joined in the allusion, with Pilate, favourable too, and is also contributory to the result. His behaviour, though not ill-meant, is inconsiderate and unworthy of his position. His innocent subject is threatened by formidable enemies. He declares indeed in favour of the Accused, but does it, from personal and irrelevant motives, in such a way as to exasperate the accusers, and then leaves the affair to its course. He may well be placed, without discrimination, among those who accomplished what was 'determined before to be done'.<sup>1</sup>

On the other hand, it does not appear that his part, as described in the third Gospel, resembles at all, in fact, colour, or tendency, what is alleged in the recently discovered fragment of the *Gospel of Peter*. It may be true (the enquiry does not here concern us) that this document contains some peculiar and authentic traditions. But in the political and judicial aspects of the matter, where our third Gospel is solid, the other seems to ignore the very elements of the situation. A writer who apparently conceives 'the Jews', the tetrarch of Galilee, and the procurator of Judaea, as acting together in a joint council or tribunal, where, when Pilate has retired, 'Herod the King' takes the lead and awards execution,<sup>2</sup> whatever were his motives and his sources of information, in these affairs is neither guided by our third Gospel nor admissible for the interpretation of it. If his object was 'to minimize the sin of the Procurator by laying the chief guilt at the door of Herod, the representative of the Jews',<sup>3</sup> it was one which, as we have seen, cannot possibly have affected St Luke, whose story has the contrary effect.

It is possible, that is to say, not irrational or illogical, to suppose the story, as given by St Luke, to have been invented for the sake of the acquittal, and in order to confirm the favourable opinion of Pilate by that of Herod. The interpretation here given removes

<sup>1</sup> Acts iv 28.

<sup>2</sup> The fragment begins just here, but such is the representation: τῶν δὲ Ἰουδαίων οὐδεὶς ἐνίψατο τὰς χεῖρας, οὐδὲ Ἡρώδης οὐδ' εἰς τῶν κριτῶν αὐτοῦ· καὶ μὴ βουλευθέντων νίψασθαι ἀνέστη Πειλάτος. καὶ τότε κελεύει Ἡρώδης ὁ βασιλεὺς παραλημφθῆναι τὸν κύριον κτλ.

<sup>3</sup> Swete, note to the *Gospel of Peter*, l.c.—Is it not however possible, that these absurdities are due to mere ignorance?

an obstacle to this supposition, by shewing that Herod's acquittal is not qualified, according to St Luke, by any such performance as the mockery. But of course in any history, any allegation not irrelevant must have a conceivable motive, and must be, so far, explicable as an invention. That, in itself, is no ground for suspicion, and in the present case we do not find any other.

The gift of Herod, the 'fine apparel', has a consequence in the story, not indeed important, but worth attention, because the fact, though stated in the third Gospel only, illustrates an incident common to all. The clothes of a person executed were the perquisite of the executioners. Now upon this occasion, the partition of the clothes among the soldiers, who carried out the sentence, was made with more care and attracted more attention from the spectators than we should naturally expect, if it were not for the special circumstance of Herod's donation. The narrative of Mark in particular throws this detail into picturesque relief: the dividers cast lots 'what every man should take'. To suggest, as some do, that this may be supposed an invention, because others,<sup>1</sup> but not the original narrator, regard it as the fulfilment of a prophecy, is surely not legitimate. But if the pitiable booty, which the soldiers divide, had been such as from the general circumstances of the case we should have imagined,—common clothes, not costly, which had sustained the soil and violence of all that passes between the 'small upper room' and 'the place of a Skull'; we might wonder, while accepting the fact, that 'what every man should take' was a matter worth arbitrament, and that, in such a scene, so rapid and colourless a transaction was perceived and remembered. If the pieces could differ in value, then, being such as are commonly worn in the East, they might, as one narrator reminds us,<sup>2</sup> be parted by tearing them up. But the gift of the tetrarch, though unknown to the tradition of St Mark, accounts for what his informants observed. The additions or substitutions of Herod were things of price, such as the gazers at an execution would seldom see, and which would fetch a sum important to a legionary; and they were moreover, it is likely enough, such that to tear them would ruin their value. The 'seamless tunic' of the fourth Gospel, whatever be the purpose of the author in

<sup>1</sup> Matt. xxvii 35; John xix 24.

<sup>2</sup> John xix 23-24.

dwelling upon it, is a property comprehensible with, but not easily without, the investiture by Herod, regarded not as a disguise for the moment, but as a gift. For men on military wages, the clothes, so augmented, would be an exciting windfall; and only the lot could settle the momentous issue, who should take the pieces which came from the wardrobe of a prince.

By St Luke the incident of the partition is touched slightly, as are most acts of the soldiers which do not disappear.<sup>1</sup> But the use of the lot he notes, nor does he forget the cause of it, and whence came the spoil which made an allotment necessary. 'And in parting his clothes', he says, 'they cast the lot; and *there stood* the people, gazing.' The word, and the turn of phrase, are identical with those which he has used in describing the attitude of the councillors during the proceedings of Herod: '*There stood* the chief priests and the scribes, accusing him with all their might.'<sup>2</sup> The touch refers us back, with a note of irony, from the fate of the gift to the intent of the donor; and 'the people',<sup>3</sup> spectators of the despoiling, follow their leaders, who railed at the putting on. To these, in fact, the narrator immediately returns, adding that 'the magistrates too', that is to say, such persons as composed the Sanhedrin, 'sneered along with them, saying, *He saved others, let him save himself, if this is the anointed one, the chosen one of God.*'<sup>4</sup>

In this mockery, the text of Luke exhibits a divergence not insignificant, upon which perhaps some light may be thrown from our point of view. By writing '*the anointed one of God, the chosen one*',<sup>5</sup> and by omitting 'along with them' from the introductory words, one class of copies gives to the sneer a purely religious bearing, pointed solely at the claim of *the* Christ, the Messiah or Anointed, and attributes it consistently not to the populace, but to the hierarchy, by whom this 'blasphemy' had been resented

<sup>1</sup> See above, p. 338, and compare Luke xxiii 34 with Mark xv 24 and Matt. xxvii 35.

<sup>2</sup> Compare Luke xxiii 34-35 διαμεριζόμενοι δὲ τὰ ἱμάτια αὐτοῦ, ἔβαλον κλῆρον· καὶ εἰστήκει ὁ λαὸς θεωρῶν (to be joined and punctuated so), with Luke xxiii 10.

<sup>3</sup> The word ὁ λαός marks the crowd not as such (ὄχλος), but as representative, in some sort, of Judaism. See Loisy *ad loc.*

<sup>4</sup> ἔξεμυκτήριζον δὲ καὶ οἱ ἄρχοντες σὺν αὐτοῖς, λέγοντες, Ἄλλους ἔσωσε, σωσάτω ἑαυτὸν, εἰ οὗτός ἐστιν ὁ Χριστὸς ὁ τοῦ Θεοῦ ἐκλεκτός.

<sup>5</sup> ὁ Χριστὸς τοῦ Θεοῦ, ὁ ἐκλεκτός.

and avenged. But there is reason for thinking that, in the mouths of the mob, the sarcasm 'He saved others; let him save himself' was associated with the proverb 'Physician, heal thyself', and was aimed not so much at the claimant of the Kingdom as at the performer of miraculous cures. A link between the two aspects may be found in the fact that the particular method of healing, which, as practised by the disciples of the new Doctor, would be commonly supposed typical of his 'school', was that of chrisms or anointing.<sup>1</sup> Now it was through these performances of the disciples that the attention of Herod was first called to the Master<sup>1</sup>; and we have seen, that a curious interest in the worker of wonders, the supposed adept in medicine and magic, is the sole idea which Luke assigns to Herod as the cause of his favour and largess. Thus between the partition of the apparel and the sneer at the impotent 'saver', so far as this related to the miraculous cures, there is, for the Evangelist, a connexion of thought; and this fortifies the case for the readings which maintain the connexion, as against those which would obliterate it.<sup>2</sup>

#### THE DOUBLE TEXT OF LUKE xxiii 15.

I have deferred to this place, as a detail not important to our purpose, though relevant, the variations of text which make Pilate, after declaring that Herod, like himself, found nothing in

<sup>1</sup> Mark vi 15, where see the following context, and compare Luke ix 6-9.

<sup>2</sup> In what sense precisely the jest, according to Luke, is taken up by the soldiers (xxiii 36-37), is not clear. They offer *ὄξος* (*vinegar*), i.e. probably *posca*, and say, *εἰ σὺ εἶ ὁ βασιλεὺς τῶν Ἰουδαίων, σῶσον σεαυτὸν*. In Greek this seems to have no point, nor reference to the action accompanying. Latin is open (and for the soldiers perhaps more likely), for we are immediately told that the inscription, giving the title 'King of the Jews', was in Latin as well as in Greek and in 'Hebrew'. And in Latin, low Latin, a poor but pertinent jest can be made: 'Si tu es *regulus* Iudaeorum, *regula* te ipsum', meaning 'prescribe for yourself', 'diet yourself'. This would combine the 'king' and the 'doctor', and would explain more or less the offer of drink. But the point, whatever it was, seems to have been lost in transmission, perhaps through more than one language; nor do the parallel accounts give any light. That Roman soldiers should allude to the religious connexion, in Jewish thought, between the ideas of *king* and *saviour*, seems, as M. Loisy remarks, not probable. But his suggestion that the narrator thought of Jewish soldiers, 'soldiers of Herod', depends upon the current misunderstanding of *στρατεύματα* in Luke xxiii 11, and upon those deductions therefrom which this essay is designed to prevent. After all, it is perhaps not necessary that the mockery of the soldiers should have any definite point; they might be supposed to repeat, loosely and ignorantly, what was said around them by others.

the Accused to justify the charge of the priests, continue either thus :

'No, nor did Herod : *for he sent him back to us,*'<sup>1</sup>

or thus :

'No, nor did Herod : *for I sent (referred) you to him.*'<sup>2</sup>

The question is not important ; for even if we take the first, we cannot suppose the author to mean that Pilate had no other evidence for Herod's opinion than the bare fact of the return of the Prisoner, and that Herod made no communication of his view. We could hardly believe this, even if it were alleged or implied ; but the words may quite fairly be understood, on the contrary, to include and imply the communication. The facts of the story are therefore the same either way.

But the choice offers a problem, and perhaps, after careful consideration, it is not merely a question of choice. If either reading is original and right, we must suppose that this reading has been deliberately changed into the other. But what was the motive? The sense of *for I referred you to him* seems absolutely flawless. To the other, *for he sent him back to us*, it might be objected, by a punctilious critic, (*a*) that the words, if pressed strictly, ignore the essential matter, and should be rather 'for so he has informed us'; and (*b*) that, in the style of St Luke, the procurator would not use the plural (though Latin) for himself only, and that, if 'us' means 'me and you', the procurator and the accusers, it is a form not very suitable to a situation in which these parties are not co-operators but rather adversaries. Pilate is not made to say 'We have examined him', but 'I have examined him in *your* presence'<sup>3</sup>; and so also he should say rather 'Herod sent him back to *me*'. And from a literary point of view, these objections, though small, may be sound. But are they such as would lead to a bold alteration of the text, and does it elsewhere appear that the texts of the Gospels, during the process of fixing, were subjected to revision of this kind, to corrections purely literary? The variations in them are generally either minute, and such as might arise from inadvertence, or on the other hand substantial, and explicable by

<sup>1</sup> ἀπέπεμψε γὰρ αὐτὸν πρὸς ἡμᾶς, Alexandrine text.

<sup>2</sup> ἀπέπεμψα γὰρ ὑμᾶς πρὸς αὐτόν, Western text.

<sup>3</sup> Luke xxiii 14.

some motive of religious interest. This variation is of neither class, and seems very difficult to account for, if we suppose that either reading is original and right.

What we should seek is rather the common original, which, by alternative corrections, might give rise to both. And there is a form which, in some respects, certainly satisfies this condition:—*for he sent him back to you, ἀπέπεμψε γὰρ αὐτὸν πρὸς ὑμᾶς.* This is at first sight not intelligible. It looks wrong; and each of the traditional readings is an obvious way of simplifying it.

If then it really has a good meaning, it is preferable, in point of authority, to either of the traditional readings, which disprove one another.

Could then Pilate properly say to the accusers this:—‘Nor did Herod find any ground for your accusations; for he returned the prisoner to *you*’? I think that not only is this possible, but it is the correct form, that which really expresses the legal relation of the parties. If Herod were invoked as a judge, then no doubt the procurator should say that, when Herod acquits, he returns or refers the Prisoner to the first judge, Pilate:—‘he sent him back to *me*.’ But, as we have seen above,<sup>1</sup> Herod is not a judge, nor is invoked as such, nor acts as such. The procurator, the only judge, invites the tetrarch to say *whether or not he supports and concurs in the accusation of the priests*, whether, from his knowledge of Galilee, he considers the Prisoner open to a charge of sedition. If Herod had answered in the affirmative, he, or rather some one on his behalf, would have appeared in the procurator’s court as an *accuser*. It is proper and correct therefore to say, that, by answering in the negative, and refusing to join in the accusation, he remitted or returned the Prisoner to the first *accusers*, whom he left to make out their accusation, without his help, if they could.

And further it is to be noted, that in this case the accusers, the members of the Sanhedrin, have a position different from that of ordinary prosecutors. They are not private persons, nor prosecutors merely. They are themselves magistrates of high dignity and competence, who have legally arrested and tried the Prisoner, and could have punished Him severely at their own discretion. It is only because they desire to put Him to death, a sentence



beyond their power, that they invoke the procurator and prefer a charge of treason. By so doing, they doubtless surrender custody to the extent of that purpose, but perhaps not, even technically, for all purposes. It is not clear that the procurator could, even then, assume absolute control and prohibit any further proceedings. He himself speaks rather as if, upon the dismissal of the capital charge, the question of other punishment would be matter for arrangement between him and them. He seems to propose, if they agree, to 'give him a lesson and let him go'. Substantially then, whether technically or not, the Prisoner was still the prisoner of the Sanhedrin; and for this reason also it is proper for Pilate to say, that Herod, by dismissing the accusation, returned him, not 'to me', but 'to you'.

It should be considered then, whether the reading *ἀνέπεμψε γὰρ αὐτὸν πρὸς ὑμᾶς*, for *he returned him to you*, while it accounts for the double tradition and is favoured by the joint evidence, is not also more consistent than either with that true sense of the legal situation, which distinguishes the third Gospel in this part.

LUKE xiii 32. 'This fox.'<sup>1</sup>

'Go ye and tell *this fox*'—*πορευθέντες εἶπατε τῇ ἀλώπεκι ταύτῃ*—runs the text; but why that pronoun is used, if, as we should suppose at first sight, and as is generally assumed, the words are merely a description of Herod and a reflexion upon his character, is not clear. We should expect 'that fox' (*ἐκεῖνη*), as the Authorized Version gives it.

Possibly 'this' may have suited the context of the anecdote in another document, and may be retained inadvertently; but that is not to be supposed, if any explanation is to be found in the context of Luke.

The question is perhaps connected with another, why he has chosen this place for inserting the invocation of the City:—'O Jerusalem, Jerusalem, thou that killest the prophets . . .' The invocation agrees almost verbally with Matthew,<sup>2</sup> and is drawn evidently from the same source, where it must have been recorded, as a saying, without note of place and occasion. But whereas in the first Gospel it is spoken in the temple as the peroration of a discourse against the tyranny and crimes of the

<sup>1</sup> See above, p. 330.

<sup>2</sup> xxiii 37-39.

hierarchy, here it is made part (if we press the connexion strictly) of a reply given in Galilee to a warning against the tetrarch. It is true that, allowing for the method and style of St Luke, and his manner of working his materials together, we need not so press the connexion, and even should not. But there is only the more reason for asking, how the composer was led to make a juncture which is barely possible, and not, as in Matthew, natural. In Luke the invocation at first sight seems to hang on to the context solely by the words 'thou that killest the prophets'; in all the rest, the supporting anecdote seems to be forgotten.

May it be suggested that, in the view of the composer, there was another and a more intimate link between the anecdote and the invocation—a correspondence of simile or metaphor between the comparison of Christ and His converts to a *hen and her brood* and the designation of the alleged persecutor as a *fox*? The conception seems not unnatural.

And if this were so, there would be no longer any difficulty in accounting for the phrase '*this fox*', and for the emphasis thrown upon '*this*'.<sup>1</sup> By '*this fox*' would be meant 'the enemy here', Galilee, as contrasted with other 'foxes' or persecutors, the enemies in Jerusalem. Enemies *here* may be assured, that only *there* can designs against a prophet be accomplished.

That this is the intention we cannot safely assert, but the supposition is preferable to that of error or oversight in a matter so simple as the use of a pronoun.

It is perhaps an advantage in this interpretation, that the term *fox*, when conceived as part of a simile, a symbol for 'persecutor', has not the personal note, which it has, if taken for a designation of the tetrarch, an equivalent for the name of Herod. With this latter sense, the words 'Go ye and tell that fox' have a singular colour and are somewhat startling. But in 'Go ye and tell *this fox*', understood as now proposed, nothing is asserted as from the speaker. The description signifies 'the person here inimical to me and mine'. It is relative to the warning of the Pharisees, and is no more applicable to the tetrarch than to any one in Galilee, who might be so conceived or so represented.

A. W. VERRALL.

<sup>1</sup> By the order of words, τῇ ἀλώπει ταύτῃ, not ταύτῃ τῇ ἀλώπει. The pronoun, being postponed, becomes superfluous, unless it is to carry an emphasis.