



# A lawyer looks at the resurrection

*Ken Handley*

What do we make of a one-off historical event such as the Resurrection of Christ? Science cannot prove nor disprove the Resurrection, any more than it can prove that Julius Caesar or Napoleon existed, because it depends on the ability to re-examine or repeat. These matters are the province of the historian, not the scientist.

As well as historians, courts sometimes have to decide what occurred beyond the range of living memory. For example, in 1973 our High Court had to decide what happened at Port Moresby in 1886.<sup>1</sup> The tools of trade of the judge in such a case, and of the ancient historian in every case, are historical evidence—what people wrote about the events, the evidence from archaeology, and circumstantial evidence. There is nothing special about this; it's only common sense.

The Christian approach to the evidence for the Resurrection is no different. From the very beginning Christians have appealed to the evidence. Luke 1:2 states that his

narrative is based upon what he was told by those who from the beginning were eye-witnesses. John 21:24 states “this is the disciple who testifies of these things, and wrote these things, and we know that his testimony is true.” Peter in his sermon in Jerusalem on the day of Pentecost in Acts 2:32 said: “This Jesus God has raised up of which we are all witnesses.”

## **The documentary evidence**

In trying to work out what happened on the first Easter, we have to rely on the historical documents of the New Testament. But this is not the only evidence available. There is also contemporary material from Roman and Jewish sources. The existence of Jesus, and significant facts about him and the early Church, are confirmed by the Roman authors Suetonius, Tacitus and Pliny and the Jewish authors Josephus, Rabbi Eliezer and the Talmud.<sup>2</sup> Courts consider that corroboration is an important guide to the truth

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<sup>1</sup> *Administration of Papua and New Guinea v Daera Guba* (1973) 130 CLR 353.

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<sup>2</sup> Paul W. Barnett, *Is the New Testament History*, Hodder & Stoughton, Sydney, 1986, pp. 30-31.

12 | and if a case is corroborated in important matters from independent sources or the other side, it is likely to be accepted.

It is also significant if you find that there

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are incidental details in a person's evidence, which can be checked from independent sources, and are correct. Luke, the author of his Gospel and Acts, placed the life of Jesus and the growth of the early Church in their context in secular history. In the opening chapters of his Gospel he refers to Herod, King of Judea and to the decree of Caesar Augustus that all the world should be enrolled, and similar references appear throughout both books. With one possible and debatable exception, Luke's secular history is accurate.<sup>3</sup>

The earliest written evidence for the Resurrection we can date with any precision is Paul's first letter to the Corinthians, written between AD 52 and 57, 20 years or so after the first Easter. Paul wrote:

For I handed on to you as of first importance what I in turn had received: that Christ died for our sins in accordance with the Scriptures, and that he was buried, and that he was raised on the third day in

accordance with the Scriptures, and that he appeared to Cephas, then to the twelve. Then he appeared to more than five hundred brothers and sisters at one time, most of whom are still alive, though some have died. Then he appeared to James, then to all the apostles. Then last of all he was seen by me also (1 Cor 15:3-8).

This is what he had told the Corinthians when he first met them about AD 50. He got his hearsay information when he went to Jerusalem about five years after the first Easter, and he appeals to the evidence of the eyewitnesses, including himself (Acts 9:26).

This is a remarkable piece of historical evidence written at a very early date, when eye witnesses were still alive. Anzac Day this year has reminded us that there are still survivors of the First World War, 81 years after it ended, who remember what happened. I had first hand experience as a judge of a remarkable parallel. In February 1964, *HMAS Melbourne* sank *HMAS Voyager*. In October 1996, over 32 years later, I sat on the Court which heard the appeal by the Commonwealth from the award of damages by a jury to a Mr McLean who had been a sailor on *Melbourne* and claimed to have suffered post traumatic stress disorder. Our decision is in the official Law Reports.<sup>4</sup> Survivors gave evidence at the trial and had the clearest recollection of what had hap-

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3 F F Bruce *The New Testament Documents* 5th ed InterVarsity Press, Leicester, 1992, pp. 81-86.

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4 *Commonwealth of Australia v McLean* (1996) 41 NSWLR 389.



pened. Under the *Evidence Act* 1995, Mrs McLean was able to say in court in 1996 what her husband had told her in 1964 shortly after the collision.<sup>5</sup> Hearsay evidence, such as Luke has incorporated in his Gospel and Paul included in his letter to the Corinthians, is now accepted in court in civil cases if it was fresh in the memory of the original speaker. The 32 years in this case was longer than the interval of 20 years or so to the date of 1 Corinthians.

## The gospel authors

We know quite a lot about the gospel authors. Mark was Peter's secretary and records Peter's eyewitness version. Matthew and John were eye witnesses. Luke was a Greek physician who, as he says, set out to write a historical account based on the available written materials and the evidence of

eyewitnesses. He was a companion of Paul in his later journeys and went with him to Rome. He had the opportunity to speak to eyewitnesses when he went to Jerusalem with Paul about AD 57,<sup>6</sup> and during Paul's two year imprisonment in Palestine which followed, and he may have met Peter and Mark in Rome.

Analysis of the Greek texts has established that Luke and Matthew borrowed some material from Mark, but not from each other or John. There is no evidence that John borrowed from any of the others. Matthew and Luke also borrowed from a written compilation of the sayings of Jesus designated Q, which has not otherwise survived. Mark borrowed from no other gospel and was probably the first, and this is supported by his text. He refers to the high priest and his house without identifying either, just as we might refer to the current prime minister without naming him, but would name the prime minister if we were writing about events twenty years ago.<sup>7</sup>

## Dating the gospels

About three years after the first Easter, Stephen was stoned to death by the mob in Jerusalem and persecution broke out which scattered the Church (Acts 7:54-8:1). Until then, the Church had largely been concentrated in Jerusalem where there was easy access to the apostles for

6 Acts 21:15 "we... went up to Jerusalem".

7 Mark 14:53-65. Compare Matthew 26:3, 57-58; John 11:49.

5 *Evidence Act* 1995 (NSW) s 64.



first-hand accounts of the ministry and death of Jesus. The scattering of the Church would have created an immediate need for written material about Jesus. It is likely that both Mark's Gospel (or its predecessor) and Q came into existence about this time.

The Gospels were in circulation when eyewitnesses, sympathetic and hostile, were still alive.

None of the Gospels refer to the Jewish War that broke out in AD 66 and ended with the destruction of Jerusalem and the Temple in AD 70. John alone refers to the death of Peter (John 21:19), which took place in Rome under Nero some time after AD 60. We therefore have good reason to think that John's Gospel was finished between then and the outbreak of the Jewish War in AD 66.<sup>8</sup> The Book of Revela-

tion written by him much later refers to the New Jerusalem which may well be an acknowledgment that the old one was in ruins (Revelation 21).

Dating the Gospels between the death of Stephen in AD 36-7 and the outbreak of war in AD 66 provides no reason to doubt their accuracy. The period between the first Easter and the outbreak of the Jewish War was about 32 years, the same as in the *Voyager* case. The Gospels were in circulation when eyewitnesses, sympathetic and hostile, were still alive.

### Difference in detail

Courts expect that evidence given by honest and reliable witnesses will agree in substance but differ in detail, and they view with suspicion witnesses who give the same evidence word for word. This always suggests that they have put their heads together to make up their story. The Gospels are four substantially independent accounts of the events which agree in substance, but differ in details, and they pass this test. In addition the Epistles contain a wealth of uncontrived detail about the teachings and death of Jesus, which is consistent with the Gospel accounts.<sup>9</sup>

### Do we have authentic records?

Of course we do not have the manuscripts signed by the Gospel writers or Paul's

<sup>8</sup> Barnett *op cit* pp. 37-38, 65-66.

<sup>9</sup> Paul W. Barnett, *Jesus and the Logic of History*, Apollos, Leicester, 1997, pp. 39-58.

original letters. You are therefore entitled to ask how good, and how early, are our manuscripts, and how confident we can be that they have not been corrupted by constant recopying. Here again the news is good. The hot, dry climate of the Middle East has preserved papyrus manuscripts from very early in the Christian era. Fragments of the Gospels have been dated to AD 130 to 150.<sup>10</sup> From then on, the volume and variety of manuscript material builds up steadily until we have two complete New Testaments dating from about AD 350—one in the Vatican and one in the British Museum, the latter only discovered in 1844 in a monastery on Mt Sinai.<sup>11</sup> There are nearly 5,000 early manuscripts of the New Testament or parts of it in Greek. You may not be impressed by this but you ought to be. This early manuscript material is remarkably consistent. The scribes who copied manuscripts from earlier ones were faithful and accurate. There are



<sup>10</sup> Bruce, *op cit.* p. 17.

<sup>11</sup> Bruce, *op cit.*, p. 16; Barnett *Is the New Testament History?*, p. 45.

some variations but none affect any of the central facts of the ministry, death and resurrection of Jesus. We also have early manuscripts in other languages—Coptic, Syriac, Armenian, Georgian and Latin, which are remarkably consistent both with the Greek material and each other.<sup>12</sup>



It is instructive to compare the wealth of surviving early material for the New Testament with the surviving manuscript material of the classical secular works of Greece and Rome:<sup>13</sup>

- (a) The oldest surviving manuscript of Caesar's Gallic Wars dates from AD 850, 900 years after his death. (From 1999 that takes us back to just after the Norman Conquest in 1066.) There are only ten good early manuscripts. Yet no one doubts the existence of Caesar, or the history recorded in these manuscripts.
- (b) Most of the books of the Roman historians, Livy and Tacitus, have been lost.
- (c) The works of the Greek historian Thucydides (460–400 BC) survive in eight manuscripts, the earliest dating from AD 900, 1,300 years after the originals, and a similar situation applies to the works of Herodotus. These books are the basis of the known history of classical Greece.
- (d) Alexander the Great died in 323 BC. The earliest surviving history of his life was written by Arrian about AD 130, 450 years after Alexander's death. 450

<sup>12</sup> Bruce *ibid.*

<sup>13</sup> Bruce *op cit* p 16.

years ago, Henry VIII had only been dead for two years. Arrian worked from books written after the death of Alexander by his generals and others which have not survived.<sup>14</sup>

The letters of the Church Fathers, Clement, Ignatius and Polycarp, written between AD 96 and 110, quote extensively from the New Testament and these quotations are consistent with the direct manuscript material.<sup>15</sup>

There is also archaeological evidence which confirms incidental matters mentioned in the Gospels and Acts (although of course it could never establish by itself that Jesus rose from the dead). Matters mentioned in the books which were once disputed are now confirmed. For instance, until recently there was no evidence outside Christian sources that

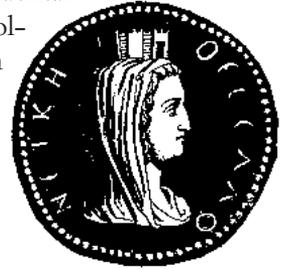
there was a village called Nazareth at the time of Christ, and sceptical scholars claimed that it was a Christian invention.<sup>16</sup> In

1962 a 4th-century Jewish inscription was discovered in

Israel near Caesarea which provides positive evidence of the existence of Nazareth



in the time of Jesus.<sup>17</sup> Archaeological work in the Old City of Jerusalem has confirmed much of the detail in the Gospels and Acts about that city.<sup>18</sup> It would have been impossible to get all these incidental facts right if as some scholars and sceptics claim these books were written 100 years or more after the events when the city was in ruins.



### Reasons to believe

Most of the pre-AD 350 manuscript material, the results of the analysis of the texts, and the archaeological evidence have only become available in the last 150 years. For most of the Christian era, people have not had the benefit of this evidence and research. From the beginning many have found the historical books of the New Testament self-authenticating. Those who read them with an open mind often became convinced that this was no myth and that these events really happened. No one could have made it up. The diagnosis of the human condition we find in these pages, and the moral teaching of Jesus they record have a freshness and power that can convince those who come with an open mind.

Can the New Testament documents themselves provide a proper evidentiary

14 Barnett *op cit*, p. 41.

15 Barnett *op cit*, pp. 38-40, Bruce *op cit*, pp. 18-19.

16 Branscomb, *The Gospel of Mark* Hodder & Stoughton, 1937, p. 17 refers to sceptics who noted that Nazareth was not mentioned in the Old Testament, Josephus or the Talmud, and it had been said that the name of the sect—the Nazarites or the Nazarenes—had later been wrongly regarded as referring to a place. I am indebted to Bishop Barnett for this reference.

17 Barnett, *The Truth about Jesus*, Aquila Press, Sydney, 1994, pp. 31-3; Finegan, *The Archeology of the New Testament*, Princeton University Press, Princeton, 1969 (Nazareth p. 36).

18 Barnett, *The Truth about Jesus*, p. 35; Bruce, *op cit*, p. 94.

basis for Christian faith? A famous Australian wrote:

...having read and re-read the... documents to which reference has been made... I see no reason to doubt both their general accuracy and the veracity of those who compiled them. Indeed the more I have read them, the better opinion I have formed of the capacity of those who prepared them and the more convinced I am that they speak of events which actually took place as they are related.<sup>19</sup>

This was not a clergyman writing about the New Testament, it was Sir Garfield Barwick, Chief Justice, writing about the official records and reports of 1886 in his judgment in the Port Moresby case in 1973. For nearly 2,000 years Christians have been saying the same thing about the historical books of the New Testament.

### **Circumstantial evidence**

What then about the circumstantial evidence? It is remarkable that we have even heard of Jesus. He was a carpenter who spent most of his life in a village in Palestine on the fringe of the Roman Empire. He was executed by the Jewish and Roman authorities nearly 2,000 years ago. He had no political or military power, occupied no position of influence, and left behind no holy



book. He spent a lot of time training twelve men but one betrayed him. Consider his life's work on the evening of the first Good Friday. He was dead and buried, his disciples had run away, and Peter had been so cowardly as to deny three times to servant women and others in the household of the high priest that he even knew Jesus (Mark 14:66-71). To all appearances his mission had been a failure and the remaining apostles were in no state to carry it on.

However God was about to transform the situation by an act of supernatural power. Jesus's return to life transformed the eleven apostles into men of courage and power. Starting in Jerusalem at the Feast of Pentecost, which falls this year on 23rd May, they proclaimed publicly that

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Jesus was alive again, that they had seen him in the flesh, spoken to him, and eaten with him. The proclamation was made in the city that had witnessed the triumphal entry on Palm Sunday, the trials before the Sanhedrin and Pilate, and the Crucifixion. Jesus's return from the dead was first proclaimed in the city that had watched him die, about six weeks after the first Easter Sunday. This was not something that emerged at a time and place remote from the scene of the events.

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<sup>19</sup> *Administration of Papua and New Guinea v Daera Guba* (1973) 130 CLR 353, 378-9.

How were these claims treated at the time? Peter's sermon on the day of Pentecost added 3,000 new believers to the Church. Many did not believe, but the Jewish and Roman authorities took the claims so seriously that they resorted to persecution. They had no other answer. Peter

tures about the Messiah had been fulfilled in the life and death of Jesus. Because of all this their claims about his Resurrection had a credibility that claims about anyone else would never have had.

Surveys reveal that more than 75% of Australians believe in God—they do not think the universe created itself. The Resurrection, of course, was an unprecedented event, but no trouble for a God who created the universe and life in all its forms. The apostles certainly thought that they had witnessed the result of a great supernatural event and they were transformed. When Peter and John were arrested in the weeks after Pentecost, they were brought before the Sanhedrin, which had effectively condemned Jesus to death only a few weeks before. There was no cowardice now; Peter told the Sanhedrin that the man they had crucified God had raised from the dead (Acts 4:10), and he and John refused to be silent although they knew they were risking their lives.

There have been many attempts to explain away the disappearance of the body of Jesus. It's been said that the women and the disciples went to the wrong tomb, the disciples stole his body, that Jesus didn't really die but only lost consciousness, or that the whole thing was simply a spiritual experience for the apostles as Jesus came to life in their hearts.

These theories are inconsistent with the evidence and the probabilities. The Roman soldiers were professional executioners. One pierced Jesus's side with a spear and out came blood and water, which is medical evidence of death.

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and John were arrested twice within the first few weeks for preaching the resurrection. Stephen was martyred in Jerusalem about AD 35 and Roman persecution began under Nero after AD 60 and continued intermittently with great savagery for nearly three centuries. The Resurrection may be ignored or ridiculed today, but that was not the reaction at the time.

The claims were taken seriously in Jerusalem because Jesus was well known there for his teaching and his miracles, particularly the raising of Lazarus from the dead at Bethany only a few miles out of town not long before. John records that a great many Jews came there not only for Jesus's sake, but that they might also see Lazarus (John 11:45). When the chief priests and Pharisees had earlier sent officials to arrest Jesus they returned empty-handed with the excuse, "No man ever spoke like this man" (John 7:46). The apostles were also able to show how prophecies in the Jewish scrip-



Because of this Jesus's legs were not broken, but the legs of the two thieves were. His post-Resurrection appearances were not as a desperately sick cripple, but as a man in good health who could walk normally several miles to Emmaus on the first Easter Sunday. The wrong tomb explanation is pathetically weak—the error must have been discovered within a few hours. The 'spiritual experience' theory does not square with the evidence either. The risen Jesus ate a meal and Thomas felt the imprint of the nails in Jesus's hands and of the spear in his side. His appearances lasted for only forty days and then ceased, to be repeated only once more to Paul on the road to Damascus. If the appearances of Jesus to his disciples were spiritual experiences, why did they suddenly cease and never occur again?

We may reject the historical evidence if we like, but what we cannot do is re-write it according to our preconceived ideas. Reputable historians and courts work with the evidence; they don't alter it. The theories of so-called scholars 2,000 years after the events of the first Easter, which are not based on the historical evidence and are inconsistent with it, do not deserve to be taken seriously.

Finally, there is the theory that the disciples stole his body and the whole story is a lie and a fraud. This is the least probable of all. The disciples preached and practised a high standard of personal ethics. They proclaimed the Resurrection openly and fearlessly. Most died for their faith. We know from recent history that fraudulent conspirators are not prepared to suffer in silence to

protect their conspiracy. You may remember how quickly the Watergate conspirators cracked when they faced jail. It would have been a tremendous propaganda victory for the Romans or the Jews to produce a disciple of Jesus who was prepared to say that the whole story was a lie. They never did—there was no second Judas.

The emergence of the Christian Church soon after the first Easter is attested



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from Jewish and Roman sources, and is itself an important piece of circumstantial evidence. For the first 300 years the Church grew by peaceful means, and in the face of official opposition, through the witness of individual Christians. Its existence and survival is testimony to the conviction with which the apostles and their successors preached the Resurrection, and to the credibility of that preaching.

Circumstantial evidence is considered important because of the way the circumstances can sometimes fit together and point to the same conclusion. For many years the standard direction to juries about circumstantial evidence has been

20 | that given by Chief Baron Pollock to the jury in *Regina v Exall*.<sup>20</sup>

It has been said that circumstantial evidence is to be considered as a chain... but that is not so, for then, if any one link broke, the chain would fail. It is more like the case of a rope composed of several cords.

The circumstantial evidence about the Resurrection points to only one conclusion, and the combined strength of the evidence is very great.

One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength. Thus it may be in circumstantial evidence—there may be a combination of circumstances, no one of which would raise a reasonable conviction, or more than a mere suspicion, but the whole, taken together, may create a strong conclusion of guilt...with as much certainty as human affairs can require or admit of.

In 1875 Lord Chancellor Cairns said in the *Belhaven and Stenton Peerage*<sup>21</sup> in the House of Lords:

...in dealing with circumstantial

evidence we have to consider the weight which is to be given to the united force of all the circumstances put together. You may have a ray of light so feeble that by itself it will do little to elucidate a dark corner. But on the other hand you may have a number of rays, each of them insufficient but all converging and brought to bear upon the same point and, when united, producing a body of illumination which will clear away the darkness which you are endeavouring to dispel.

The circumstantial evidence about the Resurrection points to only one conclusion, and the combined strength of the evidence is very great. After Jesus died, Joseph of Arimathea and Nicodemus took down his body, and wrapped it, mummy-style, in strips of linen heavily impregnated, as John records (19:39), with 100 lbs of embalming ointment and buried it in the tomb. When the women brought the news early on the Sunday morning that Jesus's body was missing, Peter and John ran to the tomb. John tells us what happened:

...the other disciple outran Peter and came to the tomb first. And he, stooping down and looking in, saw the linen cloths lying there; yet he did not go in. Then Simon Peter came... and went into the tomb; and he saw the linen cloths lying there, and the handkerchief... folded together in a place by itself. Then the other disciple... went in also; and he saw and believed (John 20:4-8).

20 (1866) 4 F&F 922, 929 (176 ER 850, 853).

21 (1875) 1 App. Cas. 278, 279.

The text is powerfully understated. What did John see that made him believe? Clearly the whole mummy had not been removed. If the linen cloths had been unwound and only the body removed, it could have been the work of human hands. So the embalming cloths must have been intact, but with the weight of the ointment stiff with the cold of a Jerusalem Easter they had collapsed on themselves.

Death had not held Jesus nor had the embalming cloths. He had passed through both. John saw and believed. Will you read and believe? ☒

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