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SUFFERED UNDER PONTIUS PILATE

Addendum erat iudicis nomen propter temporum cognitionem says St Augustine (*De fide et symbolo*, PL 40, 187). But was Pilate's name put into the Creed simply to give the date? What was his part in Christ's condemnation? Was he really the monster which Christian legend has made him, or was he browbeaten and put upon by the Jewish authorities? Was he cruel or a conscientious, perhaps too conscientious, administrator? The gospel accounts alone cannot answer these questions for us, for they are not especially interested in Pilate, and do not give us a sufficiently clear picture of him. They must be interpreted in the light of the other sources. This will compel us to work in narrowing circles towards the centre of interest. First we must examine the worth of the sources for the history of this period, and try to discover their purpose and any bias they have. Then we must deal with the general tensions between the Jews and the occupying power during the Roman administration of Palestine. The field then narrows to the incidents between Pilate and the Jews. Finally we come to the trial scene.

The sources for this period of Palestinian history are meagre in the extreme, but they are not so meagre as they are tricky to handle. For most of our information we must rely on Josephus. Josephus was a general in the Jewish rising of 66–70 A.D., who after his capture by the Romans wrote two histories, one *The Jewish War*, the other *The Antiquities of the Jews*. Both are more apologies than histories. The author is constantly torn between two conflicting means of ingratiating himself with his Roman patrons (cf. *Ant* I.I.4). Either he can extol the Romans as paragons of good government (but this leaves the Jews without a good excuse for revolting), or he can excuse the Jews for their rebellion by emphasising the harshness of Roman rule (but this inevitably leads to accusations of injustice). The only reason for the outbreak of the Jewish war which he cannot of course give is the one which perhaps contributed to it most, namely the Messianic ferment of the Jews of Palestine, and their longing on religious grounds to be free of the Roman overlordship.¹ This he must disguise as much as possible, for it still persisted, and was yet to cause a second revolt, that of Bar Kocheba in 132–135 A.D. But it is not only Josephus' tendentiousness which makes him a bad witness. His own sources also were highly partisan. *The Jewish War* opens with a summary, later developed into the *Antiquities*, of earlier Jewish history. For the period which concerns us most his information is very thin. For the

¹ cf. Tcherikover and Fuks, *Corpus Papyrorum Judaicarum* I (1957), 68: 'Hatred of Rome was now the slogan of Jewish Palestine'.

reign of Herod the Great he appears to have relied on written sources, and he mentions several times the 'Universal History' of Nicolaus of Damascus, Herod's court historiographer, whose chief purpose seems to have been to extol the greatness of his patron. Only very occasionally does Josephus criticise his source (e.g. *Ant* 16. 183-186). On other occasions he naively juxtaposes other material, highly adverse to the half-Jewish, hellenising monarch (e.g. *Ant* 16.311, 15.9). This does not inspire confidence in his treatment of the period where we cannot check his account against others. Nicolaus's account ends after the struggles which surrounded the accession of Archelaus, and from this date until Josephus' own recollections begin (he was born in 39 A.D. (*Vita* 1)), his sources were clearly of the poorest. Systematic suspicion of Josephus is, then, the first prerequisite in any quest for the truth, especially for the period with which we are most concerned, when he was relying on popular recollections, gathered in a Palestine where hatred of the Romans was about to burst into the flame of the Jewish revolt. When possible he will hide any fault or unfairness on the part of the Jews, and magnify any blame on the part of the Roman administration. Certainly we cannot expect him to show us the motives which really governed the behaviour of the Roman administrators.

Other sources are not more straightforward. Philo, in his *Legatio ad Gaium* (36.276-41.329), gives what purports to be a letter from King Herod Agrippa I to Gaius, containing a lurid account of Pilate's character and cruelties. But, according to Josephus (*Ant.* 18.291), Agrippa had a personal interview with the emperor, and so had no need to write any such letter. It would be entirely in character with historical writing at this period if Philo had simply invented the letter in order to express what he would like his readers to think was Agrippa's point of view, which is, of course, Philo's own. This is precisely the function of such rhetorical pieces in Greco-Roman historiography (cf. the speech put in Agrippa's mouth by Josephus (*BJ* 2.345ff.))². In the context of the letter it is very much to Philo's purpose to paint as black a picture of Pilate as possible. His argument runs: Pilate, villain though he was, repented of his sacrileges against the God of the Jews; how can gracious Caesar, who is to receive the letter, contemplate a sacrilege more heinous than any perpetrated by Pilate? Thus the blacker Pilate appears, the stronger will be the writer's argument.

Apart from these two Jewish historians we have virtually only Tacitus. But Tacitus himself, never a straightforward witness, is here

² Agrippa is supposed to be calming the Jews into submission, but his laudatory comments on Greek civilisation and achievements, though highly gratifying to Josephus' Roman readers, would have inflamed the Jews yet more.

at his most dangerous, owing to his detestation of the class of *equites* (to which governors of provinces such as Judaea belonged), and his loathing of the imperial system and particularly of the reign of Tiberius whom he considered the chief culprit for the abolition of all freedom in the state.

Only dumb witnesses cannot lead us astray by their rhetoric ; but their signs may often be difficult to interpret. This is the case with the coins whose testimony we must invoke.

Relations between subject people and occupying power in Palestine are not sufficiently clear if we consider only the period of Pilate's governorship. The important factors at play and the attitudes of the actors are easier to appreciate if we consider first the reign of Herod the Great. This is a continuous story of the struggle of the Palestinian Jews to resist hellenisation. When conquest by Pompey brought Palestine under Roman rule it was not yet sufficiently developed to be incorporated in the normal system of Roman provincial administration. This required that the territory consist of self-governing communities, to whom the major part of the administration was left. The duties of the governor in this case were principally the maintenance of peace and the hearing of judicial appeals. But Judaea was not organised into such city-state communities, except for the hellenistic cities of the Decapolis. It must therefore be entrusted to a client prince, until such time as it should be ready for full incorporation into the system of the empire. In Roman eyes one of the functions of client princes such as Herod was the gradual hellenisation of his territory, so that after a generation or two of this intermediary condition it should have progressed sufficiently to make full incorporation possible : *faciunt instrumenta servitutis et reges*, as Tacitus remarked.

From the Roman point of view Herod was the ideal instrument for this task of hellenising the isolated, backward and prejudiced people of Palestine. He was at least half a Jew, and so could understand and share their incomprehensible religious susceptibilities. He was a capable administrator, and had early shown a flair for playing a double game which would now stand him in good stead in his task of weaning the Jews from their barbarous isolation. Above all, he was wholly dependant on, and devotedly loyal to Rome. Throughout his reign Herod proceeded manfully with this thankless task, in the teeth of fanatical opposition from the Pharisees. The history of Nicolaus of Damascus was full of stories of clashes between them, as Herod introduced often quite innocuous measures of hellenisation. Herod, with his wide

experience of the diaspora, was well aware that these practices were compatible with fidelity to the Law.³

But Palestinian Jews had still not forgotten the *massa postasies* associated with the hellenism introduced into Palestine in the Seleucid era, which had engendered the revolt of the Maccabees. The longer Roman rule continued the fiercer became the opposition, and the more fervid the longing for a Messianic deliverer from oppression (*Tac. Hist.* 5.13, *Suet. Vesp.* 4, *Jos. BJ* 6.5.4). The difficulty of the task of hellenisation may well be one of the reasons why Augustus left Herod the right of designating his successor; the usual means of incorporating a client kingdom into the provincial system was by its being bequeathed to the emperor, but Augustus realised that Judaea would not be ready for this on Herod's death, and preferred that it should be bequeathed to Herod's own sons.⁴

In any case at the end of Herod's reign it became clear to Augustus that Judaea was not being drawn effectively enough into the Roman sphere. Hopes were diminished still more when Herod judicially murdered the two sons of his who had received a Roman education. Augustus docked Herod of his privileges (*Ant.* 16. 293-398), imposed an oath of allegiance to himself which even Herod had no heart to force through (*Ant.* 17.42), and made Herod put imperial insignia on his coins. At his death Archelaus was entrusted with only a provisional rule over a smaller territory; finally direct Roman rule through procurators was imposed. They could not expect much co-operation from their subjects in the labour of romanisation.

Of the first procurators we know little; this is Josephus' blank period. In fact Josephus must have known that Coponius, the first procurator, took some part in the rebuilding of the temple, for one of the gates of the great court was named after him. But he does not mention this; he has of course no interest in telling us of the conciliatory actions of the Roman administration.

The first governor of whom we know much is Pilate himself. Even so respected a scholar as Professor E. Stauffer will serve to illustrate the extent to which first century Jewish propaganda against Pilate retains its force: Pilate's administration was 'an uninterrupted series

³ Philo himself mentions without a hint of shame his attendance at Greek wrestling contests, at the races, and even at the theatre (QOBLS 26.141, *De Prov.* 2.58).

⁴ Josephus ascribes this right of designating his successor to Herod's special friendship with the emperor, and his privileged position among the client princes. But we need not take this claim too seriously; the neighbouring client king of Nabataea also had the right of designation of his successor, and in addition the right to issue silver coins, whereas Herod might coin only in copper. Josephus does say in one passage (*BJ* 1.399) that Herod was procurator of the whole province of Syria; but in another place he paraphrases this: the governor of Syria did nothing without Herod's advice (*Ant* 15.360)—a vague and unsubstantial claim.

of terrorisations of every kind' (*Jerusalem und Rom*, p. 17). Pilate was appointed by, and remained the tool of Sejanus, Tiberius's chief minister, a rabid anti-Semite, whose one desire was to annihilate the whole Jewish race.⁵ But every one of these supposed terrorisations will bear a very different interpretation.

The first incident was when Pilate went up to Jerusalem (*Ant.* 18.55-59). One of the Romans' major difficulties with the Jews was always the Jews' dislike of graven images. Naturally the Roman military standards bore such images. How then were Roman troops to proceed through Jewish territory without offending Jewish susceptibilities? Later the legate Vitellius went to the lengths of making a detour round Judaea to avoid this problem. Pilate however hit on a new solution; he would march through the city by night so that there would be no audience to whom the emblems could cause offence. Nevertheless there was a large deputation of protest to the governor. At first Pilate refused to remove the standards; it would be disrespectful to the emperor; eventually, however, he yielded. Josephus devotes all his attention to the fact that the deputation was guarded while it waited on the governor. While he graphically describes the heroism of the Jews and the threatening gestures of the Romans, he disregards Pilate's motives for hesitation, although these explain not only the hesitation but also the original cause of offence: he was anxious to show loyalty to Rome, and loth to incur any possible accusation in this matter. Later we shall see that this anxiety was not without foundation.

The next clash occurred over the building of an aqueduct to supply water to the Holy City (*Ant.* 18.60-62). Pilate ordered that this should be paid for out of the temple funds. Although of the details we know nothing, *prima facie* the order is not unreasonable. The Jews insisted that Jerusalem was a holy city; the water would be used for the temple services; there may well have been no other fund for improvements to Jerusalem—certainly none so rich, for a tax was paid into it by every male Jew all over the world. In any case it is not the measure itself which excites Josephus' ire, but Pilate's treatment of the ensuing riots. For some reason he takes objection to Pilate having used plain-clothes men, scattered among the crowd. Yet he also naively blurts out, not only that they had been deliberately armed with staves instead of swords, but even that the action they did take far exceeded their orders. Pilate seems rather to have acted with the greatest possible leniency compatible with maintaining public order.

⁵ This generalisation, typical of Philo (it comes in *De Legatione* 24.160) carries little weight. He blames Sejanus in order tactfully to excuse Tiberius, the predecessor of Gaius. The unreliability of Philo here and elsewhere has escaped many scholars, e.g., Tcherikover and Fuks, *Corpus Papyrorum Judaicarum* 1 (1957) 65, no. 37.

A third incident will throw considerable light on Pilate's conduct at the trial of Jesus. He set up at his residence in Jerusalem some gold shields, inscribed with his own name and that of the emperor. It is not clear what pretext for objection the Jews found this time. At any rate they demanded the removal of the shields. Pilate refused until, as the result of a petition by Herod's four surviving sons, the emperor himself ordered their removal. Philo gives this as an instance of Pilate's stubbornness (*Leg.* 301-2), but we must look at the incident in a wider context. The emperor Tiberius insisted on his honour with a touchiness which amounted almost to obsession, accusing those who were guilty of the smallest slight to himself of treason. He encouraged, or at least refused to check, informers who would lay such charges (*Tac. Ann.* 4.30.2). During his reign one L. Ennius, a man in much the same position as Pilate, was denounced for treason for melting down a statue of the emperor (*Tac. Ann.* 3.70.1). Though Tiberius in fact dismissed this charge, this would give Pilate little grounds for confidence that his action would be regarded in the same light. When a similarly trivial slight was reported in the senate (the governor of Bithynia had a statue of himself erected higher than that of the emperor) Tiberius lost his temper (*Tac. Ann.* 4.74.4).⁶ Pilate had good reason to wait the authorisation of the emperor before he removed the shields, if he wanted to avoid a capital charge against himself.

Finally Pilate's rule came to an end through an incident concerning not the Jews but the Samaritans (*Ant.* 18.85-89). Here again it was his zeal which caused the trouble. Armed crowds gathered on Mount Garizim under a prophet who promised to show them the sacred vessels which legend taught had been buried there by Moses. This was clearly tantamount to a Messianic rising, for it was as a Moses *redivivus* that the Samaritans awaited the Messiah. The crowd could be dispersed only by force of arms, and it seems that Pilate acted with unnecessary severity in this. The Samaritans appealed to his superior officer, the legate of Syria, who removed him and sent him to Rome for trial. Many have claimed that this was merely the climax to a long career of cruelty and brutality. But we have seen that this charge is not substantiated by the other known incidents in Pilate's term of office. Indeed

⁶ The reason why Tiberius lost his temper is critical here. F. B. Marsh (*The Reign of Tiberius*, 1931) holds that Tacitus 'reveals the emperor consistently striving to secure justice, inclining to mercy rather than severity and tolerating with remarkable patience offences which affected merely his honour or good name (p. 115), and therefore considers that he lost his temper at the triviality of the charge. But E. Klostermann (*Die Majestatsprozesse unter Tiberius*, in *Historia* 4 (1955), 72-106) argues forcibly that the reason for his annoyance was indeed the slight to his dignity. Klostermann's article argues with considerable cogency the accuracy of Tacitus' view of Tiberius as ever touchy about his honour and ever ready to heed denunciations on the charge of treason.

the swift action by the legate of Syria on this occasion suggests that former incidents provided no grounds for appeal against Pilate; if they had done, the legate would surely have acted as he did on this occasion. In spite of Tacitus' innuendo (*Hist.* 1.80.2) Tiberius certainly had the welfare of his subject peoples at heart. Tacitus records the prosecution for maladministration of six provincial governors during the reign. Of these five were in the years 21-25 A.D., but this may be either because the severity during this period was enough to deter later governors, or because much of Tacitus' record for the later years of Tiberius' reign has perished. In the *Histories* Tacitus tells us that Tiberius 'took care that the provinces should not be burdened with new impositions and be free of avarice and cruelty on the part of the governors in their observance of existing burdens' (4.6). When the governor of Egypt sent in more than his due quota of tribute Tiberius sharply replied that he wished his sheep to be sheared, not shaved (Suetonius 32).⁷ If Pilate had been as habitually harsh and unreasonable as the Jewish sources would have us believe, he would hardly have remained governor as long as he did.

Stauffer attempts to support his adverse view of Pilate's administration by the evidence of coins. Pilate, he claims, paid no regard to Jewish susceptibilities because he was the first to stamp his coins with the crook and dipper, signs of the emperor's power of divination. This would certainly be offensive to the Jews. But Pilate's coins are far from isolated. Herod the Great, in the last years of his life, had stamped the imperial eagle on his coins. After Pilate's period of rule King Agrippa I (41-44 A.D.) the idol of the pharisees, issued coins showing the emperor's head. This, a human image, should have been far more offensive to the pharisees than the crook and dipper, if the Jews were indeed sensitive about these forms of propaganda. In any case it is now highly probable that Pilate was not the first to introduce such coins. A. Kindler (*Israel Exploration Journal* 6 (1956) 54-57) published 5 more of the same type which almost certainly date from the period of Pilate's predecessor, Valerius Gratus.

If then we disregard the tittle-tattle of the sources and try to penetrate to the realities of the case it seems that the characteristic most noticeable in Pilate's dealings with the Jews was his zeal for the honour of the emperor and for loyalty to Rome. Nor is this surprising, for it was precisely to promote these in a backward territory that the system of procurators was intended. Philo accuses Pilate of inflexibility, and this was the cause in which he was inflexible. Naturally it cut across the

⁷ cf. F. B. Marsh, *The Reign of Tiberius*, (1931) ch. 6: 'Tiberius and the Empire' (pp. 134-159); his conclusion is 'He strove earnestly to secure good administration for the provinces' (p. 150).

isolationist policy of the Jews, and, their refusal to conform to Roman ways and customs ; but a critical examination of the complaints of injustice and cruelty made against him by ancient and modern historians shows them to be without foundation.

The legal niceties of Jesus' trial before Pilate have been most recently examined by A. N. Sherwin-White (*Roman Society and Law in the New Testament*, 1963). He leaves no doubt that capital jurisdiction was exclusively in the hands of the governor, so that the legal responsibility for Jesus' death rests uniquely with Pilate ; he was not merely permitting an execution already decreed by the Jewish court, as some scholars have suggested. The charge on which Jesus was presented to the governor was that of sedition. Where this is not explicit (e.g. Lk. 22, 2.5) it is implicit in the charge that Jesus claimed to be king, for Josephus tells us that leaders of sedition were immediately created king by their followers (*Ant.* 17.18). It may well have been for this reason that the high priest tried to get witnesses and then a confession from Jesus, to use as evidence before Pilate that he claimed to be king. But Jesus before the high priest (Mt. 26,64) refuses the accusation as ambiguous ; he will assert only that they will see the Son of Man coming on the clouds of heaven, which leaves no doubt as to the way in which he understands his kingship. Similarly before Pilate he insists that his kingdom is not of this world (Jn. 18, 36). These are precise denials of an ambiguous charge. The accusation of claiming to be king of the Jews was a common one in these disturbed times in Palestine, and would immediately conjure up a political and rebellious intent. It may be, though we have absolutely no evidence that this was the case, that Jesus' enemies framed the charge in the hope that he would either be compelled to deny his mission, or be easily trapped by the ambiguity of the charge. The presence of Roman forces at his arrest (Jn. 18, 12) suggests that the Jewish authorities had already denounced Jesus to the Romans on some such political charge. But Pilate, according to all the gospels, saw the ambiguity of the charge, realised that Jesus was not a political prisoner, and would have released him. Why, then did he not?

Sherwin-White excuses Pilate on the grounds that he had no legal alternative but to condemn : 'since there was no defence Pilate had no option but to convict. That was the essence of the system.' (p. 25). He did at least give the defendant two chances of abjuring his error (Mk. 15, 2.4), as did Pliny in his trial of Christians (*Ep.* 10.96.3), and as later became the recognised custom when there was no defence (*Digest* 48.1.10). According to Luke he even tried to shift the case on to Herod the Tetrarch, according to the later custom—evidently beginning even now—by which men could be tried by the court of their origin

(*forum domicilii*) rather than the court of the scene of their crime (*forum delicti*). When Herod declined to accept the case, Pilate again tried to save the accused by means of the paschal amnesty.⁸ When the crowds came to demand the release of Barabbas under the terms of the amnesty he tried to divert their attention to Jesus. When this move too failed he had no alternative but to condemn the prisoner.

Such a presentation seems on Sherwin-White's own evidence to be too lenient to Pilate. In this sort of case, *extra ordinem*, the magistrate's powers were, to all practical purposes, untrammelled by any rules of law or procedure. A contemporary Roman lawyer, Proculus, says that the magistrate should base his decision not on Roman legal practice, but on what is equitable in general (*Digest* 1.18.12). In this case Pilate had no need to require a formal defence once he was convinced of the innocence of the prisoner. Of this he was certainly convinced; not only does he say so, but also in Luke the sort of scourging which he proposes implies it. The word used is *paideusas*, which indicates the lightest of the three types of scourging, one which was often employed as a sort of severe warning rather than as a punishment after conviction (Sherwin-White p. 27).

Why then did Pilate condemn Jesus? According to the synoptic gospels he seems merely to give in to the popular outcry. Psychologically this is unsatisfactory. The crowds are not thirsting for Jesus' blood; rather they do not want Jesus' release to stand in the way of the release of their popular hero Barabbas; they do not care what happens to Jesus as long as he is kept out of the way. Mark 15, 8 makes it clear that all their interest is in Barabbas. The pressure on Pilate must have come, then, from the leaders of the Jews. John gives us a clear indication of how this pressure was applied. Until nearly the end Pilate is filled with awe for Jesus, and determined to release him; but at one word he collapses: 'If you release this man you are no friend of Caesar.' One who sets himself up as king opposes Caesar. (19, 12). After half a dozen years of rule the high priests knew their man. We have seen his obsession with the honour of the emperor and with loyalty to Rome. It was this that they turned to good account.

At this time there was a particular reason for the effectiveness of this line of attack. It was not only for offences in matter of ritual that Tiberius encouraged accusations by informers on the charge of treason. Treason was the charge on which it was easiest to secure any conviction, so that it was added to every accusation (*Tac. Ann.* 3.38). Suetonius tells us: *crimina maiestatis atrocissime exercuit*. Even Seneca mentions the

⁸ The existence for this amnesty, and indeed the possibility of such an amnesty, has been denied from time to time. But all doubt is removed by the thesis of W. Waldstein, *Untersuchungen zum römischen Begnadigungsrecht* (Innsbruck 1964).

sub Tiberio Caesare accusandi frequens et paene publica rabies (De Ben. 3.26.1). Tiberius's willingness to listen to informers, notorious as it was, would give the high priests cause for hope, and Pilate cause for despair. Tiberius was also apt to fly into a temper and refuse to listen to reason at lesser accusations than the charge against a provincial governor that he had refused to condemn a rival to Caesar. In these particular years, too, the threat of the high priests had especial force. For it was in October 31 that Tiberius' chief minister, Sejanus, had lost his position and his life on the charge of treason. This event was either fresh in everyone's memory, or at least threatening (depending on the date of the crucifixion). Pilate could not afford to risk such a charge. The high priests had their way ; they both soothed Pilate and secured their own ends by a final declaration of loyalty to Rome, pinpointed by John as the final rejection of the Messiah and the abandonment of all Messianic hope : 'We have no king but Caesar' (Jn. 19, 15).

Pilate's last act is again in character. Jesus' fate shall serve as an example to all potential rebels. As a taunt and a warning the grim carcass on the gibbet shall bear the inscription : ' King of the Jews ' (Mk. 15, 26).

Ampleforth

HENRY WANSBROUGH