Jesus of Nazareth's Trial in Sanhedrin 43a

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Summary:

The Munich Talmud manuscript of at b.San.43a preserves passages censored out of printed editions, including the controversial trial of "Yeshu Notzeri". Chronological analysis of the layers in this tradition suggests that the oldest words are: "On the eve of Passover they hung Jesus of Nazareth for sorcery and leading Israel astray". This paper argues that other words were added to this tradition in order to overcome three difficulties: a trial date during a festival; the unbiblical method of execution; and the charge of "sorcery" which implies that Jesus' miracles were genuine because illusions were not punishable by death.

The origin of Censorship

Tyndale House (where I work) recently acquired one of the 400 facsimiles of the Munich Talmud in a hotly contested New York auction. This is the earliest full manuscript Talmud, penned in approximately 1342. Very few manuscripts of the Talmud survived the ravages of time and persecutions, and they are particularly important because they contain material censored out of the printed editions, most of which concerned Jesus.

Daniel Bomberg, a Christian printer in Venice in the early 1500's, spent most of his professional life and family fortune printing 230 major Jewish works, including the Jerusalem Talmud and the massive editions of the Babylonian Talmud and the *Mikraot Gedolot* (the Rabbinic Bible) with their surrounding commentaries. He worked mainly with Felice da Prato, an Augustinian friar who had converted from Judaism. They followed the page layout invented by the Soncino family for printing the tractate Berakhot in 1483, which has a central Talmud passage with commentaries arranged round the edge of the page. They applied this system to all the tractates and completed the first full printed Talmud in 1520.[1] This page layout was so useful that it became standard, and the exact same layout is still reproduced today for printing the Talmud.

Bomberg's printing of the Talmud ensured its survival because a few years later, in 1553, the Pope ordered the burning of all Talmuds, but multiple printed copies had already spread everywhere. One was sold in London in 1628 for £26 (about $6000 in today's money) then went missing, and was rediscovered in 1991 in Sion College's basement.

[1] For more details see Marvin Heller, "Earliest Printings of the Talmud" at http://www.printingthetalmud.org/essays/7.pdf

Without Bomberg's printed edition, the Munich Talmud might be the only full copy of the Talmud which survived.

Censorship helped Bomberg get papal permission to print the work. In 1518 he petitioned the Venetian Senate to renew his printer's licence, and took the opportunity to buy the exclusive rights to print the Talmud, which had to be officially endorsed by Pope Leo X. The censorship was meant to remove all disparaging passages about Jesus, which included any passages concerning Jesus or Mary and most passages which might involve disputes with Christians.

There is some uncertainty about the origin of Bomberg's censorship. Possibly Bomberg inherited censorship which was already present in the manuscripts he used. His edition is based on various manuscripts which were compared to produce his text. However, for the few tractates already printed by the Soncino family in the late 1400's, he was accused of simply copying their edition without comparing manuscripts. This copying is particularly blatant in *Sukkah* where he left gaps on pages where there are diagrams in the Soncino edition. Apparently he didn't have time to commission his own woodcuts before the printing deadline. Some of manuscripts used by Soncino (including Sanhedrin) had been censored by the Spanish authorities after the Disputation of Tortosa (1414)[2] so Bomberg may have inherited this censorship, and he may have used other similarly censored manuscripts.

However, self-censorship is more likely because Bomberg's missing and altered passages are not identical to anyone else's. For example, the offensive text in b.Git.57a, which says Jesus was punished with boiling faeces in hell, is uncensored in surviving manuscripts which have this section (Vatican 130, 140; Munich 95) but censored in two different ways in the early printed editions: Soncino simply removes the name "Jesus" while Bomberg substituted "the sinners of Israel".[3] Similarly the passage about Jesus' trial (considered in this paper) is uncensored in surviving manuscripts which include this section (Herzog 1, Firenze II.1.8-9, Karlsruhe 2, Munich 95) but it is censored differently the early printed editions: the Soncino edition (sometimes called Barco, after the town where it was printed) erased Jesus' name; but Bomberg's edition omits the whole passage.

Censorship was therefore imposed on Jews in the 15th century, but Bomberg and the Soncino family felt it was necessary to continue this practice, and Jewish councils later ratified this decision.[4]

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[2] "Tortosa, Disputation of", *Encyclopaedia Judaica* (Jerusalem: Encyclopaedia Judaica, 1972) XV 1270-71

[3] Peter Schäfer, *Jesus in the Talmud* (Princeton, N.J: Princeton University Pess, 2007), pp 133–140

[4] Paul L. B. Drach, *De l'harmonie entre l'Eglise et la synagogue, ou, Perpétuité et catholicité de la religion chrétienne* (Paris: P. Mellier, 1844), I p. 168 cites an encyclical from Poland in 1631: "we enjoin you, under the pain of excommunication major, to print nothing in future editions, whether of Mishna or of the Gemara, which relates whether for good or evil to the acts of Jesus the Nazarene, and to substitute instead a circle like this "O", which will warn the Rabbis and schoolmasters to teach the young these passages only *viva voce*. By means of this precaution the savants amongst the Nazarenes will have no further pretext to attack us on this subject."
<http://www.archive.org/stream/delharmonieentr00unkngoog#page/n206/mode/2up>

Censored passages

The Munich Talmud is therefore the only uncensored copy of the whole Talmud, though even this is censored in some respects. The name of Jesus and other words are frequently very faint, as though someone has attempted to erase them. In the passage about Jesus' trial, the two occurrences of the name "Yeshu ha-Notzeri" have been partially erased in this way, as well as parts of the following passage about the names of his disciples. However, the original Hebrew is still visible, and it has been reconstructed by close examination of the manuscript. These reconstructions are usefully collected in an appendix by Herford.[5]

The name of Jesus does not always occur in censored passages. Some refer to "Ben Stada" or "Ben Pandira" (or Panthera), but there is good evidence that these are pseudonyms for Jesus in such passages. In b.San.67a both these names are used for the same person who is described as "hung on the Eve of Passover" – the same phrase which is used of Yeshu ha-Notzeri in b.San.43a. Also, Tosephta refers to "Yeshu ben Pandira", and it has a story about a follower of him, Jacob of Kephar Sekhania who met Eliezer b. Hyrcanus (late 1st or early 2nd C) in Sepphoris near Nazareth (t.Hull.2:23). Tosephta's version of this story says that he taught Eliezer a saying of the *minim*. The saying itself is found at b.AZ.17a, where the Munich Talmud attributes it to "Yeshu ha-Notzeri".

When later Talmudic rabbis debated these names, they concluded that the same person was called both "ben Stada" and "ben Pandira" because one was the name of his mother's husband and the other was her lover, so they concluded that Yeshu was illegitimate. One rabbi thought that "Stada" was the name of his mother, because it is similar to *saṭat* ('unfaithful'), but others pointed out that her name was actually Miriam – ie Mary (b.Shab.104b).[6] Modern scholars have concluded that these multiple names represent more than one individual who have become confused.[7] The pre-history of these traditions is probably impossible to trace. However, it is unlikely that more than one person was "hung on Passover Eve", and we have independent sources to confirm that this referred to Jesus. Therefore it is likely that the common factor which caused these individuals to become confused with each other was the charge of sorcery.

The censored passages are almost all late anti-Christian polemics. They have been collected and analysed by Herford and more recently in great detail by Schaefer.[8] The

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[5] R. Travers Herford, *Christianity in Talmud and Midrash* (London: Williams & Norgate, 1903; New York, KTAV, 1975)

[6] This discussion is only in uncensored Talmuds.

[7] John P. Meier. A Marginal Jew Volume 1: Rethinking the Historical Jesus (The Anchor Bible Reference Library; New York: Doubleday, 1991), p. 96 n. 44 refers to Johann Maier. *Jesus von Nazareth in der talmudischen Überlieferung* (*Erträge der Forschung*; Darmstadt: Wissenschaftliche Buchgesellschaft, 1978), p. 237 and others who conclude that Ben Stada was certainly a separate individual, and possibly Ben Pandira, and that their traditions became linked with the Jesus traditions at a very late stage, and calls this "a common opinion".

[8] Herford, *Christianity* ; Schäfer, *Jesus*.

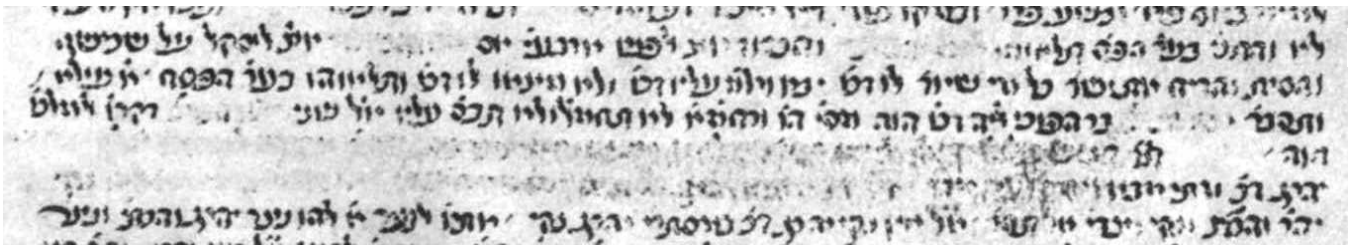
passage about Jesus' trial at b.San.43a is unique among them because it appears to contain a tradition which dates back to the time of Jesus. The tradition, as preserved in Talmud, has clearly been edited later, but it is likely that the original words have survived. The common pattern of editing in rabbinic traditions is to expand the text while leaving the original words unaltered. Rabbinic editors were normally reluctant to change wording which they inherited, though they were willing to add words which would help the reader to understand the meaning.

I am currently working on a project that aims to identify all rabbinic material which can be shown to originate before 70 CE.[9] In the process of this work I have often found that rabbinic editors were very conservative with traditions from the past. They rarely changed wording, even when they didn't understand the vocabulary, and they tended to add words to the end of an inherited tradition, though they sometimes interrupted a tradition by inserting explanatory phrases.

Often it is difficult to separate out the later annotations from the older source, and we have to rely on occasional attributions and coherence with other datable sources, so conclusions are often conjectural. However, in the case of this tradition, more than one source has survived and these help us to identify the early core of the tradition.

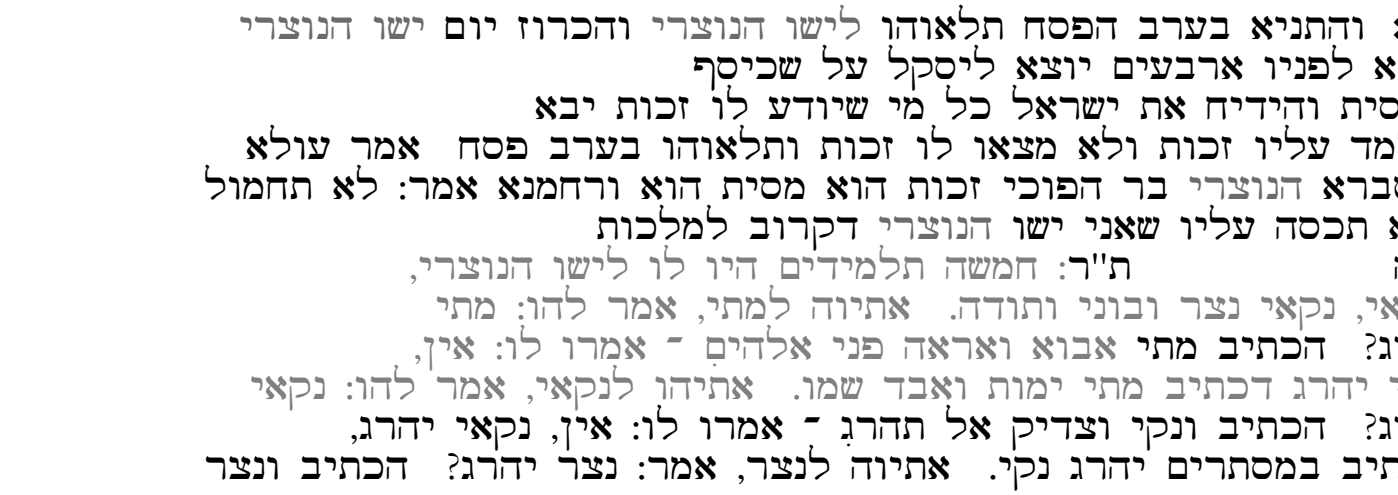
The Censored text at b.San.43a

The reference "b.San.43a" is artificial, because this refers to the folio page numbers of Bomberg's edition and subsequent editions which use the same page layout, but all these editions omit this passage. If this passage had been included in the Bomberg edition, it would have occurred at the very bottom of the folio side 43a, and this is where some modern versions insert it. In the actual manuscript of the Munich Talmud, this passage occurs on p.679:



This image shows that at various points there has been an attempt to erase the text. The following reconstruction is based on the facsimile and on Herford who consulted the manuscript itself.

[9] David Instone-Brewer, *Prayer and Agriculture* (*Traditions of the Rabbis from the Era of the New Testament;* Grand Rapids, Mich: William B. Eerdmans, 2004).


1 לא: והתניא בערב הפסח תלאוהו לישו הנוצרי והכרוז יום ישו הנוצרי
יוצא לפניו ארבעים יוצא ליסקל על שכיסף
2 והיסית והידיח את ישראל כל מי שיודע לו זכות יבא
וילמד עליו זכות ולא מצאו לו זכות ותלאוהו בערב פסח אמר עולא
3 ותסברא הנוצרי בר הפוכי זכות הוא מסית הוא ורחמנא אמר: לא תחמול
ולא תכסה עליו שאני ישו הנוצרי דקרוב למלכות
4 הוה ת"ר: חמשה תלמידים היו לו לישו הנוצרי,
מתאי, נקאי נצר ובוני ותודה. אתיוה למתי, אמר להו: מתי
5 יהרג? הכתיב מתי אבוא ואראה פני אלהים ־ אמרו לו: אין,
מתי יהרג דכתיב מתי ימות ואבד שמו. אתיהו לנקאי, אמר להו: נקאי
6 יהרג? הכתיב ונקי וצדיק אל תהרג ־ אמרו לו: אין, נקאי יהרג,
דכתיב במסתרים יהרג נקי. אתיוה לנצר, אמר: נצר יהרג? הכתיב ונצר

The tradition investigated in this paper includes most of the first two lines in this image. In the translation below, the words in bold are those that this paper will conclude were the original core of this tradition, and the ones in gray are those which have been partly erased in the Munich manuscript:

> It was taught:
> **On the Eve of Passover they hung Yeshu the Notzarine**. And the herald went out before him for 40 days [saying]: "Yeshu the Notzarine will go out to be stoned **for sorcery** and misleading **and enticing Israel [to idolatry]**. Any who knows [anything] in his defence must come and declare concerning him." But no-one came to his defence so they hung him on the Eve of Passover.

Other manuscript which have this tradition contain a few variants. The Florence MS has "on the Eve of Shabbat and Eve of Passover" and only the Munich MS includes "*ha-Notzeri*".

This passage is followed by a later comment by Ulla bar Ishmael (about 300 CE) and another censored passage that lists and discusses the supposed names of Jesus' disciples. These sections have no evidence of originating before the 3rd century, and will not be considered further in this paper:

> Ulla said: And would it be expected that the Notzeri revolutionary had a defence? He was a "misleader" and the Merciful said (Deuteronomy 13:9) "You shall not spare and shall not shield him."
> But it was not so for Yeshu the Notzeri for he was close to the government.
>
> Our rabbis taught: Yeshu the Notzeri had five disciples - Matai, Nekai, Netzer, Buni, and Todah.
> They brought Matai [before the judges]. He said to them: Will Matai be killed? It is written (Psalm 42:2) "When [*matai*] shall (I) come and appear before God." They said to him: Yes, Matai will be killed as it is written (Psalm 41:5) "When [*matai*] shall (he) die and his name perish."

They brought Nekai. He said to them: Will Nekai be killed? It is written (Exodus 23:7) "The innocent [*naki*] and the righteous you shall not slay." They said to him: Yes, Nekai will be killed as it is written (Psalm 10:8) "In secret places he slay the innocent [*naki*]."
They brought Netzer. He said to them: Will Netzer be killed? It is written (Isaiah 11:1) "A branch [*netzer*] …

[this is where the image and transcription ends. The passage continues:]

…shall spring up from his roots." They said to him: Yes, Netzer will be killed as it is written (Isaiah 14:19) "You are cast forth out of your grave like an abominable branch [*netzer*]."
They brought Buni. He said to them: Will Buni be killed? It is written (Exodus 4:22) "My son [*beni*], my firstborn, Israel." They said to him: Yes, Buni will be killed as it is written (Exodus 4:23) "Behold, I slay your son [*bincha*] your firstborn."
They brought Todah. He said to them: Will Todah be killed? It is written (Psalm 100:1) "A Psalm for thanksgiving [*todah*]." They said to him: Yes, Todah will be killed as it is written (Psalm 50:23) "Whoever sacrifices thanksgiving [*todah*] honours me."

Dating the edited tradition

Talmud itself is an edited record of discussions about Mishnah – a document which was completed about 200 CE. Talmud progresses through Mishnah, discussing one small unit at a time much like a modern Bible commentary. It frequently appears to contain irrelevant digressions, though most of these can be related back to the discussion in hand. Often, as here, an older tradition is cited because it throws light on the subject. If the cited tradition is one which has not been preserved in Mishnah, they often cite it in full, and when it is closely linked with another tradition or traditions which were transmitted as a single unit, then the whole unit is included. This practice tends to introduce seemingly irrelevant material which sometimes creates discussions which digress from the original subject. However, this practice has the beneficial side effect of preserving some traditions which would otherwise be lost.

This appears to be what happened at b.San.43a. The tradition about Jesus' trial relates to the preceding discussion, but the tradition about the trial of Jesus' disciples has no relevance to any nearby discussion. Therefore it is likely that these two traditions were transmitted together as a single unit and inserted together at this point.

The discussion at this point in the Talmud relates to Mishnah Sanhedrin 6.1 which concerned the end of a trial and the herald who proclaimed the verdict. The discussion is commenced by Abaye, a Babylonian Amora functioning about 320–350 CE. His comment is followed by a separate comment from an anonymous rabbi who introduced the older tradition about Jesus' trial. This tradition is commented on by R. Ulla bar Ishmael (about

290-320 CE), and then comes the tradition about executing Jesus' disciples. This is followed immediately with two comments by R. Joshua b. Levi (about 220-250 CE), first about a sacrifice of thanksgiving (relating to the end of the tradition about Jesus' disciple Toda), and second about a sacrifice of burnt offering and confession. This second comment leads into the discussion about the next unit of Mishnah, Sanhedrin 6.2, which concerns confession before execution, though this Mishnah unit is not quoted till after his contribution.

In outline, the Talmud, as preserved for us today, contains

1) Quotation of m.San.6.1 (edited about 200 CE)
2) Discussion of m.San.6.1 by Abaye (in Babylon about 320–350 CE)
3) Discussion of m.San.6.1 by an anonymous rabbi
4) Quotation of Jesus' trial tradition
5) Discussion of Jesus' trial tradition by Ulla (in Babylon about 290-320 CE)
6) Quotation of Jesus' disciples' trial (Mattai to Todah)
7) Discussion of Todah's trial by Joshua b. Levi (in Palestine about 220-250 CE)
7) Discussion of m.San.6.2 by Joshua b. Levi (in Palestine about 220-250 CE)
8) Quotation of m.San.6.2 (edited about 200 CE)
9) Discussion of m.San.6.2 by various rabbis…

This final text developed slowly during the 3rd to 6th century. The history of development can often be inferred from internal factors, and for this text there are enough indicators to allow us to discover the development in considerable detail.

The quotation of Mishnah normally occurs immediately before the start of the discussion which concerns it, so the quotation at (8) is slightly misplaced – it should be before (7). However, the addition of Mishnah quotations was one of the latest stages in the development of Talmud, and it has been placed here either as a simple error (because the editor didn't realise Joshua's second saying related to the next Mishnah unit) or (more likely) the editor didn't want to break up Joshua's two sayings.

The dates given for Ulla and Abaye represent the dates of the 'generations' into which rabbis are categorised. These dates are therefore not exact for these rabbis themselves and unfortunately we do not know dates of their individual active careers more accurately. This means that they may well have overlapped so they could take part in a discussion together at around 320 CE. However, it is clear that they could not have been in discussion with Joshua, so this record merges at least two discussions.

The two traditions about the trial of Jesus and his disciples (4 & 6) have been separated by Ulla's comment (5). This suggests that Ulla's generation inherited a text which already included these two traditions, and that he no longer regarded them as a single unit. He therefore feels free to insert his comment after the first one where it was more relevant. Ulla's comment shows that he had profound problems with this tradition, but he did not propose any amendment of it, which suggests that the wording was already fixed.

The anonymous rabbi who introduced the traditions about Jesus and his disciples must therefore have been earlier than Ulla by one or more generations. He was also earlier or contemporary to Joshua b. Levi, because Joshua's first comment is based on the end of the tradition about the trial of Jesus' disciples. The simplest solution is that he was debating with Joshua, which means he was in Palestine at the start of the 3rd century. This is soon after the editing of the Mishnah which they were discussing, so it is unlikely that this anonymous rabbi was from an earlier generation.

The tradition about Jesus' trial was introduced because m.San.6.1 refers to a herald who walks before the condemned person on their way to execution, calling for any last-minute evidence for the defence. The anonymous rabbi introduced this edited tradition about Jesus' trial because it referred to a herald. However, these two references to a herald are very different and somewhat contradictory. In Mishnah the herald's announcement follows the trial and occurs only on one day, during the condemned man's journey to the place of execution. In the tradition about Jesus' trial, the herald's announcement is made for 40 consecutive days preceding the trial. No rabbis proposed a correction to this tradition nor to Mishnah as a result of this contradiction, so both were being treated as having comparable standing in terms of age and authority.

Although these two traditions about the trials of Jesus and his disciples were transmitted as a unit, they were originally independent units, because they both have a separate introductory formula: "It is taught…" and "Our rabbis taught…". Both of these formulae are normally used for traditions originating with Tannaim – ie rabbis of Mishnaic times before 200 CE – though the presence of such a formula is not an infallible marker of an early origin. However in this case, it is likely that these formulae are accurate because this helps to explain why the rabbis regarded this Jesus tradition as if it had comparable authority to Mishnah. Also, we have found that they were already regarded as authoritative when they were introduced into a discussion only few decades after the editing of the Mishnah.

Therefore the historical layers which have been merged in this unit of Talmud are:
1) Mishnah (though actual quotations were added later) (edited by about 200 CE)
2) Traditions of the trials of Jesus and his disciples (edited by about 200 CE)
3) Discussion between Joshua b. Levi and another rabbi (in Palestine about 220-250 CE)
4) Discussion between Ulla and Abaye (in Babylon about 320 CE)

These traditions of the trials which were cited in the early 3rd century were already considered to be authoritative, so they must have become fixed by at least the end of the second century. The form of the tradition at this time already included the reference to the herald, which the discussion below will conclude is one of the later additions to this tradition. This would mean that the form of this tradition at the end of the second century was already edited and expanded. We will now attempt to find the earliest core of this tradition.

Other sources for the tradition of Jesus' trial

The edited tradition about Jesus' trial, as preserved in Talmud, includes internal indicators which suggest that it has been edited. In order to identify the earliest tradition, we first look for other places where the tradition has been preserved, and then examine the internal coherence of the tradition itself.

The tradition of Jesus' trial has been partially preserved in four other sources:
1) Another censored passage at b.San.67a includes the words "on the eve of Passover they hung …", followed by other names used for Jesus, "Ben Stada" and "Ben Pandira".
2+3) The words "for sorcery and enticing Israel" occur at Sanhedrin 107b with a parallel at Sotah 47a.
4) Outside the Talmud, two charges are recorded by Justin Martyr who said that as a result of Jesus' miracles, the Jews "dared to call him a magician and an enticer of the people" (μάγον.. καὶ λαοπλάνον in *Dial*.69). Stanton pointed out that these two charges also occur together in the 3rd century *Acts of Thomas* 96 where Thomas is charged with them, though clearly as a proxy for Jesus. They also occur in Josephus' *Testamonium* but this is widely believed to be a Christian addition of unknown date.[10]

The name in this tradition varies in different sources and manuscripts, "Yeshu", "Yeshu ha-Notzeri", "Ben Stada" or "Ben Pandira". This makes it possible that this tradition originally referred to someone other than Jesus. However, this is very unlikely because of the strange date for the execution (which is strongly linked with Jesus traditions in the Gospels), and because the names "Ben Stada" and "Ben Pandira" are elsewhere linked with each other and with the name of Jesus in phrases such as "Yeshu ben Pandira" (t.Hull.2:23).

There is some confusion over the charges. Only two charges are recorded in b.San.107b and in Justin, though b.San.43a and some versions of b.San.107b add "and misleading". It is most likely that b.San.107b originally had just two charges, because it is likely that some scribes added "misleading" to b.San.107b to harmonise with b.San.43a but there is no reason why a later scribe should delete a charge. We will also find below that there was a good reason for adding the charge of "misleading" though this does also cause some problems. The earlier record by Justin helps to confirm that there were originally only two charges. He only needed to cite the charge of "sorcery" to make his point, so it would be strange for him to add the last charge and miss out the middle one if it existed.

It is not immediately clear whether Justin's term λαοπλάνος is equivalent to "misleader" (*mesit*, מֵסִית) or "enticer" (*maddiyah*, מַדִּיחַ). These English translations convey something of the etymological meaning of these terms, but they are arguably synonymous in Deuteronomy 13.5-13 (Eng. 6-14 – סות is in Eng. v.6 and נדח is in v.5, 10, 13). However, Mishnah manages to find a distinction which is continued into Talmud and became the legal definition of these words in Jewish law. The terms "enticer" in this

[10] Graham Stanton, "Jesus of Nazareth : a magician and false prophet who deceived God's people?" in *Jesus of Nazareth : Lord and Christ: essays on the historical Jesus and New Testament Christology*, ed. by Joel B. Green and Max Turner (Grand Rapids, Mich: William B. Eerdmans, 1994): 164-180, p. 169-70. (Grand Rapids: Eerdmans ; Carlisle, Eng: Paternoster Pr, 1994)

passage is used only for the crime of leading a whole town into idolatry (Deut.13.13), so Mishnah concluded that a "misleader" was someone who merely leads a single person into idolatry (m.San.7.10).

The term λαοπλάνος is (etymologically) a "people deceiver", and although it doesn't occur in the LXX, it is used by Josephus concerning prophets who lead the nation astray.[11] Josephus is therefore using it as an equivalent of an "enticer" who leads a large number into idolatry, rather than a "misleader" who leads astray only one individual.

Horbury noted the significant fact that all these sources agree about the order of the charges as "sorcery" followed by "enticing", whereas this is opposite to the order found in the legal discussions – in Deuteronomy, Mishnah and the relatively independent account in Tosephta.[12] It is significant that although these two charges commonly occur together in legal discussions and always in the same order of "enticing" followed by "sorcery", yet none of these traditions about Jesus' trial referred to the charges in this order. This suggests that the consistent order of these charges in these traditions about Jesus did not originate in halakhic documents, but they must have had a separate and authoritative source.

These various sources which contain parts of the tradition about Jesus' trial show that this tradition was widely known and well preserved. The Talmudic sources are difficult to date because although some named rabbis are involved, they are citing older traditions and, as often occurs, the origin of these traditions is not identified. Justin is writing at about AD 150, and he appears to be citing something which is common knowledge because he makes no effort to verify it for his Jewish opponent whom he is addressing.

We therefore have confirmation from three rabbinic sources and one Christian source for the words: "On the eve of Passover they hung Yeshu for sorcery and enticing Israel". The fact that these words form a coherent tradition by themselves makes it possible that this was the historic core from which the rest has resulted by the addition of explanatory comments. The fact that the other words cannot be paralleled elsewhere does is not an indication by itself that they originated later than this core tradition, but there are internal criteria which do suggest that this was the case.

Problems implicit in the expanded tradition

[11] Jos. *Ant.* 8.8.5 [225] retell and elaborate the events of 1K.13.1-3: " Jeroboam…built an altar before the heifer, and undertook to be high priest himself. …A prophet, whose name was Jadon, was sent by God, and came to him from Jerusalem … said thus: "God foretells that there shall be a certain man of the family of David, Josiah by name, who shall slay upon thee those false priests that shall live at that time, and upon thee shall burn the bones of those **deceivers of the people**, those impostors' and wicked wretches."

[12] William Horbury, "The benediction of the 'minim' and early Jewish-Christian controversy" (*Journal of Theological Studies* NS 33, 1982) 19-61, p. 55; Dt.13.6-11, 12-18 [7-12, 13-19] then 18.10; m.San.7.10 then 7.11; t.San.11.5.

The final form of Jesus' trial tradition has four difficulties or inconsistencies which help to confirm that this tradition has acquired explanatory additions. These internal problems will be explored first, and then the possible reasons for making these additions.

The first internal problem concerns the method of execution. The tradition says that a herald proclaimed Jesus was due to be stoned for his crimes, and yet it also says that he was "hung". The obvious solution is that he was first stoned and then his corpse was hung as a public warning. However, the hanging receives far more emphasis in this tradition than his punishment by stoning – the traditions opens with the fact that he was hung on a specific date, and this is repeated at the end of the tradition, and the only reference to stoning occurs on the lips of the herald as something which *should* happen. This is not an insurmountable problem, but it suggests that more than one hand has composed this tradition, which has resulted in a confusing emphasis.

The second problem is the issue of the 40 days during which the herald called for witnesses to the defence before the trial. The only Mishnaic law about a herald refers to someone who precedes the condemned person while being led from the trial to the place of execution (m.San.6.1). It is this problem which caused the anonymous rabbi to introduce this tradition of Jesus' trial into the debate. Referring to the Mishnah, he pointed out that "This implies, [the herald goes out] only immediately before [the execution], but not previous thereto". He then cited the tradition about Jesus' trial to contradict this. In the Talmudic discussion, this issue is left unresolved.

This mention of a herald who goes out before the trial introduces a third problem: he is said to go out for 40 days. There is no authority anywhere for this number of days relating to a trial. The closest is a reference is to 30 days in m.San.3.8. This says that a judge *may* allow a delay of 30 days for finding evidence in support of someone, though this procedure was not mandatory or even normal, and we know of no case where the court actively helped the defence in this way. This problem provokes Ulla's question, who points out even if it was customary, it would not apply to someone on such a seriously dangerous charge. Someone answered Ulla that Jesus must have had friends in high places.

The fourth problem involves the list of charges, because the second one is implied in the third. As seen above, in Mishnaic and Talmudic times, the term "misleader" referred to someone who leads a single person into idolatry whereas an "enticer" leads a whole town or more into idolatry. This means that any "enticer" is, by definition, also a "misleader". Both are listed as capital offenses in m.San.7.4, but no-one would be charged with both, because this would be like charging someone with both genocide and murder. One crime implies the other and there would be no purpose listing the lesser crime unless it added to the penalty, or unless this was a list of possible charges before the trial. However, in this case we have a list of charges which Jesus was found guilty of, all of which carried the death penalty. There would therefore be no point in adding that the person who led the whole of Israel into idolatry also led an individual into idolatry – ie the charge of "enticing" makes the additional charge of "misleading" entirely redundant.

Problems implicit in the core tradition

None of these internal inconsistencies exist in the proposed core tradition: "On the Eve of Passover they hung Yeshu for sorcery and enticing Israel". However, this doesn't mean that this core tradition was without problems. The wording of this tradition would cause three difficult problems for Jews especially in the second century and beyond, though these problems may not have existed in the early first century.

The first problem Jews faced was the date of the trial and execution. The Passover Eve refers to the whole day preceding the Passover meal on the evening of the 14th of Nisan, much like Christmas Eve refers to a whole day. Although this was not officially part of the Passover Festival, it grew in importance when the law about unleavened bread became a household search and clearout of every crumb of leaven. This became a central part of Passover after the destruction of the Temple in 70 CE, when the sacrifice of a lamb became impossible, but it was already important in Temple times. A timetable was instituted by which leaven had to be found by noon on Passover Eve, and a signal was given at the Temple when this search should end (m.Pes.1.5). The School of Shammai (which effectively disappeared after 70 CE) agreed with the School of Hillel that the whole day should be devoted to searching for leaven so no other work should occur (m.Pes.1.1; 4.5).

This meant, in effect, that the whole day of Passover Eve was devoted to sacred tasks and it was certainly not the right time for a trial or an execution. We have no evidence that this date would be illegal for a trial, but it is certainly not a date which would be chosen by any court interested in observing Jewish customs. In the first century it would be an embarrassment that Jewish leaders had chosen this date, though it was not a great difficulty. Different branches of Judaism had different regulations. However, in the second century when the ceremony of finding leaven had become much more important and Judaism was united around rabbinic law, this would be a much greater problem.

The second problem in this core tradition is the suggestion that the execution was by hanging rather than by being stoned, as prescribed by Torah and Mishnah. Torah was very clear that stoning was the punishment for "enticing" (Deut. 13.6-10) and it prescribes a death penalty for "sorcery" though the method of execution is not prescribed (Ex.22.18; Deut.18.10). However, in a second-century debate, the rabbis concluded that sorcery was punished by stoning, partly because the sorceress is listed alongside the woman guilty of bestiality which was punishable by stoning (see the debate at b.San.67a). Mishnah makes a tidy list of crimes which are punished by stoning, including "sorcery", "enticing" and "misleading" (m.San.7.4).

The term "hang" could refer to execution by hanging from the neck, execution by crucifixion, or the hanging of a corpse after another form of execution. Without any reference to another form of execution, the assumption in the first or second century would be that "hang" refers to crucifixion. We see this when R. Meir expounds Deuteronomy 21.23 about hanging as an indication of God's curse, by telling a parable

about crucifixion. So someone reading the core tradition without any mention of stoning would conclude that Jesus was executed by crucifixion.

This conclusion would create problems in the second century when Judaism was attempting to follow a uniform rabbinic halakha. They sometimes re-interpreted history to imply that this halakha had been followed by everyone before 70 CE when Judaism was a world of disparate factions. For example, they taught that the Sadducean- priests had been forced by the Pharisees to obey this halakha.[13] They would therefore like to believe that executions were carried out in accordance with rabbinic halakha. However, Jews in the first century had a more realistic understanding of what was possible – the Romans were in charge of capital punishment, and they chose the method of execution

The third problem was the most important because it threatened to draw many more people to revere Jesus. The charge of "sorcery" implies that Jesus had real power, because rabbinic law did not prescribe death for magic tricks carried out by illusionists.

Second century rabbis made a very clear distinction between real and imaginary magic, and they were quite sophisticated at recognising illusions. For example Rab Abba b. Aibu reported: 'I myself saw an Arabian traveller take a sword and cut up a camel; then he rang a bell and the camel arose.' R. Hiyya saw through it: 'Was any blood or dung left behind? If not, it was merely an illusion.'(b.San.67b). R. Joshua (start of 2nd C) had a saying about how someone charged with sorcery and someone charged illusion might look identical to the uneducated: "Two people are gathering cucumbers: one gatherer is innocent, and the other gatherer is guilty."[14] This type of saying was presumably well known because it is similar to the collection of sayings at Luke 17.34-36 which have the common formula: there are two people doing something, one person doing it will die and the other person doing it will live.

In the second century many Jews believed that Jesus had learned magic in Egypt. This is already believed by Celsus who debated with Origen in the late 2nd C (Origen *Contra Celsum* i. 28), and it later caused the traditions of Jesus to become linked with traditions about magic in Talmud (b.San.107b/b.Sot.47a). Among the amulets and incantation bowls surviving from the 2nd & 3rd centuries, some contain the name of Jesus along with mainly Jewish names such as the angels named in Enoch.[15] This had even spread to

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[13] For example, they thought the High Priest on the Day of Atonement obeyed the Pharisees: "they forced [the High Priest] to swear [to obey the Sages]" (t.Kipp.1.8) – cf b.Yom.19b: "the father [of a priest who disobeyed the Sages] met him [and] said to him: My son, although we follow the Sadducees we fear the Pharisees"; m.Yom.1.6: " If [the High Priest] was a sage, he expounds [the Scriptures], and if not, disciples of sages expound for him; if he was used to reading [Scriptures], he read, and if not, they read for him."

[14] In the Kaufman MS, this is changed to "one gatherer [qal part.] is innocent and the other causing to gather [piel part.] is guilty". This brings it into line with the story which developed later about spells for harvesting cucumbers (b. San.68a).

[15] See Gideon Bohak, *Ancient Jewish Magic*: *A History* (Cambridge: Cambridge University Press, 2008), p.278; John Michael Greer, *The New Encyclopedia of the Occult* (St. Paul, Minn. : Llewellyn, 2003), p.248. Markham J. Geller, "Jesus' Theurgic Powers: Parallels in the Talmud and Incantation Bowls", (*JJS* 28, 1977) pp. 141-155. We aren't sure how incantation bowls were used, but they are frequently found buried upside down under houses, especially thresholds, as though they could trap evil spirit which tried to enter the house from below. Similarly, Jesus is named in Jewish exorcism rites – see Hans Dieter Betz. *The*

Gentiles, who made spells such as “I conjure you by the god of the Hebrews, Jesus”.[16] The synchronistic nature of these inscriptions makes it possible that Gentiles liked to use Jewish holy names, but the presence of so many Jewish names and even rabbinic formulae[17] makes it certain that Jews were also among those who used them.

In the first century, the verdict that Jesus’ miracles were sorcery would be regarded as a condemnation of his ministry. But in the later part of the first century these amulets became popular in Palestine[18] and Jews became enamoured with such spells. The eclectic lists of names suggest that people were no longer concerned with the source of healing power, but with power itself. In this context, the fact that Jesus was convicted of "sorcery" became a dangerous enticement in itself because it confirmed that Jesus had power to heal.

Explanatory additions to solve these problems

It was not possible to solve these problems by changing the words of the original tradition because they were too well known. We can see how widespread this tradition was from the fact that it has survived in three separate places in rabbinic sources and one in a Christian source. In any case, it was not normal practice for rabbinic editors to change the wording of texts they had received. Even when the older texts used vocabulary which was archaic and even when they disagreed with its meaning, they preserved the older wording. Sometimes they added explanations for older words or to 'correct' the meaning of the tradition, and sometimes their explanations reveal that they were not sure what the original words meant. In these situations it is significant that they nevertheless preserved the older version, even though it was a possible source of confusion for later generations.

The normal method of editing was to add explanatory glosses, preferably after the end of a tradition, but also within a tradition when this was more helpful. A useful example is the list of things one may or may not wear on a Sabbath in m.Shab.6.1-4, the core of which almost certainly originated in Temple times because the ruling required making a sin offering. This list grew with time, and become interspersed and followed by later glosses. The second half of this passage reads:

> 3) A woman may not go out:
> with a needle [which is] pierced,
> nor with a ring which has a seal,
> nor a snail [a broach?],

Greek Magical Papyri in Translation V.1: *Including the Demotic Spells* (2nd. ed; Chicago: University of Chicago Press, 1992), p. 62, *PGM* IV 1230-1262 “Hail God of Abraham; hail God of Isaac; hail God of Jacob; Jesus Chrestos” – this is a Jewish exorcism because the patient is later kept safe by hanging phylacteries round his neck.

[16] *PGM* IV 3020 in Betz *Greek Magical Papyri* p.96.

[17] See Geller, *Jesus’ Theurgic*, p. 150-151

[18] Amulets and bowls had already been used for centuries, but they spread to Palestine and Syria – see Haim Gitle, “Four Magical and Christian Amulets” *Liber Annuus* 40 (1990) 365-374

nor an ankle-chain,
nor a bottle of spikenard perfume.
But if she goes out, she is liable for a sin offering

[The above are] the words of R. Meir, but the Sages exempt the ankle chain and the bottle of spikenard perfume.

4) A man may not go out:
not with a dagger,
nor with a bow,
nor with a shield,
nor with a spear,
nor with a lance.
And if he goes out he is liable for a sin offering.

R. Eliezer [b. Hyrcanus, T2] says: They are ornaments for him….
And the Sages say: They are nothing but shameful,
as it is said: "And they shall beat their swords into ploughshares …" [Isa.2.4]
A garter is pure and they may go out with it on Sabbath.
An ankle-chain is impure and they may not go out with it on Sabbath.

Most additions in halakhic discussions are added at the end of a complete tradition, like the comments of Eliezer and the sages at the end. Even though these included comments about the ankle-chain mentioned in (3), they wait till the end of this tradition. But sometimes it is more efficient to interpose an addition in the middle of a tradition, such as the comment that the the ankle chains and perfume bottles had been added by Meir.

Meir's addition is interesting because it appears to be an explanatory gloss of an unusual word in this old tradition - the strange prohibition of a "snail" (*kokhliar*,כּוֹכְלִיאָר). Instead of changing this word, Meir added a possible explanation based on the similar sounding "perfume-charm" (*kokhelet*, כּוֹכֶלֶת), and because this also was an unusual word he added "bottle of spikenard perfume." Unfortunately Meir's first word was subsequently miscopied as "ankle-chain" (*kobelet*, כּוֹבֶלֶת). This illustrates the reluctance of later rabbis to change what they have inherited but their willingness to help the reader by adding explanations.[19] It is also a salutary warning that scribal accidents can happen.

All of the problems with the core tradition which were identified above can be solved by adding adding explanations within the tradition and following it. There are three likely additions

On the Eve of Passover they hung Yeshu the Notzarine.
1 And the herald went out before him for 40 days [saying]: "Yeshu the Notzarine will go out to be stoned

[19] This tradition is analysed in more detail in David Instone-Brewer, *Feasts and Sabbaths: Passover and Atonement* (*Traditions of the Rabbis from the Era of the New Testament*; Grand Rapids, Mich: William B. Eerdmans, 2011).

for sorcery
2 and misleading
and enticing Israel [to idolatry].
3 Any who knows [anything] in his defence must come and declare concerning him."
But no-one came to his defence so they hung him on the Eve of Passover.

These explanatory glosses may have been added at one time, or they may have been added at separate times by more than one editor. The first gloss and third gloss are linked and were perhaps added at the same time. However, the tradition makes sense as a complete unit without the third gloss, so it is possible that this was added later. We will consider each possible gloss in turn.

The first gloss solves two of the three problems identified above: the unusual trial date and the non-Jewish method of execution. The latter is solved simply by adding a mention of stoning as the prescribed execution. This means that the ambiguous term "hung" can now refer to hanging a corpse in public as a warning to others.

Hanging up a corpse is discussed at b.San.45b. This concludes that a corpse is hung up if the person was stoned for blasphemy or idolatry – which would presumably include those "enticing" others to idolatry. Elizer ben Hyrcanus (80 – 120 CE) disputed this by reasoning that if you hang people in this way, you should do it for everyone who is stoned. Eliezer has Scripture on his side because the context of Deut.21.23 is the stoning of a stubborn and rebellious son which is one of the lesser categories of crime deserving death. Later rabbis argued that a "rebellious son" was not hung because he was not "a man". They also argued that blasphemers and idolaters were hung because they had cursed God, so it was right that they should be seen to be cursed by God (Deut.21.23; b.San.45b-46a).

This discussion in Eliezer's generation shows that the practice of hanging idolaters was not yet normal practice at the end of the first century. It is also difficult to imagine that idolaters who were stoned *could* be hung up in public view in the early first century. Although it is likely that mobs occasionally stoned someone (as at John 8.2-7 and Act.7.58), this was outlawed by Rome (John 18.31). Therefore hanging up the corpse in public would attract the attention of soldiers and they would be compelled to investigate such a public flouting of the law.

It was still difficult to carry out stoning and hanging in the second century, but it was possible to rewrite history and assume that this had been possible in the past. They wanted to show that Judaism in Temple times followed rabbinic halakha to help inspire those in the present. And it was especially important to show that this high-profile case had been dealt with correctly, according to the law of Moses.

Therefore, by the mere addition of the herald's announcement that Jesus was supposed to be stoned, the whole meaning of this tradition was changed. This gloss did not subvert the meaning of the passage, as far as the rabbinic editors were concerned. They would have regarded it as helping the reader understand the meaning of the ambiguous term

"hung" so that they would know it referred to the hanging of a corpse, and not to the hanging of crucifixion.

The problem concerning the trial date was more difficult to solve. The date of the trial was clearly on a holy day when work was forbidden by many branches of Judaism before 70 CE and by all Jews after 70 CE. They concluded that this date must have been forced on them by problems inherent in the trial. The addition said that a herald had gone out for 40 days to give notice of the trial. The anonymous rabbi who introduced this tradition into the discussion of the herald in m.San.6.1 was confused about this, because the herald should go out *after* the trial. But this herald was probably instead related to the tradition at m.San.3.8, as suggested above.

According to m.San.3.8, a judge *could* allow up to 30 days for a defendant to find evidence, though this wasn't normal. This gloss therefore implies that the court was especially lenient in the case of Jesus, because it allowed more than 30 days. This leniency had to end at 40 days because the Passover holiday was starting. The public nature of this crime meant that justice had to be seen to be done before the holiday. Otherwise the crowds might start talking amongst themselves about the lack of law in the land or (even worse) the followers of Jesus might use the holiday as a time for proselytising. So the trial was held at the last possible legal moment. Although it was held on a day when rabbinic law said no work should be done, at least it wasn't held on a day when Mosaic law prohibited work.

It is possible that the third addition was made at the same time as the first, but it is also possible that it was made at a later time because the tradition is complete and coherent without it:

> **On the Eve of Passover they hung Yeshu the Notzarine**. And the herald went out before him for 40 days [saying]: "Yeshu the Notzarine will go out to be stoned **for sorcery and enticing Israel [to idolatry]**.

However, if the tradition was preserved in this form, it begs the question about the reason for the additional days. If the tradition had been recorded during the discussion of m.San.3.8 the meaning of the 40 days would be clear, but in the context of a discussion concerning m.San.6.1 the reader can be confused. The third addition solves this, and may have been added by a third hand.

The addition of the single word "misleading" is particularly problematic. The first problem is that this addition clearly contradicts the other sources which record only two charges. But the bigger problem is that it creates an illogical set of charges. As we saw above, "enticing" refers to leading a town or country into idolatry, and "misleading" refers to leading a single individual into idolatry, so the charge of "misleading" one person is already implied by the charge of "enticing" many people.

It is possible that this was not a problem in the second century, because it is likely that the distinction between "enticing" and "misleading", as defined at m.San.7.10, was not

established till late in the 2nd century. Although “enticing” and “misleading” are separate items in the list of crimes punished by stoning (in m.San.7.4), there was still some dispute at the end of the 2nd century about whether or not “enticers” should be strangled (t.San.11.5). This part of the list at m.San.7.4 and its subsequent discussion at m.San.7.10 must therefore originate at the very end of the 2nd century. In this case there was nothing illogical about listing “enticing” together with “misleading” when they originally added it.

Although there it wouldn’t be logically incoherent to list them together, it would still be strange. If the rabbinic distinction between “enticing” and “misleading” did not yet exist, then the two terms would presumably be regarded as synonymous, as they are in Deuteronomy 13.5-13. In that case listing them together as separate charges would be as redundant as charging someone with “murder and unlawful killing”.

However, “misleading” would make sense if it was added as an explanatory gloss rather than a separate charge. If a rabbinic editor regarded the charges as confusing or ambiguous, they could add a gloss like Meir did to explain the meaning of “snail” in m.Shab.6.3 (above). So perhaps “misleading” was added to explain either the term “enticing” or “sorcery”. Normally an explanation would be added after the thing being explained, which suggests that it is inserted to help the reader understand the meaning of “sorcery”.

Therefore this addition was probably made in order to help the reader realise that Jesus’ sorcery was suspect. The reader might still conclude that Jesus' miracles were genuine, because illusions did not warranted a death penalty, but the editor added a warning that they were misleading. The reader is warned not to be misled into thinking this power could be beneficial.

Dating the earliest core tradition

We concluded above that the traditions concerning the trials of Jesus and his disciples was added at or before the time of Joshua b. Levi (in Palestine about 220-250 CE) who commented on the trial of the disciples. Joshua was from the first generation of rabbis commenting on the Mishnah, so the anonymous rabbi who introduced this tradition was unlikely to be earlier. The fact that this anonymous rabbi commented on the "herald" of Jesus' trial implies that this tradition already contained this and probably the other two additions.

It is difficult to know when the first addition was made, but the addition of "misleading" was not known to Justin Martyr when he replied to Trypho in about 150 CE. The other two charges however were already common knowledge, because Justin was able cite them in the assurance that Trypho would know what he was referring to. These charges were therefore put together some time between the last year of Jesus and some decades before 150 CE.

When looking for an origin of the core tradition, we need to explain the order of the charges. As detailed above, these two charges often occur together – in Deuteronomy, Mishnah, Tosephta and consequently in the Talmuds – but they are always discussed in the order of "enticing" and then "sorcery". If this tradition originated as a comment based on scripture or halakha, the tradition would have followed this common order. The reverse order is found in all three sources which contain this tradition. This consistent reversal must be based on a strong original tradition.

The origin of this tradition does not derive from Christian sources. The Gospels say that Jesus was convicted of blasphemy by the Jew and of treason by the Romans (Matt.26.65; Mk.14.64; Lk.23.2). For the Gospel writers, these were the most significant charges because they confirmed what the Gospels themselves were trying to show: that Jesus was divine and a king. The Gospels do not present blasphemy as a charge in the arrest warrant, but as a charge introduced during the trial (Mark.14.60-64; Matt.26.63-65). The original charge in these gospel accounts concerned destroying the Temple, which may have been an initial piece of evidence for the charge of enticing Israel into a new religion.

The charges of sorcery and leading enticing Israel astray are recorded in the Gospels, but not as charges at his trial. The Synoptics record the charge that he cast out demons in the power of Satan (Mark 3.22; Matt.12.24; Luke 11.15 and John records the accusation that he was "leading Israel astray" (John 7.12).[20] Therefore they are not absent from the Gospels, but they are merely two of a number of other accusations, such as being a glutton and drunkard (Matt.11.19; Lk.7.34 - which warrants the death penalty, cf. Deut.21.20), being of illegitimate birth (John 8.41) and blasphemy (Mark.2.7; Matt.9.3; John 10.33).

Therefore the Gospels do not contradict the idea that Jesus was charged with sorcery and enticing Israel, but neither can it be inferred from the Gospels. They are silent about the actual charges on Jesus' arrest warrant, though the questioning at the start of the trial is consistent with a charge of "enticing" Israel.

The origin of this tradition is also unlikely to be rabbinic or Pharisaic. Although it has been preserved in rabbinic literature, there are two reasons why it was unlikely to be authored within this movement. First, a rabbinic author or their Pharisee predecessors would want the order of the charges to mirror Torah and rabbinic halakha. Second, rabbinic traditions and the major Pharisaic schools tried to dissuade people from working on Passover Eve, so they would not have invented a tradition which said that they decided to try Jesus on this date. Even if the tradition merely reflected the fact that the trial actually occurred on Passover Eve, the author of the tradition could have chosen to simply say that it happened "before Passover".

Passover Eve was not kept as a holy day by all of the disparate factions which made up Judaism before 70 CE. A tradition we have no reason to doubt says that those in Galilee avoided work all day, while those in Jericho allowed work all day, and those in Judea allowed work only till noon (m.Pes.4.5, 8). This may indicate that Sadducees or Priests

[20] For a fuller discussion see Stanton, "Jesus" pp. 170-80.

were more generally relaxed about Passover Eve than others, because a large number of priests lived in Jericho (b.Taan.27a) and it is likely that Judea was influenced more by the Sadducees than the Pharisees. This makes it likely that the original tradition about Jesus' trial came from a Sadducean source rather than a Pharisaic one, though the evidence on this point is not strong.

It is worth asking why this tradition was created. As a piece of fiction it conveyed little of interest to Jews. It was commonly known that Jesus was executed, and the Jewish world would have liked to forget him rather than remind themselves about this embarrassing false prophet who caused so much trouble. If someone had invented this tradition, they would have omitted the embarrassing facts about the date and mode of his execution, and they would probably have omitted the charge of sorcery.

Taking all these factors into consideration, the simplest solution is that this tradition records the actual charge sheet and result for the trial of Jesus. This would explain how it carried enough authority to ensure that all the sources maintain the reversed order of the charges, the unscriptural mode of execution and the impious trial date.

Conclusions

The two censored traditions about Jesus and his disciples which would occur at b.San.43a were brought into the Talmudic discussions early in the 3rd century and removed in the 15th and 16th centuries. External evidence gives independent witness that the earliest core in this tradition was: "On the Eve of Passover, they hung Jesus of Nazareth for sorcery and enticing Israel [to idolatry]." The rest of the tradition was added later as explanatory glosses to help the reader with problems which became particularly acute in the second century: the date of the trial; the method of execution; and the charge of "sorcery". These explanations had already been added by the end of the second century, because part of them is debated as an authoritative text by rabbis in the early 3rd century.

The earliest development of this tradition cannot be traced with any certainty. The third charge was not present in about 150 CE when Justin Martyr cited two charges, though only the first was pertinent to his argument. He cited them as something which his Jewish opponent would be familiar with. The consistent order of the charges, which is opposite to that in Torah and rabbinic halakha, suggests they came from another authoritative source. The wording of the rest of the earliest core of this tradition is not what rabbis would have invented to help their case that Jesus was tried fairly and executed according to Jewish law.

The least difficult explanation is therefore that the earliest core of the censored tradition of Jesus' trial came from the actual court records from the time of Jesus which succeeding generations felt they could not change, despite the difficulties presented by the wording. Instead, later editors added explanatory phrases during the latter half of the second century.