

Legal Evidence for the Resurrection of Jesus Christ

by W. R. Miller

How do we know whether an historical event actually occurred?

- 1) Someone recorded it (or testifies to it);
- 2) They show themselves to be reliable as a source;
- 3) There is no contrary evidence.

Christianity bases its claims on actual historical events. The central claim is the Resurrection, that Jesus Christ of Nazareth physically died on a cross, and on the third day, physically emerged from his tomb alive and well, and appeared to over 500 eyewitnesses.

In his first letter to the Corinthians, the Apostle Paul outlines the historical case for the Gospel events:

1 Corinthians 15:3-9 (KJV)

³For I delivered unto you first of all that which I also received, how that Christ died for our sins according to the scriptures;

⁴**And that he was buried, and that he rose again the third day according to the scriptures:**

⁵And that **he was seen of Cephas, then of the twelve:**

⁶After that, **he was seen of above five hundred brethren at once;** of whom the greater part remain unto this present, but some are fallen asleep.

⁷After that, **he was seen of James; then of all the apostles.**

⁸And last of all **he was seen of me also,** as of one born out of due time.

⁹For I am the least of the apostles, that am not meet to be called an apostle, because I persecuted the church of God.

From this, Paul logically concludes,

1 Corinthians 15:14-17 (KJV)

¹⁴And if Christ be not risen, then is our preaching vain, and your faith is also vain.

¹⁵Yea, and **we are found false witnesses of God**; because we have testified of God that he raised up Christ: whom he raised not up, if so be that the dead rise not.

¹⁶For if the dead rise not, then is not Christ raised:

¹⁷And if Christ be not raised, your faith is vain; ye are yet in your sins.

Any one of the surviving 500 eyewitnesses to Christ's resurrection could be interviewed – and verify Paul's account. His case was open to investigation and could be tested.¹

"All that Christianity asks of men on this subject is that they would be consistent with themselves; that they would treat its evidences as they treat the evidence of other things; and that they would try and judge its actors and witnesses as they deal with their fellow men, when testifying to human affairs and actions, in human tribunals." So declares Simon Greenleaf, Royall² Professor of Law at Harvard University.³

¹ Glenn Miller discusses this in detail at "Critically Examine Everything?" <http://www.christian-thinktank.com/everythg.html>.

² Named after Isaac Royall, who in 1781 gave land to Harvard with proceeds to "endow of a Professor of Laws at said college, or a Professor of Physics and Anatomy." See "Our History," online here: <http://www.law.harvard.edu/about/history.html>. See also Janet Halley, "My Isaac Royall Legacy," published in *Harvard BlackLetter Law Journal*, vol. 24, 2008. Available online here: <http://www.google.com/url?sa=t&source=web&ct=res&cd=1&url=http%3A%2F%2Fwww.law.harvard.edu%2Ffaculty%2Fjhalley%2Fcv%2F24.Harvard.Blackletter.117.pdf&ei=21SESs3OMYXSsgOFxaCTBw&rct=j&q=%22Isaac+Royall%22+professor+Harvard+university&usg=AFQjCNF9nvGaSvwmjjeipDMa2kqYOHT-BA&sig2=tZbGsLvS5aCmkMNcKqUE1g>

³ Simon Greenleaf. An Examination of the Testimony of the Four Evangelists, by the Rules of Evidence Administered in Courts of Justice with an Account of the Trial of Jesus. London, Second edition, 1847. Hereafter, *Testimony of the Evangelists*. Available online here:

Even though he professed to be a Christian, Thomas Arnold, headmaster at Rugby, continued to examine the evidences for Christianity for his own satisfaction:

He stated, "The evidence of our Lord's life and death, and resurrection, is of the same sort as that which we rest on in human matters. Whoever has heard the summing up of a judge on any great trial, will be able to understand what I mean; the jury have heard a great many witnesses;

<http://www.classicapologetics.com/g/greenfourev.pdf> and in HTML format here:
<http://www.classicapologetics.com/g/GreenTes1.html>.

Greenleaf is recognized as one of the greatest legal advocates in history, and author of the three-volume *A Treatise on the Law of Evidence*. "The profession at once hailed it as the ablest extant work on the subject, distinguished alike for its deep learning, clarity of style, and practical utility," the *Dictionary of American Biography* acknowledges. "In its completed form it came to be regarded as the foremost American authority, and passed through numerous editions under successive editors."

Accolades for Greenleaf come from the following:

"A Treatise on the Law of Evidence." Published in *Boston Daily Atlas*, September 9, 1853. "Among the American law writers, who are quoted with approval in the English Courts, probably none rank higher than Mr. Greenleaf; and this new volume will doubtless be hailed at Westminster Hall, no less than here, as a most valuable and learned acquisition to the science of law."

The Law Magazine: or Quarterly Review of Jurisprudence. London: W. Benning and Co., Law Booksellers, 1845. *Events of the Quarter*, p. 350. "It is no mean honor to America that her schools of jurisprudence have produced two of the first writers and best esteemed legal authorities of this century—the great and good man, Judge Story, and his worthy and eminent associate, Professor Greenleaf. Upon the existing Law of Evidence more light has shone from the New World than from all the lawyers who adorn the courts of Europe."

"Books and Editorial Notices." *Western Jurist*, v. 10. Des Moines, Iowa: Mills & Co., 1876. pp. 754-755. Review of *A Treatise on the Law of Evidence*, vol. 1, 13th edition. "Respecting the merits of Greenleaf on Evidence, nothing need be said. It has, for the last quarter of a century, nearly, been the standard work on that subject, not only in America, but in Great Britain, and in all countries where the common law obtains. Indeed, its superiority is so thoroughly recognized, as that a modern English author of a work on the subject of evidence, admits that his is taken substantially from Greenleaf. ...The fact that Vol. I is edited by Professor Wigmore, whose many years of study of the rules of law which it illuminates will make the new edition need no recommendation to the lawyer or the student, for to quote from Greenleaf is to quote law."

some of them have perhaps contradicted others, some have stated things very improbable; in a long cause, if the jury are unaccustomed to what are called the laws or rules of evidence, they may be utterly puzzled what to believe. But it is their business to pass a judgment in the matter, and therefore they must make up their minds one way or the other. In order to do this, they are glad to listen to the summing up of the judge. He goes clearly through all the mass of evidence which seemed so contradictory and perplexing; he gives them reasons why such a witness is to be believed rather than another; how he had better means of knowing the truth, and less temptation to depart from it; how his evidence is in itself consistent when examined carefully, and has a look of truth about it; and so he shews the jury that they have very good grounds for making up their minds, and for giving their verdict. **Now in this same way the evidence of our Lord's life and death and resurrection may be, and often has been shewn to be, satisfactory; it is good according to the common rules for distinguishing good evidence from bad. Thousands and ten thousands of persons have gone through it piece by piece, as carefully as ever judge summed up on a most important cause: I have myself done it many times over, not to persuade others, but to satisfy myself. I have been used for many years to study the history of other times, and to examine and weigh the evidence of those who have written about them; and I know of no one fact in the history of mankind, which is proved by better and fuller evidence of every sort to the understanding of a fair enquirer, than the great sign which God has given us that Christ died and rose again from the dead.**

[emphasis mine]

"But where the evidence of other facts ends, that of our great sign of Christ crucified and Christ risen may be said only to begin. I might convince your understandings, as my own has been convinced long since, that the fact is proved according to the best rules of testimony; but if

our belief rest here, we do not yet know the full richness, the abundant and overflowing light of our Christian faith. The evidence of Christ's apostles, preserved to us in the writings, is very strong, very full, very irresistible; hear it fairly, and we cannot believe that Christ is not risen."⁴

How do we discern the reliability of evidence? How do we know whether the Resurrection actually occurred? The answer is simple. We examine the evidence itself.

We read the testimony of the evangelists, written in the documents of the Bible as well as related archaeological artifacts, and examine them as we would any other historical evidence. Otherwise, we would be engaged in a Double Standard, a logical fallacy.

The documents are written testimonies. What branch of science covers human testimony? The science of jurisprudence.⁵ The law.

⁴ Thomas Arnold, Sermon II: "The Sign of the Prophet Jonah." January 7, 1838, [The Christian Life: its hopes, its fears, and its close](#). Third edition. London, B. Fellowes, 1845. Available online here: http://books.google.com/books?id=XBYPAAAAIAAJ&pg=PR1&lpg=PR1&dq=%22Christian+life:+its+hopes,+its+fears,+and+its+close%22&source=web&ots=ElSGEYxuM1&sig=HFdSGr0dxgqFJmOIGBoFoPyFoRA&hl=en&sa=X&oi=book_result&resnum=1&ct=result

⁵ "Jurisprudence" is defined:

"jurisprudence.

1. **b.** The science which treats of human laws (written or unwritten) in general; the philosophy of law."
2. A system or body of law; a legal system."

Oxford English Dictionary, 2nd edition, 1989. Accessed online August 3, 2009. © Oxford University Press, 2009.

"jurisprudence.

—noun

1. the science or philosophy of law.
2. a body or system of laws.

Random House Dictionary, © Random House, Inc. 2009.

"Legal science should be the most appropriate field of study to assess the reliability and veracity of Christianity simply because its legal evidential principles have developed meticulous criteria for distinguishing factual truth from error," writes Malaysian solicitor Henry Hock Guan Teh. "It provides guidelines to sieve away the irrelevant and inadmissible facts or arguments, whilst properly evaluating and admitting the relevant evidences. It deduces evidences derive from various field of studies such as psychology, history, archaeology, medicine, forensic science, logic, etc. to reach a verdict."⁶

Law and Martin's *A Dictionary of Law*, published by Oxford University Press, defines "evidence" as

evidence **n.** That which tends to prove the existence or nonexistence of some fact. It may consist of testimony, documentary evidence, real evidence , and, when admissible, hearsay evidence . The law of evidence comprises **all the rules governing the presentation of facts and**

ju·ris·pru·dence (jŏŕ'is-prŏd'ns)

n.

The philosophy or science of law.

"jurisprudence." *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. Accessed online August 3, 2009.

"Philosophy" in the above usage refers to

philosophy, n.

8. The study of the general principles of a particular subject, phenomenon, or field of inquiry.

Oxford English Dictionary, 2nd edition, 1989. Accessed online August 3, 2009. © Oxford University Press, 2009.

⁶ Henry Hock Guan Teh. "Legal Apologetics: Principles of the Law of Evidence as Applied in the Quest for Religious Truth." *Global Journal of Classical Theology*, v. 5, n. 1. July 2005. Available online here: http://www.phc.edu/gj_4_thelawofevidence.php.

proof in proceedings before a court, including in particular the rules governing the admissibility of evidence and the exclusionary rules.⁷

According to Greenleaf, "The word evidence, in legal acceptance, includes all the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved."⁸

William Wills, author of *Essay on the Principles of Circumstantial Evidence*, states, "The rules of evidence, as founded on reason and consecrated in the judgments of the courts, constitute the best means for discovering truth, and are an integral part of our legal system, essential alike for private and social security."⁹

"The rules of evidence are the maxims which the sagacity and experience of ages have established as the best means of discriminating truth from error, and of contracting as far as possible the dangerous power of judicial discretion," says Arthur P. Will, author of *A Treatise in the Law of Circumstantial Evidence*.¹⁰

⁷ "**evidence n.**" *A Dictionary of Law*, by Jonathan Law and Elizabeth A. Martin. Oxford University Press 2009 *Oxford Reference Online*. Oxford University Press. 13 August 2009, <http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t49.e1428>

⁸ Code of Ev. (1823), p. 421. Simon Greenleaf, *A Treatise on the Law of Evidence*, Volume 1, 16th edition 1899, p. 3. Edited by John Henry Wigmore, Edward Avery Harriman. Published online here: <http://books.google.com/books?id=iBQ-AAAAIAAJ&printsec=frontcover&dq=editions:LCCN12014210#v=onepage&q=legal%20acceptation&f=false>. See Wills on *Circumstantial Evidence*, 2 ; 1 *Starkie on Evidence* 10; 1 *Phil. Evid.* 1; [compare Thayer, *Preliminary Treatise on Evidence*, ch. 6.]

⁹ William Wills, *Essay on the Principles of Circumstantial Evidence, illustrated by numerous cases*. 5th English edition (1902) / with American notes by George E. Beers and Arthur L. Corbin. Boston, Mass., 1905, p. 269. Available online here: <http://www.classicapogetics.com/w/willev.pdf>

¹⁰ Arthur P. Will. *A Treatise in the Law of Circumstantial Evidence, illustrated by numerous cases*. Available online here: <http://www.archive.org/details/treatiseoncircum00will>

"Rules of evidence are rules of law, and their observance can no more be dispensed with than any other rule of law. Whatever may be imagined to the contrary, it will commonly be found, that a disregard of the ordinary rules of evidence, is but the harbinger of injustice," says Daniel Webster. "They who admit or reject evidence, according to no other rule than their own good pleasure, generally decide everything else by the same rule."¹¹

Greenleaf writes, "Our profession leads us to explore the mazes of falsehood, to detect its artifices, to pierce its thickest veils, to follow and expose its sophistries, to compare the statements of different witnesses with severity, to discover truth and separate it from error. Our fellow men are well aware of this; and probably they act upon this knowledge more generally, and with a more profound repose, than we are in the habit of considering. The influence, too, of the legal profession upon the community is unquestionably great; conversant, as it daily is, with all classes and grades of men, in their domestic and social relations, and in all the affairs of life, from the cradle to the grave. This influence we are constantly exerting for good or ill; and hence, to refuse to acquaint ourselves with the evidences of the Christian religion, or to act as though, having fully examined, we lightly esteemed them, is to assume an appalling amount of responsibility."¹²

At his inauguration as Royall Professor of Law at Harvard, Greenleaf declared, "Christianity founds its claim to our belief upon the weight of the evidence by which it is

¹¹ Daniel Webster. *Speeches and Forensic Arguments*. (Boston: Perkins & Marvin, and Gray & Bowen; New York: Jonathan Leavitt, 1830), p. 146. Available online at http://books.google.com/books?id=so4SAAAAYAAJ&printsec=titlepage&source=gbs_navlinks_s#v=onepage&q=&f=false

¹² Simon Greenleaf, *Testimony of the Evangelists*. (London, Second edition, 1847). Available online here: <http://www.classicapologetics.com/g/greenfourrev.pdf> and in HTML format here: <http://www.classicapologetics.com/g/GreenTes1.html>.

supported. This evidence is not peculiar to the department of theology; its rules are precisely those by which the law scans the conduct and language of men on all other subjects, even in their daily transactions. This branch of the law is one of our particular study. It is our constant employment to explore the mazes of falsehood, to detect its doublings, to pierce its thickest veils; to follow and expose its sophistries; to compare, with scrupulous exactness, the testimony of different witnesses to examine their motives and their interests; to discover truth and separate it from error. Our fellow-men know this to be our province; and perhaps this knowledge may have its influence to a greater extent than we or even they imagine. We are therefore required by the strongest motives,—by personal interest, by the ties of kindred and friendship, by the claims of patriotism and philanthropy, to examine, and that not lightly, the evidences on which Christianity challenges our belief; and the degree of credit to which they are entitled."¹³

Ross Clifford, former Solicitor and Barrister, New South Wales, Australia, affirms that "Christian orthodoxy claims that the Christ event occurred in 'objective' history. Law is a discipline that tackles the past."¹⁴

As an example, in 1974, the Australian High Court considered an historical event in Port Moresby in the year 1886.¹⁵ Supreme Court Justice Ken R. Handley wrote, "The tools of trade of the judge in such a case, and of the ancient historian in every case, are historical evidence –

¹³ Greenleaf, *A Discourse Pronounced at the Inauguration of the author as Royall Professor of Law in Harvard University, August 29, 1834*. Available online here: <http://www.classicapologetics.com/g/discglf.pdf> and here: http://books.google.com/books?id=cpw8AAAAIAAJ&printsec=titlepage&source=gbs_navlinks_s#v=onepage&q=&f=false.

¹⁴ Ross Clifford, "Justification of the Legal Apologetic of John Warwick Montgomery: An Apologetic for All Seasons," *Global Journal of Classic Theology*, Volume 3, No. 1, March 2002. Available online at http://www.phc.edu/gj_rossclifford.php.

¹⁵ *Administration of Papua and New Guinea v Daera Guba* (1973) 130 CLR 353.

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!."¹⁶

"We have already examined the historian's procedure in evaluating the testimony of documents and remains. An essentially similar procedure is followed in the courtroom when the testimony of witnesses is weighted and judged. For the fact to be proved in a court is of the past, while the testimony or the evidential facts are of the present."¹⁷

When it comes to examining the past, at least four philosophers familiar with the law favor the model of jurisprudence. In his book, *Why Believe?*, C. Stephen Evans devotes a chapter to legal examination.¹⁸ Francis Beckwith employed legal reasoning in his book, *David Hume's argument against miracles: a critical analysis*.¹⁹ Stephen Edelston Toulmin in the *Uses of Argument* stated, "Logic is concerned with the soundness of the claims we make – with the solidity of the grounds we produce to support them, the firmness of the backing we provide for

¹⁶ Ken R. Handley, "A Lawyer looks at the Resurrection," *Kategoria*, n. 15 (1999): 11-21 at 11.

¹⁷ Morris R. Cohen, Ernest Nagel. *An Introduction to Logic and Scientific Method*, 1934, pp. 347-351. *Encyclopedia Britannica* notes this book "richly illustrates the function of logical principles in scientific method in the natural and social sciences and in law and history." "Nagel, Ernest." *Encyclopædia Britannica*. 2009. Encyclopædia Britannica Online Library Edition. 14 Aug. 2009 <<http://www.library.eb.com/eb/article-9054654>>.

¹⁸ C. Stephen Evans, "God in the Courtroom," *Why Believe? Reason and Mystery as Pointers to God* (Grand Rapids: Eerdmans, 1996), pp. 18-25. On page 20, Evans says, "In a criminal case, to convict a person a jury needs enough evidence to regard the accused as guilty "beyond reasonable doubt," not "beyond any possible doubt." This legal principle is cited by Greenleaf in *Testimony of the Evangelists* and today is embodied in Federal Civil Jury Practice and Instructions. See Devitt, Blackmar, Wolff and O'Malley, "Preponderance of Evidence," *Federal Civil Jury Practice and Instructions*, § 72.01 (1987 and 1999 Supp.)

¹⁹ Francis Beckwith. *David Hume's Argument Against Miracles: A Critical Analysis* (Landham, MD: University Press of America, 1989), pp. 121-138. Francis J. Beckwith is Instructor of Philosophy at the University of Nevada, Las Vegas.

them – or to change the metaphor, with the sort of case we present in defence of our claims. The legal analogy implied in this last way of putting the point can for once be a real help. So let us forget about psychology, sociology, technology and mathematics, ignore the echoes of structural engineering and *collage* in the words 'grounds' and 'backing', and take as our model the discipline of jurisprudence. Logic (we may say) is generalized jurisprudence. Arguments can be compared with law-suits, and the claims we make and argue for in extra-legal contexts with claims made in the courts, while the cases we present in making good each kind of claim can be compared with each other."²⁰

Legal scholar Dr. John Warwick Montgomery²¹ laments, "Unfortunately, there's been a tendency in the history of philosophy for philosophers to assume that you can solve problems as to the nature of things by some kind of deductive reasoning from first principles. But this is a very mysterious universe. It is a relativistic universe. We are living in an age of Einsteinian relativity, and we know perfectly well that the universe is too large to be embraced in that kind of deductive formulation. The only way we can find out that anything exists is to check the

²⁰ Stephen Edelston Toulmin, *The Uses of Argument* (Cambridge University Press, 2003), Introduction, p. 7.

²¹ Dr. John Warwick Montgomery is a world-renowned legal scholar whose credentials include eleven degrees in multiple disciplines: philosophy, librarianship, theology, and law. His degrees include: the A.B. with distinction in Philosophy (Cornell University; Phi Beta Kappa), B.L.S. and M.A. (University of California, Berkeley), B.D. and S.T.M. (Wittenberg University, Springfield, Ohio), LL.B. (La Salle Extension University), M. Phil. in Law (University of Essex, England), Ph.D. (University of Chicago), Th.D Doctorat d'Universite (University of Strasbourg), LL.M and LL.D in canon law (Cardiff University). He also holds an honorary doctorate awarded in 1999 by the Institute for Religion and Law, Moscow. Dr. Montgomery's full credentials are listed at his website, here: <http://www.jwm.christendom.co.uk/>

evidence for it. And that shows a difference in perspective on the part of philosophers in many instances from that of lawyers. Lawyers deal with the particulars of evidence."²²

"When world-views collide, an appeal to common facts is the only preservative against philosophical solipsism and religious anarchy," Montgomery states.²³

"The truth of Christianity depends upon its leading facts, and them alone," stated William Paley, Justice of the Peace²⁴ and author of *A View of the Evidences of Christianity*.²⁵

"The lawyer does indeed deal more with facts than with theology and philosophy," writes Washington, DC attorney Irwin H. Linton. "Our Christian faith, with its glad assurance of a rapturous resurrection and life after death, rests on definite historical facts and events – facts and historical events of such nature that if they really took place, the religion is true, and established by so direct, so strong and so great a variety of independent and converging proofs that it has been said again and again by great lawyers that they cannot but be regarded as proved under the strictest rules of evidence used in the highest American and English courts."²⁶

²² John Warwick Montgomery. Transcript, "Jesus Christ: Was He a Liar, a Lunatic, a Legend, or God?", *The John Ankerberg Show*, 1988, p. 12.

²³ John Warwick Montgomery, *Faith Founded on Fact* (Edmonton, AB, Canada: Canadian Institute for Law, Theology, and Public Policy), first Canadian edition, 2001, p. xiv.

²⁴ J.S. Howson, "Preface" in William Paley, *Horae Paulinae* (London: Society for Promoting Christian Knowledge, 1891), xi-xiii. "All through life he displayed marked cleverness in weighing evidence, and a great love of that kind of pointed investigation which is required in the cross-examination of witnesses."

²⁵ William Paley, *A View of the Evidences of Christianity*, rev. ed. (London: The Religious Tract Society, 1848), p. 364. Text-searchable edition at CCEL online here: <http://www.ccel.org/ccel/paley/evidence.html>.

²⁶ Irwin H. Linton, *A Lawyer Examines the Bible: A Defense of the Christian Faith* (Grand Rapids: Baker Book House, 1948), p. 16.

And so, our standard of proof shall be to follow the model of jurisprudence, a model to which *any* truth-claim can be subjected. And no skeptic is above the law.²⁷

Debunking Presuppositions

Before we discuss the legal-historical method, let's first deal with the presuppositions of German playwright Gotthold Lessing.²⁸

Lessing contends, "Miracles, which I see with my own eyes, and which I have opportunity to verify for myself, are one thing; miracles, of which I know only from history that others say they have seen them and verified them, are another."²⁹

Here, Lessing engages in the logical fallacy of the Subjectivist Fallacy, aka Relativist Fallacy.

"The Relativist Fallacy is committed when a person rejects a claim by asserting that the claim might be true for others but is not for him/her. This sort of "reasoning" has the following form:

1. Claim X is presented.
2. Person A asserts that X may be true for others but is not true for him/her.

²⁷ If a skeptic believes he is above the law, then he engages the logical fallacies of a Double Standard and Fallacious Appeal to Authority (himself).

²⁸ William Lane Craig addresses the following questions on a philosophical level, online at <http://www.reasonablefaith.org/site/News2?page=NewsArticle&id=5735>, where he says, "It is superficially easy to refute Lessing's poorly thought through assertions."

²⁹ Gotthold Lessing, "On the Proof of the Spirit and of Power." In *Lessing's Theological Writings*, trans. Henry Chadwick (Stanford, CA: Stanford University Press, 1956), pp. 51-55.

3. Therefore A is justified in rejecting X.

In this context, relativism is the view that truth is relative to Z (a person, time, culture, place, etc.). This is not the view that claims will be true at different times or of different people, but the view that a claim could be true for one person and false for another at the same time."³⁰

* * *

To the minds of Lessing and his followers, if miracles don't happen to them, personally, then miracles don't happen at all.

"I live in the 18th century, in which miracles no longer happen,"³¹ Lessing claims, this time engaging in two logical fallacies: argument from ignorance and argument by unsupported assertion. How does he know miracles no longer happen? He doesn't say. He doesn't know.

Here's an 18th-century miracle that escaped Lessing's notice. On July 18, 1755, while at Fort Cumberland, George Washington wrote in the following letter:

"Dear Jack: As I have heard since my arriv'l at this place, a circumstantial acct. of my death and dying speech, I take this early oppertunity [sic] of contradicting both, and of assuring you that I now exist and appear in the land of the living by the miraculous care of Providence, that protected me beyond all human expectation; I had 4 Bullets through my Coat, and two Horses shot under me, and yet escaped unhurt. [Note 44: The 1784--85 change is as follows:

³⁰ Dr. Michael C. Labossiere of Florida A & M University. The Nizkor Project. "Fallacy: Relativist Fallacy" found online at <http://www.nizkor.org/features/fallacies/relativist-fallacy.html>.

³¹ Gotthold Lessing, "On the Proof of the Spirit and of Power." In *Lessing's Theological Writings*, trans. Henry Chadwick (Stanford, CA: Stanford University Press, 1956), pp. 51-55.

"oppertunity of contradicting the first and of assuring you that I have not as yet, composed the latter. But by the all powerful dispensams. of Providence, I have been protected beyond all human probability and expectation for I had 4 Bullets" etc.] ³²

Historian Jared Sparks observed:

"[Note 45: He arrived at Mount Vernon on July 26. He still retained the office of adjutant of the northern division of militia, and immediately wrote to the county lieutenants, ordering the militia to be ready and properly equipped in each county on certain days, when he should be present to review and exercise them. Such was the alarm created by the success of the French at Braddock's Defeat that volunteer companies embodied themselves in different parts of Virginia to march to the frontiers. The Rev. Samuel Davies, at that time a clergyman in Hanover County, preached a sermon to one of these companies on August 17, which was printed in Philadelphia and London, and entitled *Religion and Patriotism the Constituents of a Good Soldier*. After applauding the patriotic spirit and military ardor, which had begun to manifest themselves, the preacher adds: 'As a remarkable instance of this, I may point out to the public that heroic youth, Colonel Washington, whom I cannot but hope Providence has hitherto preserved in so signal a manner for some important service to his country.'"³³

According to Lessing, "The problem is that reports of miracles are not miracles....[they] have to work through a medium which takes away all their force."

What force? Either an event happened, or it did not. Either a miracle occurred, or it did not.

³² George Washington to John Augustine Washington, July 18, 1755, available online at [http://lcweb2.loc.gov/cgi-bin/query/r?ammem/mgw:@field\(DOCID+@lit\(gw010115\)\)](http://lcweb2.loc.gov/cgi-bin/query/r?ammem/mgw:@field(DOCID+@lit(gw010115))).

³³ *The Writings of George Washington from the Original Manuscript Sources, 1745-1799*. John C. Fitzpatrick, Editor.

Lessing proceeds to argue from ignorance: “Since the truth of these miracles has completely ceased to be demonstrable by miracles still happening now, since they are no more than reports of miracles, I deny that they should bind me in the least to a faith in the other teachings of Christ.”³⁴

Simon Greenleaf addresses this issue: “Thus much, however, may here be remarked; that in almost every miracle related by the evangelists, the facts, separately taken, were plain, intelligible, transpiring in public, and about which no person of ordinary observation would be like to mistake. Persons blind or crippled, who applied to Jesus for relief, were known to have been crippled or blind for many years; they came to be cured; he spoke to them; they went away whole. Lazarus had been dead and buried four days; Jesus called him to come forth from the grave; he immediately came forth, and was seen alive for a long time afterwards. In every case of healing, the previous condition of the sufferer was known to all witnessed the act of Jesus in touching him, and heard his words.”³⁵ All these, separately considered, were facts, plain and simple in their nature, easily seen and fully comprehended by persons of common capacity and observation. If they were separately testified to, by different witnesses of ordinary intelligence and integrity, in any court of justice, the jury would be bound to believe them; and a verdict, rendered contrary to the uncontradicted testimony of credible witnesses to any of these plain facts, separately taken, would be liable to be set aside, as a verdict against evidence. If one credible witness testified to the fact, that Bartimeus was blind, according to the uniform course of administering justice, this fact would be taken as satisfactorily proved. So also, if his

³⁴ Gotthold Lessing, “On the Proof of the Spirit and of Power,” *Lessing’s Theological Writings*, (Stanford University Press, 1956), pp. 51-55.

³⁵ See Daniel Wilson, *Evidences, Lecture 7*, p. 130. Available online at <http://www.classicapogetics.com/w/wilevmirex.pdf>.

subsequent restoration to sight were the sole fact in question, this also would be deemed established, by the like evidence. Nor would the rule of evidence be at all different, if the fact to be proved were the declaration of Jesus, immediately preceding his restoration to sight, that his faith had made him whole. In each of these cases, each isolated fact was capable of being accurately observed, and certainly known; and the evidence demands our assent, precisely as the like evidence upon any other indifferent subject. The connection of the word or the act of Jesus with the restoration of the blind, lame and dead, to sight, and health, and life, as cause and effect, is a conclusion which our reason is compelled to admit, from the uniformity of their concurrence, in such a multitude of instances, as well as from the universal conviction of all, whether friends or foes, who beheld the miracles which he wrought. Indeed, if the truth of one of the miracles is satisfactorily established, our belief cannot reasonably be withheld from them all. This is the issue proposed by Dr. Paley,³⁶ in regard to the evidence of the death of Jesus upon the cross, and his subsequent resurrection, the truth of which he has established in an argument incapable of refutation.”³⁷

Historian I. Howard Marshall undermines his own profession when he says, “Many historians—the great majority in fact—would say that miracles fall outside their orbit as historians. For to accept the miraculous as a possibility in history is to admit an irrational element which cannot be included under the ordinary laws of history. The result is that the

³⁶ William Paley. *A View of the Evidences of Christianity*. The seventh edition. In two volumes. London: printed by J. Davis; for R. Faulder, 1800. Volume 1, 397 pp. online at <http://www.classicapologetics.com/o/paleyev1.pdf> ; Volume 2 online at <http://www.classicapologetics.com/o/paleyev2.pdf>. Text-searchable edition at CCEL online here: <http://www.ccel.org/ccel/paley/evidence.html>.

³⁷ Simon Greenleaf, *An Examination of the Testimony of the Four Evangelists, by the Rules of Evidence Administered in Courts of Justice with an Account of the Trial of Jesus*. London, Second edition, 1847.

historian believes himself justified in writing a 'history' of Jesus in which the miraculous and supernatural do not appear in historical statements."³⁸

To separate a "supernatural" Jesus from an ordinary "historical" Jesus is, of course, a double standard.³⁹ A double standard is a logical fallacy. An irrational concept. And it violates the standards of the science of jurisprudence, as we shall soon see.

Marshall continues: "The 'historical' Jesus is an ordinary man. To some historians he is that and no more. To others, however, the possibility is open that he was more than an ordinary man—but this possibility lies beyond the reach of historical study as such."⁴⁰

But such claims can be scrutinized within the realm of jurisprudence -- the standards of the rules of evidence as presented in courts of law.

Greenleaf points out, "The foundation of our religion is a basis of fact--the fact of the birth, ministry, miracles, death, resurrection by the Evangelists as having actually occurred, within their own personal knowledge."⁴¹

David Hume's claim, "There must, therefore, be a uniform experience against every miraculous event, otherwise the event would not merit that appellation,"⁴² is circular reasoning,

³⁸ I. Howard Marshall, *I Believe in the Historical Jesus* (Eerdmans, 1977), p. 59.

³⁹ An example may be found at *The Internet Encyclopedia of Philosophy*, online at <http://www.iep.utm.edu/f/fallacy.htm#Double%20Standard>.

⁴⁰ Marshall, *I Believe in the Historical Jesus* (Eerdmans, 1977), p. 59.

⁴¹ Simon Greenleaf. *An Examination of the Testimony of the Four Evangelists, by the Rules of Evidence Administered in Courts of Justice with an Account of the Trial of Jesus*. London, Second edition, 1847.

⁴² David Hume. *An Enquiry Concerning Human Understanding* (1748), ed. L. A. Selby-Bigge (1894), section 10, part 1, 114-5.

as pointed out by Francis Bowen,⁴³ C. S. Lewis,⁴⁴ John Warwick Montgomery,⁴⁵ and University of Pittsburgh professor John Earman.⁴⁶ Hume's argument against miracles has been thoroughly trounced by critics for centuries.⁴⁷

⁴³ Francis Bowen. *A Treatise on Logic; or, The Laws of pure thought; comprising both the Aristotelic and Hamiltonian analyses of logical forms, and some chapters of applied logic*. Second edition. (Cambridge [Mass.] Sever and Francis, 1864). xv, 450 pp. "Hume's celebrated argument against the credibility of miracles is a fallacy which results from losing sight of the distinction between Testimony and Authority, between Veracity and Competency. He argues, that it is contrary to all experience that a Law of Nature should be broken, but it is not contrary to experience that human testimony should be false; and therefore we ought to believe that any amount of Testimony is false, in preference to admitting the occurrence of a miracle, as this would be a violation of Law. ... Hume's argument, which is based exclusively upon an appeal to experience and Testimony, is totally inapplicable to the question respecting the credibility of a miracle. Testimony has nothing to do with the correct inference of a Conclusion from its Premises."

⁴⁴ C. S. Lewis, *Miracles* (HarperCollins Publishers, February 2001), p. 162. "Now of course we must agree with Hume that, if there is absolutely "uniform experience" against miracles, if, in other words, they have never happened, why then they never have. Unfortunately, we know the experience against them to be uniform only if we know that all the reports of them are false. And we can know all the reports of them to be false only if we know already that miracles have never occurred. In fact, we are arguing in a circle."

⁴⁵ John Warwick Montgomery, *Tractatus Logico-Theologicus*, 3rd revised edition, (Verlag für Kultur und Wissenschaft, 2005), p. 103. 3.6711. "That argument is a perfect instance of circular reasoning, for the only way to determine whether in fact there is 'uniform experience' against the miraculous is to evaluate testimony – and the existence of serious testimonies to the resurrection of Christ shows that such anti-miraculous testimony is *not* uniform."

⁴⁶ John Earman, *Hume's Abject Failure: The Argument Against Miracles*, (Oxford University Press, USA: January 1, 2000), p. 20. "Hume also represents his argument against miracles as a contest: here it is a 'contest of two opposite experiences: of which the one destroys the other, as far as its force goes, and the superior can only operate on the mind by the force, which remains" (E 113: 143). On one side, there is uniform experience against the occurrence of the miraculous. On the other, there is testimony, which itself derives its force from experience."

⁴⁷ See the "Hume Fumes" online repository here: <http://www.classicapologetics.com/special/humefumes.html> as well as J. P. Holding's essay here: <http://www.tektonics.org/gk/hume01.html>.

The reportage of miracles, as examined under the science of jurisprudence, will be addressed later in this essay.

New Testament scholar Craig Blomberg addresses the following contention: "In short, the scientific objection to the credibility of miracles is that the discovery of the natural, physical laws by which the universe operates has proved them impossible. Those who hold this view sometimes go on to explain that people used to believe in miracles because they had only a primitive scientific understanding. The Christian doctrines of the virgin birth and resurrection, for example, could spring from just such a pre-scientific milieu. Only a moment's thought is required, however, to realize that people of every age have known that two human parents are needed for conception and that death is irreversible!"⁴⁸

"Our religion, then, rests on the credit due to these witnesses," Greenleaf says. "Are they worthy of implicit belief, in the matters which they relate? This is the question, in all human tribunals, in regard to persons testifying before them; and we propose to test the veracity of these witnesses, by the same rules and means which are there employed. The importance of the facts testified, and their relations to the affairs of the soul, and the life to come, can make no difference in the principles or the mode of weighing the evidence. It is still the evidence of matters of fact, capable of being seen and known and related, as well by one man as by another. And if the testimony of the Evangelist, supposing it to be relevant and material to the issue in a question of property or of personal right, between man and man, in a court of justice, ought to be believed and have weight; then, upon the like principles, it ought to receive our entire credit here."⁴⁹

⁴⁸ Craig Blomberg, *The Historical Reliability of the Gospels*, p. 74.

⁴⁹ Greenleaf, *Testimony of the Evangelists*, § 3.

We have now established the following:

1. That philosophy is inadequate in accessing verifiable facts, and in addressing the veracity of actual historical events.
2. For a historian to separate the Jesus of history from the supernatural feats of Jesus demonstrates a double standard, a logical fallacy.
3. Appeals to authority, double standards, relativist thinking, arguments from ignorance and arguments from unsupported assertions are logical fallacies, and thus are irrelevant in the analysis of historical data.
4. Disbelief in miracles, prior to analyzing the relevant historical data, is presuppositional, biased, and subjective.
5. Subjective standards are not objective, and thus not relevant in the analysis of historical data.
6. Objective analysis is preferable to subjective analysis.
7. The science of jurisprudence is the best standard for objective scrutiny of human testimony and historical events.

We now proceed with the standard of jurisprudence.

To assess the credibility of the witnesses, we will rely upon three models under the umbrella of jurisprudence, which are applicable to all historical documents.

I. The Chauncey Sanders Tests of Historical Research.⁵⁰

⁵⁰ It should be noted, as before, that jurisprudence encompasses historical methodology. The historical model by Chauncey Sanders in *Introduction to Research in English Literary History* (New York: The Macmillan Company, 1952), available online at <http://www.archive.org/details/introductiontore030300mbp>. "Chapter 3: Problems of Authenticity and Attribution", pp. 143 ff. parallels legal standards in assessing historical evidence, in applying bibliographical, internal and external tests to the documents.

A. Bibliographical (or Transmission) Test.

B. Internal Evidence Test.

C. External Evidence Test.

II. The Legal Rules of Evidence as cited and applied by Simon Greenleaf.⁵¹

A. Evaluation by Impartial Jury.

B. The Ancient Documents Rule.

C. Individuals are Presumed to be Conversant with Their Own Affairs.

D. Individuals are Presumed to be Innocent Until Proven Guilty.

E. Inquiry is Probability, not Possibility.⁵²

F. Proposition of Facts Proved by Competent and Satisfactory Evidence.

G. Thomas Starkie's Tests on Evidence.⁵³

1. Honesty.

2. Ability.

3. Number and Consistency of Testimony.

John Warwick Montgomery, *Tractatus Logico-Theologicus*, 3rd revised edition, (Verlag für Kultur und Wissenschaft, 2005), p. 73. 3.421. "It cannot be stressed too strongly that such tests are universally applied—to all historical and literary materials—and are not the product of religious bias." See also Montgomery, *History, Law and Christianity* (Edmonton, AB, Canada: Canadian Institute for Law, Theology, and Public Policy Inc., 2002), pp. 25-36.

⁵¹ Greenleaf, *Testimony of the Evangelists*.

⁵² Devitt, Blackmar, Wolff and O'Malley, "Preponderance of Evidence," Federal Civil Jury Practice and Instructions, § 72.01 (1987 and 1999 Supp.)

⁵³ Thomas Starkie, *A Practical Treatise of the Law of Evidence, and Digest of Proofs, in Civil and Criminal Proceedings*. Second edition, with considerable alterations and additions. London: J. & W. T. Clarke, Law Booksellers and publishers, Portugal-Street, Lincoln's-Inn, 1833, vol. 1 of 3. Known in the legal profession as "Starkie on Evidence." 1842 edition online here: <http://www.archive.org/details/evidence01star>

4. Conformity of Testimony with Experience.
5. Coincidence of Testimony with Collateral Circumstances.

III. McCloskey – Schoenberg Construct for Exposing Perjury⁵⁴

- A. Are There Internal Defects in the Witnesses?
- B. External Motives to Falsify?
- C. Internal Defects in the Testimony?
- D. External Defects in the Testimony?

Under the standards of the law, evidence is to be evaluated by an impartial jury.

According to Findlaw,⁵⁵ "Impartiality as a principle of the right to trial by jury is served not only by the Sixth Amendment, which is as applicable to the States as to the Federal Government,⁵⁶ but as well by the due process and equal protection clauses of the Fourteenth,⁵⁷ and perhaps the due process clause of the Fifth Amendment, and the Court's supervisory power

⁵⁴ Patrick L. McCloskey and Ronald L. Schoenberg, *Criminal Law Advocacy* (New York: Matthew Bender, 1984), vol. 5, para. 12.01 [b]. Their construct for exposing perjury is regarded by Alan Saltzman as "the finest work on that subject." Saltzman, "Criminal Law: How to Expose Perjury through Cross-Examination," *Los Angeles Daily Journal*, November 4, 1982.

⁵⁵ "Impartial Jury," Findlaw, <http://caselaw.lp.findlaw.com/data/constitution/amendment06/05.html>. © 2009 FindLaw. Accessed online August 6, 2009.

⁵⁶ *Irvin v. Dowd*, 366 U.S. 717 (1961); *Turner v. Louisiana*, 379 U.S. 466 (1965); *Parker v. Gladden*, 385 U.S. 363 (1966); *Witherspoon v. Illinois*, 391 U.S. 510 (1968); *Gonzales v. Beto*, 405 U.S. 1052 (1972).

⁵⁷ Thus, it violates the Equal Protection Clause to exclude African Americans from grand and petit juries, *Strauder v. West Virginia*, 100 U.S. 303 (1880); *Alexander v. Louisiana*, 405 U.S. 625 (1972), whether defendant is or is not an African American, *Peters v. Kiff*, 407 U.S. 493 (1972), and exclusion of potential jurors because of their national ancestry is unconstitutional, at least where defendant is of that ancestry as well, *Hernandez v. Texas*, 347 U.S. 475 (1954); *Castaneda v. Partida*, 430 U.S. 482 (1977).

has been directed to the issue in the federal system.⁵⁸ Prior to the Court's extension of a right to jury trials in state courts, it was firmly established that if a State chose to provide juries they must be impartial ones.⁵⁹

"Impartiality is a two-fold requirement. First, 'the selection of a petit jury from a representative cross section of the community is an essential component of the Sixth Amendment.'⁶⁰ Second, there must be assurance that the jurors chosen are unbiased, i.e., willing to decide the case on the basis of the evidence presented."

In accordance with the impartial jury standard, Greenleaf notes, "In examining the evidences of the Christian religion, it is essential to the discovery of truth that we bring to the investigation a mind freed, as far as possible, from existing prejudice, and open to conviction. There should be a readiness, on our part, to investigate with candor, to follow the truth wherever it may lead us, and to submit, without reserve or objection, to all the teachings of this religion, if it be found to be of divine origin. 'There is no other entrance,' says Lord Bacon, 'to the kingdom

⁵⁸ In the exercise of its supervisory power over the federal courts, the Court has permitted any defendant to challenge the arbitrary exclusion from jury service of his own or any other class. *Glasser v. United States*, 315 U.S. 60, 83 -87 (1942); *Thiel v. Southern Pacific Co.*, 328 U.S. 217, 220 (1946); *Ballard v. United States*, 329 U.S. 187 (1946). In *Taylor v. Louisiana*, 419 U.S. 522 (1975), and *Duren v. Missouri*, 439 U.S. 357 (1979), male defendants were permitted to challenge the exclusion of women as a Sixth Amendment violation.

⁵⁹ *Turner v. Louisiana*, 379 U.S. 466 (1965).

⁶⁰ *Taylor v. Louisiana*, 419 U.S. 522, 528 (1975). See also *Williams v. Florida*, 399 U.S. 78, 100 (1970); *Brown v. Allen*, 344 U.S. 443, 474 (1953). In *Fay v. New York*, 332 U.S. 261 (1947), and *Moore v. New York*, 333 U.S. 565 (1948), the Court in 5-to-4 decisions upheld state use of "blue ribbon" juries from which particular groups, such as laborers and women, had been excluded. With the extension of the jury trial provision and its fair cross section requirement to the States, the opinions in these cases must be considered tenuous, but the Court has reiterated that defendants are not entitled to a jury of any particular composition. *Taylor*, supra, at 538. Congress has implemented the constitutional requirement by statute in federal courts by the Federal Jury Selection and Service Act of 1968, Pub. L. No. 90-274, 82 Stat. 53, 28 U.S.C. Sec. 1861 et seq.

of man, which is founded in the sciences, than to the kingdom of heaven, into which no one can enter but in the character of a little child.⁶¹ The docility which true philosophy requires of her disciples is not a spirit of servility, or the surrender of the reason and judgment to whatsoever the teacher may inculcate; but it is a mind free from all pride of opinion, not hostile to the truth sought for, willing to pursue the inquiry, and impartially to weigh the arguments and evidence, and to acquiesce in the judgment of right reason. The investigation, moreover, should be pursued with the serious earnestness which becomes the greatness of the subject—a subject fraught with such momentous consequences to man."⁶²

Probability, not possibility

"Conducting the examination and weighing the testimony by the same rules and principles which govern our tribunals of justice in similar cases," Greenleaf tells us,⁶³ "These tribunals are in such cases governed by the following fundamental rule:

In trials of fact, by oral testimony, the proper inquiry is not whether it is possible that the testimony may be false, but whether there is sufficient probability that it is true.

⁶¹ Nov. Org. 1.68. "Ut non alius fere sit aditus ad regnum hominis, quod fundatur in scientiis, quam ad regnum coelorum in quod, nisi sub persona infantis, intrare non datur."

⁶² Simon Greenleaf. *An Examination of the Testimony of the Four Evangelists, by the Rules of Evidence Administered in Courts of Justice with an Account of the Trial of Jesus*. London, Second edition, 1847. Greenleaf adds, "It should be pursued as in the presence of God, and under the solemn sanctions created by a lively sense of his omniscience, and of our accountability to him for the right use of the faculties which he has bestowed." Atheists, who by definition deny God, would likely disagree with Greenleaf; however, the seriousness of the enquiry, as in the presence of God, is still applicable.

⁶³ Greenleaf, *Testimony of the Evangelists*, § 26, 27.

It should be observed that the subject of inquiry is a matter of fact, and not of abstract mathematical truth. The latter alone is susceptible of that high degree of proof, usually termed demonstration, which excludes the possibility of error, and which therefore may reasonably be required in support of every mathematical deduction. But the proof of matters of fact rests upon moral evidence alone; by which is meant not merely that species of evidence which we do not obtain either from our own senses, from intuition, or from demonstration. In the ordinary affairs of life we do not require nor expect demonstrative evidence, because it is inconsistent with the nature of matters of fact, and to insist on its production would be unreasonable and absurd. And it makes no difference, whether the facts to be proved relate to this life or to the next, the nature of the evidence required being in both cases the same. The error of the skeptic consists in pretending or supposing that there is a difference in the nature of the things to be proved; and in demanding demonstrative evidence concerning things which are not susceptible of any other than moral evidence alone, and of which the utmost that can be said is, that there is no reasonable doubt about their truth.⁶⁴

Later in his treatise, Greenleaf says, "The force of circumstantial evidence is found to depend on the number of particulars involved in the narrative; the difficulty of fabricating them all, if false, and the great facility of detection; the nature of the circumstances to be compared, and from which the dates and other facts are to be collected; the intricacy of the comparison; the number of the intermediate steps in the process of deduction; and the circuitry of the investigation. The more largely the narrative partake of these characters, the further it will be

⁶⁴ See Gambier, *Guide to the Study of Moral Evidence*, p. 121.

found removed from all suspicion of contrivance or design, and the more profoundly the mind will repose on the conviction of its truth.

"The narratives of the sacred writers, both Jewish and Christian, abound in examples of this kind of evidence, the value of which is hardly capable of being properly estimated. It does not, as has been already remarked, amount to mathematical demonstration; nor is this degree of proof justly demandable in any question of moral conduct. In all human transactions, the highest degree of assurance to which we can arrive, short of the evidence of our own senses, is that of probability. The most that can be asserted is that the narrative is more likely to be true than false; and it may be in the highest degree more likely, but still be short of absolute mathematical certainty. Yet this very probability may be so great as to satisfy the mind of the most cautious, and enforce the assent of the most reluctant and unbelieving."⁶⁵

But to some, "probability" is not enough. The decision should be based on "absolute certainty." German playwright Lessing contends with a "ugly, broad ditch which I cannot get across, however often and however earnestly I have tried to make the leap,"⁶⁶ in which Lessing needed to be "more than historically certain" before committing himself to Christ. He did not trust the historical accounts, and believed no historical investigations could ever yield absolute truth.

Says Dr. Montgomery, "To assume, on the basis of such a 'ditch,' or by way of the similar, more classical principle, *finitum non est capax infiniti*, that history cannot reveal eternity, is to make a grandiose, gratuitous and unprovable metaphysical assumption—for how could one

⁶⁵ Greenleaf, *Testimony of the Evangelists*, § 40, 41.

⁶⁶ Gotthold Lessing, *Lessing's Theological Writings*, (Stanford University Press, 1956), pp. 51-55.

know that God is incapable of using history to reveal himself? Or that he could not manage an Incarnation? Or that, were he to do so, we could not recognize it or distinguish it from false claims?"⁶⁷

Dr. Montgomery stresses, "In the proof of facts in legal cases, the test is probability. The test is not absolute certainty or mere possibility. The fact of the matter is that where any facts are concerned, you never can get evidence that reaches 100% certainty. You can't do it. The only place you can get a 100% certainty in any form of reasoning is a purely formal reasoning in which you define the certainty in to begin with. For example, in this statement: 'All husbands are married.' That statement is absolutely certain. It's certain because you've defined the certainty in by defining the terms. The minute you move off of that sort of statement to questions of fact, like 'Is there a book on this table?' You've got to rely on probability. Now, does that mean that we can't make any ultimate commitments? Hardly! We make ultimate commitments on the basis of probability every day of our life. When a jury comes in with a verdict, that's based on probability, but the verdict is 100% certain and will be acted upon by the court. Every time you cross the street you act on probability. And as the number of Porsches increase in the United States, the probabilities get less of successfully crossing the street. But, as you cross, you do not take 80% of yourself or 60% of yourself. Most of us take 100% of ourselves across the street. And we are committing ourselves totally then on the basis of probability. Every time we go up in an airplane; every time we sit in a building. There are only empirical stress formulae that

⁶⁷ John Warwick Montgomery, *Tractatus Logico-Theologicus*, 3rd revised edition, (Verlag für Kultur und Wissenschaft, 2005), pp. 67-68. 3.1183.

determine that the building will hold up until the session finishes. All of our lives consist of making 100% decisions on the basis of probability."⁶⁸

At this point, this jurist must be willing to

- (1. examine the evidence with an open mind, and
- (2. do so under the standard of probability, not possibility.

Are skeptics willing to do that?

Competent and Satisfactory Evidence

Greenleaf continues with the next legal proposition: "In proceeding to weigh the evidence of any proposition of fact, the previous question to be determined is, *when* may it be said to be proved? The answer to this question is furnished by another rule of municipal law, which may be thus stated:

A proposition of fact is proved, when its truth is established by competent and satisfactory evidence.

"By competent evidence is meant such as the nature of the thing to be proved requires; and by satisfactory evidence is meant that amount of proof, which ordinarily satisfies an unprejudiced mind, beyond any reasonable doubt. The circumstances which will amount to this degree of proof can never be previously defined; the only legal test to which they can be subjected is their sufficiency to satisfy the mind and conscience of a man of common prudence and discretion, and so to convince him, that he could venture to act upon that conviction in

⁶⁸ Montgomery on *The John Ankerberg Show*, "Jesus Christ: Was He a Liar, a Lunatic, a Legend, or God?" 1988, transcript, p. 15.

matters of the highest concern and importance to his own interest.⁶⁹ If, therefore, the subject is a problem in mathematics, its truth is to be shown by the certainty of demonstrative evidence. But if it is a question of fact in human affairs, nothing more than moral evidence can be required, for this is the best evidence which, from the nature of the case, is attainable. Now as the facts, stated in Scripture history, are not of the former kind, but are cognizable by the senses, they may be said to be proved when they are established by that kind and degree of evidence which, as we have just observed, would, in the affairs of human life, satisfy the mind and conscience of a common man. When we have this degree of evidence, it is unreasonable to require more. **A juror would violate his oath, if he should refuse to acquit or condemn a person charged with an offense, where this measure of proof was adduced.**" [emphasis mine.]

To reiterate: How do we know whether an event happened in the past?

1) Someone recorded it (or testifies to it); 2) they show themselves to be reliable as a source; 3) there is no contrary evidence.

For any historical document to be considered in a court of law, the court must determine it to be genuine, authentic, and relevant. Under the Federal Rules of Evidence, "The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent

⁶⁹ 1 Starkie on Evidence. pp. 514, 577; 1 Greenl. on Evidence. § 1-2; Wills, Circumstantial Evidence p. 2; Whately, Logic bk. 4 ch. 3 § 1.

claims."⁷⁰ Under the 2009 Federal Rules of Evidence, Rule 104 addresses Preliminary Questions:⁷¹

(a) Questions of admissibility generally.--Preliminary questions concerning the qualification of a person to be a witness, the existence of a privilege, or the admissibility of evidence shall be determined by the court, subject to the provisions of subdivision (b). In making its determination it is not bound by the rules of evidence except those with respect to privileges.

(b) Relevancy conditioned on fact.--When the relevancy of evidence depends upon the fulfillment of a condition of fact, the court shall admit it upon, or subject to, the introduction of evidence sufficient to support a finding of the fulfillment of the condition.

In *A Treatise on Logic*, Harvard professor Francis Bowen addresses the matter: "As we must avail ourselves, in the construction of Science, of the experience of former generations, in respect to which the Testimony of eye- and ear-witnesses is no longer directly accessible, we are obliged to consider the credibility of this, Testimony as affected by the channels of transmission through which it has been passed. There are but two such channels, Tradition and Ancient Writings. The former of these may be left out of account; for if the lapse of time has been considerable, the probability that the Testimony, if transmitted merely by word of mouth, has been materially altered or falsified, is so great, that the report can be received only with extreme caution. But it has already been mentioned; that the invention of the art of writing has rendered it

⁷⁰ Federal Rules of Evidence Rule 901. Requirement of Authentication or Identification. Online here: http://www4.law.cornell.edu/uscode/html/uscode28a/usc_sec_28a_04000901----000-.html.

⁷¹ Federal Rules of Evidence Rule 104: Preliminary Questions. Listed online here: <http://federalevidence.com/rules-of-evidence>.

possible for the experience of a former generation to be handed down, through an indefinite lapse of centuries, in as perfect a state as that in which it was first communicated to those who were the contemporaries of the events narrated. This is possible, we say; the question whether it has been actually so transmitted is what we have to consider in the Criticism of Ancient Writings.

"When a document purporting to be the recorded Testimony of certain individuals of a former generation is presented to us, we have first to inquire whether it is actually the handwriting, or the composition as taken down by dictation, or a faithful report, made at the time, of the substance of the evidence of the individuals whose names it bears, or to whom it is attributed. The establishment of either of these three points is the proof of what is called the *Genuineness* of the writing. It is comparatively unimportant which of the three is proved, as either of them gives us assurance that the document is a faithful record of the Testimony of the persons whose evidence is to be weighed. Thus, even if we were sure that the Testimony of the Evangelists was originally written out by their own hands, we certainly do not possess their autograph copies; still, the Gospels are Genuine, if we have sufficient evidence that they are faithful records, made at the time, (or correct transcripts of such records,) of what the Evangelists said."⁷²

Henry Hock Guan Teh notes, "Several case laws⁷³ have shown that non-production of the originals would not be fatal. 'Substitutionary evidence' like hearsay evidence, secondary evidence or proof of attested documents otherwise than by the attesting witnesses, can also be

⁷² Francis Bowen. *A Treatise on Logic; or, The laws of pure thought; comprising both the Aristotelic and Hamiltonian analyses of logical forms, and some chapters of applied logic*. Second edition. (Cambridge [Mass.] Sever and Francis, 1864), pp. 433-435. Available online here: <http://quod.lib.umich.edu/cgi/t/text/text-idx?c=moa;idno=AJE9611.0001.001>

⁷³ See for example cases like *Kajala v Noble* (1982) 75 Cr.App.R. 15; *Taylor v Chief Constable of Cheshire* (1987) 1 All E.R. 225, QB; *R v Governor of Pentonville Prison, ex p. Osman* (1990) 1 W.L.R. 277.

considered as the 'best evidence' circumstances would allow. It is not true that the best evidence must, or even may, always be given, though its non-production may be a matter for comment or affect the weight of that which is produced. All admissible evidence is generally equally accepted. Thus, circumstantial evidence may also be admissible even though there is no direct evidence."⁷⁴

For this, the science of jurisprudence has an answer: the Ancient Documents Rule.⁷⁵ This is defined in the Federal Rules of Evidence⁷⁶ as:

⁷⁴ Henry Hock Guan Teh. "Legal Apologetics: Principles of the Law of Evidence as Applied in the Quest for Religious Truth." *Global Journal of Classical Theology*, v. 5, n. 1. July 2005.

⁷⁵ Federal Rules of Evidence, Rule 803 Hearsay Exceptions; Availability of Declarant Immaterial (16) "Statements in ancient documents. Statements in a document in existence twenty years or more the authenticity of which is established." Ref. online: <http://www.law.cornell.edu/rules/fre/rules.htm>

California Evidence Code Section 1331. "Evidence of a statement is not made inadmissible by the hearsay rule if the statement is contained in a writing more than 30 years old and the statement has been since generally acted upon as true by persons having an interest in the matter." Ref. online: <http://caselaw.lp.findlaw.com/cacodes/evid/1330-1331.html>

Under statutory law in the United Kingdom, Evidence Act 1938, § 4: "4. In any proceedings, whether civil or criminal, there shall, in the case of a document proved, or purporting, to be not less than twenty years old, be made any presumption which immediately before the commencement of this Act would have been made in the case of a document of like character proved, or purporting, to be not less than thirty years old." Available online here: http://www.uk-legislation.hmso.gov.uk/acts/acts1938/pdf/ukpga_19380028_en.pdf

Wynne v Tyrwhitt (1821) 4 B. & Ald. 376 established the rule applied to both public and private documents. "Entries in a steward's book above thirty years old, and coming from the proper custody, are admissible in evidence, without proving the hand-writing of the steward. Semble, that the rule extends to all written documents coming from the proper custody." See *Revised Reports; being a republication of such cases in the English courts of common law and equity, from the year 1785 as are still of practical utility ... 1785-1866 ..* (1891), available online here: <http://www.archive.org/details/revisedreportsb29courgoog>

(8) Ancient Documents or Data Compilation. Evidence that a document or data compilation, in any form,

(A) is in such condition as to create no suspicion concerning its authenticity,

(B) was in a place where it, if authentic, would likely be, and

(C) has been in existence 20 years or more at the time it is offered.

Harvard law professor Simon Greenleaf applied this legal principle to the testimony of the Evangelists:⁷⁷

"The genuineness of these writings really admits of as little doubt, and is susceptible of as ready proof, as that of any ancient writings whatever. The rule of municipal law on this subject is familiar, and applies with equal force to all ancient writings, whether documentary or otherwise; and as it comes first in order, in the prosecution of these inquiries, it may, for the sake of mere convenience, be designated as our first rule:

Every document, apparently ancient, coming from the proper repository or custody, and bearing on its face no evident marks of forgery, the law presumes to be genuine, and devolves on the opposing party the burden of proving it to be otherwise.

"An ancient document, offered in evidence in our courts, is said to come from the proper repository, when it is found in the place where, and under the care of persons with

⁷⁶ Federal Rules of Evidence 901 (a) (8). Requirement of Authentication or Identification. Listed online here: http://www4.law.cornell.edu/uscode/html/uscode28a/usc_sec_28a_04000901----000-.html

⁷⁷ Simon Greenleaf. *Testimony of the Evangelists*, § 8.

whom, such writings might naturally and reasonably be expected to be found; for it is this custody which gives authenticity to documents found within it."⁷⁸

"If they come from such a place, and bear no evident marks of forgery, the law presumes that they are genuine, and they are permitted to be read in evidence, unless the opposing party is able successfully to impeach them."⁷⁹ The burden of showing them to be false and unworthy of credit, is devolved on the party who makes that objection. The presumption of law is the judgment of charity. It presumes that every man is innocent until he is proved guilty; that everything has been done fairly and legally, until it is proved to have been otherwise; and that every document, found in its proper repository, and not bearing marks of forgery, is genuine. Now this is precisely the case with the Sacred Writings. They have been used in the church from time immemorial, and thus are found in the place where alone they ought to be looked for. They come to us, and challenge our reception of them as genuine writings, precisely as Domesday Book, the

⁷⁸ Greenleaf: Per Tindal Ch. J., in the case of *Bishop of Meath v Marquis of Winchester*, 3 Bing. N C 183, 200-201. "It is when documents are found in other than their proper places of deposit," observed the Chief Justice, "that the investigation commences, whether it was reasonable and natural, under the circumstances of the particular case, to expect that they should have been in the place where they are actually found for it is obvious, that, while there can be only one place of deposit strictly and absolutely proper, there may be many and various, that are reasonable and probable, though differing in degree, some being more so, some less; and in these cases the proposition to be determined is, whether the actual custody is so reasonably and probably accounted for, that it impresses the mind with the conviction that the instrument found in such custody must be genuine." See the cases cited in *Greenleaf on Evidence* § 142; see also 1 *Stark on Ev.* pp. 332-335, 381-386; *Croughton v Blake*, 12 Mees. & W. 205, 208; *Doe v Phillips*, 10 Jur 34. It is this defect, namely, that they do not come from the proper or natural repository, which shows the fabulous character of many pretended revelations, from the Gospel of the Infancy to the Book of Mormon.

⁷⁹ Greenleaf: *Greenleaf on Evidence* § 34, 142, 570. [1842 edition].

Ancient Statutes of Wales, or any other of the ancient documents which have recently been published under the British Record Commission, are received. They are found in familiar use in all the churches of Christendom, as the sacred books to which all denominations of Christians refer, as the standard of their faith. There is no pretense that they were engraven on plates of gold and discovered in a cave, nor that they were brought from heaven by angels; but they are received as the plain narratives and writings of the men whose names they respectively bear, made public at the time they were written and though there are some slight discrepancies among the copies subsequently made, there is no pretense that the originals were anywhere corrupted."

"But," says Thomas Hartwell Horne,⁸⁰ "have the books of the Old and New Testaments been transmitted to us ENTIRE and UNCORRUPTED? We answer in the affirmative, and upon evidence the most satisfactory that can possibly be required. For, if they had been corrupted, such corruptions must have been introduced either by Christians or by Jews.

1. With regard to the *Old Testament*, the silence of the Jews (who would not fail to have noticed the attempt if it had been made) is a clear proof that it was never corrupted by the

⁸⁰ Bibliographer, rector, senior assistant librarian in the department of printed books in the British Museum, and author of 40 books. The following comments come from Horne, *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*, Vol. 1, 14th edition. The four-volume set received the following endorsement from *Wesleyan-Methodist Magazine*, 1, June 1822, p.373: "To the library of every lover of the Holy Scriptures, who has the leisure to peruse it, this elaborate work will form a most valuable addition; but to the Biblical Student, and to young Ministers, it is at once indispensable and invaluable; no single work on any of the four main branches of Biblical Study which are here so copiously treated, having, we believe, ever issued from the press, which comprehends so much information in itself, or points out, by references so ample, where that information may be obtained without which the Scriptures can neither be fully understood, nor explained. Almost every author of note has been consulted by the industry of the Author, and the most important contributions of the learning, research, and observation of others, will be here found collected, and arranged with a sober and temperate judgment, and under the guidance of the light of evangelical truth. The last is an important circumstance, and renders the work safe as well as instructive."

Christians. And if the *Jews* had either mutilated or corrupted these writings, they would have expunged whatever militated against the character or honour of their nation: but the silence of the prophets before the time of Christ, as well as of Christ and his apostles, fully proves that no obliteration or corruption had then been attempted. The constant reading of their sacred books in public and in private (which were at once the rule of their faith and of their political constitution), and the numerous copies both of the original as well as of the Septuagint version, together with the numerous sects and parties into which the Jews were divided after their canon was closed, and the reverence of every party for their law, all concur to render any attempt at falsification improbable and impossible *before* the time of Christ, and *after* that event, the same books being in the hands of the Christians, these would instantly have detected the malice and frauds of the Jews, if they endeavoured to accomplish such a design.⁸¹

"2. Equally satisfactory is the evidence for the integrity and incorruptness of the New Testament, in anything material. For the contents of its several books are precisely the same now as they were in the two first centuries; to which fact we may add, that the multiplication of copies, which were read both in public and in private, the reverence of the Christians for these writings, tho silence of their acutest enemies, who would most assuredly have charged them with the attempt if it had been made, and the agreement of all the manuscripts and versions extant, are all so many proofs of the integrity and incorruptness of the New Testament; which are further attested by the agreement with it of all the quotations from it which occur in the writings of

⁸¹ See Horne, *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*, Vol. 1, 14th edition, pp. 104—106. *supra*.

Christians from the earliest age to the present times.⁸² It is true that certain books are cited or referred to in the Old and New Testaments, which are not now extant: but an examination in detail of those books⁸³ (which does not admit of abridgment) has shown that none of the genuine or canonical books of Scripture have been lost."

Says Greenleaf, "If it be objected that the originals are lost, and that copies alone are now produced, the principles of the municipal law here also afford a satisfactory answer. For the multiplication of copies was a public fact, in the faithfulness of which all the Christian community had an interest; and it is a rule of law, that:

In matters of public and general interest, all persons must be presumed to be conversant, on the principle that individuals are presumed to be conversant with their own affairs.

"Therefore it is that, in such matters, the prevailing current of assertion is resorted to as evidence, for it is to this that every member of the community is supposed to be privy.⁸⁴ The persons, moreover, who multiplied these copies, may be regarded, in some manner, as the agents of the Christian public, for whose use and benefit the copies were made; and on the ground of the credit due to such agents, and of the public nature of the facts themselves, the copies thus made are entitled to an extraordinary degree of confidence, and, as in the case of official registers and

⁸² See Horne, *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*, Vol. 1, 14th edition, pp. 108—111. *supra*.

⁸³ *Ibid.*, pp. 113—118.

⁸⁴ Greenleaf: *Morewood v Wood*, 14 East, 329, n., per Lord Kenyon; *Weeks v Sparke*, 1 M. & S. 686; *Berkeley Peerage Case*, 4 Campb. 416, per Mansfield, Ch. J.; see 1 Greenleaf on Evidence § 128.

other public books, it is not necessary that they should be confirmed and sanctioned by the ordinary tests of truth."⁸⁵

"If any ancient document concerning our public rights were lost, copies which had been as universally received and acted upon as the Four Gospels have been, would have been received in evidence in any of our courts of justice, without the slightest hesitation. The entire text of the *Corpus Juris Civilis* is received as authority in all the courts of continental Europe, upon much weaker evidence of its genuineness; for the integrity of the Sacred Text has been preserved by the jealousy of opposing sects, beyond any moral possibility of corruption; while that of the Roman Civil Law has been preserved by tacit consent without the interest of any opposing school, to watch over and preserve it from alteration."

To this, Chandler adds, "Probably the most cogent reason for the remarkable preservation of the books of the Bible, is the reverential care bestowed upon them by their custodians in every age. It is difficult for the modern world to fully appreciate the meaning and extent of this reverence and care. Before the age of printing, it must be remembered, the masses of the people could not and did not possess Bibles. In the Middle Ages it required a small fortune to own a single copy. The extreme scarcity enhanced not only the commercial value but added to the awful sanctity that attached to the precious volume; on the principle that the person of a king becomes more sacred and mysterious when least seen in public. Synagogues and monasteries were, for many centuries, the sole repositories of the Holy Books, and the deliberate mutilation of any portion of the Bible would have been regarded like the blaspheming of the Deity or the

⁸⁵ Greenleaf: *1 Starkie on Evidence*. 195, 230; *1 Greenleaf on Evidence*. § 483.

desecration of a shrine. These considerations alone are sufficient reason why the Holy Scriptures have come down to us uncorrupted and unimpaired."⁸⁶

Greenleaf continues: "These copies of the Holy Scriptures having thus been in familiar use in the churches, from the time when the text was committed to writing; having been watched with vigilance by so many sects, opposed to each other in doctrine, yet all appealing to these Scriptures for the correctness of their faith; and having in all ages, down to this day, been respected as the authoritative source of all ecclesiastical power and government, and submitted to, and acted under in regard to so many claims of right, on the one hand, and so many obligations of duty, on the other; it is quite erroneous to suppose that the Christian is bound to offer any further proof of their genuineness or authenticity. It is for the objector to show them spurious; for on him, by the plainest rules of law, lies the burden of proof."⁸⁷ If it were the case of a claim to a franchise, and a copy of an ancient deed or charter were produced in support of the title, under parallel circumstances on which to presume its genuineness, no lawyer, it is believed, would venture to deny either its admissibility in evidence, or the satisfactory character of the proof. In a recent case in the House of Lords, precisely such a document, being an old manuscript copy, purporting to have been extracted from ancient Journals of the House, which

⁸⁶ Chandler, *The Trial of Jesus from a Lawyer's Standpoint*. New York: The Empire Publishing Co., 1908. [Volume 1](#), pp. 69-70.

⁸⁷ Greenleaf: The arguments for the genuineness and authenticity of the books of the Holy Scriptures are briefly, yet very fully stated, and almost all the writers of authority are referred in Horne, *Introduction* vol. 1, *passim*. (Edited by Thomas Hartwell Horne, John Ayre and Samuel Prideaux Tregelles. 14th ed., London: Longmans, Green, 1877). The same subject is discussed in a more popular manner in the *Lectures of Bishop Wilson*, [Volume 1 of 2](#). [Volume 2 of 2](#) and of Bishop Sumner of Chester, on the *Evidence of Christianity Derived From Its Nature and Reception*. (New edition. London: Hatchard and co., 1861), xii, 333 pp.; and, in America, the same question, as it relates to the Gospels, has been argued by Bishop McIlvaine, in his *Lectures*.

were lost, and to have been made by an officer whose duty it was to prepare lists of the Peers, was held admissible in a claim of peerage."⁸⁸

John Warwick Montgomery observes, "There is a science known as textual criticism which examines the documents to see whether they have been altered through the copying and recopying, and which corrects the documents on the basis of better texts. This is a highly technical field."⁸⁹ The results of textual criticism applied to the New Testament documents is very simple: The New Testament documents are the best attested documents of the Ancient World. That is to say, there has been the least difficulty in getting back to the original content of those documents as compared with any of the documents of classical antiquity."⁹⁰

Edwin M. Yamauchi echoes Montgomery's claim⁹¹: "The fact is that we have better historical documentation for Jesus than for the founder of any other ancient religion. For example, although the Gathas of Zoroaster, about 1000 B.C., are believed to be authentic, most of the Zoroastrian scriptures were not put into writing until after the third century A.D. The most popular Parsi biography of Zoroaster was written in A.D. 1278. The scriptures of Buddha, who

⁸⁸ Greenleaf: See the case of the *Slane Peerage*, 5 Clark & F. 24. See also the case of the *Fitzwalter Peerage*, 10 Id. 948.

⁸⁹ Volume 4 of Horne's *An Introduction to the Critical Study and Knowledge of the Holy Scriptures* introduces readers to the field of textual criticism. Volume 4, 14th edition is available online here:
<http://books.google.com/books?id=vS4XAAAAYAAJ&printsec=frontcover&dq=An+Introduction+to+the+Critical+Study+and+Knowledge+of+the+Holy+Scriptures#v=onepage&q=&f=false>

⁹⁰ Montgomery on *The John Ankerberg Show*, "Jesus Christ: Was He a Liar, a Lunatic, a Legend, or God?" 1988, transcript, p. 5.

⁹¹ Though Yamauchi has a *caveat* that the claim is not unique, citing the original autographs of the Harran inscriptions of Nabonidus as an example. See "Letter from Edwin M. Yamauchi," in Montgomery, *History, Law and Christianity*, pp. 123-124. Here, Yamauchi compares extant texts from the founders of competing religions.

lived in the sixth century B.C., were not put into writing until after the Christian era, and the first biography of Buddha was written in the first century A.D. Although we have the sayings of Muhammad, who lived from A.D. 570 to 632, in the Koran, his biography was not written until 767—more than a full century after his death."⁹²

Dr. Montgomery mentions that all of the poems of the Roman, Catullus, have come from one manuscript discovered during the Italian Renaissance and has since been lost. That manuscript had been dated a thousand years after the writing of those poems. "This is in general the situation as to the documents of classical antiquity," he says.⁹³

In contrast, J. P. Holding summarizes that "Countless works on New Testament textual criticism and reliability will repeat the statistic that we now possess over 25,000 copies or fragments of the new Testament in various languages, with more than 5700 of those being in Greek, as well as over a million quotations in various early Christian works from which we could, if necessary, reconstruct the entire New Testament if all of those manuscripts vanished."⁹⁴

"We have complete texts of the Gospels going back within 300 years of the original writings -- 300 years!" Montgomery emphasizes. "And, the 300 years is bridged by quotations, fragments, lectionary readings that take us right back on top of the original writings. We even have a fragment of the Gospel of John that is dated at 100. In other words, within five years of the writing of the Gospel itself. Classical textual critics would sell their grandmothers for that kind

⁹² Edwin M. Yamauchi in Lee Strobel, *The Case for Christ* (Grand Rapids, MI: Zondervan Publishing House, 1998), pp. 86-87.

⁹³ Montgomery on *The John Ankerberg Show*, "Jesus Christ: Was He a Liar, a Lunatic, a Legend, or God?" 1988, transcript, p. 5.

⁹⁴ James Patrick Holding. *Trusting the New Testament: Is the Bible Reliable?* (Xulon Press, 2009), p. 91.

of evidence in regard to writers such as Catullus. Now, the conclusion that we have to arrive at in this is that if you want to throw out the New Testament documents on the basis of some textual argument, you must first dump your entire knowledge of Greco-Roman history because our knowledge of Greece and Rome depend upon documentary evidence less adequate than the documentary evidence for Jesus Christ."⁹⁵

Are skeptics willing to do that, or do they prefer a Double Standard? In either case, such a choice defies logic, the rules of legal evidence, and history itself.

Nevertheless, neglecting the standard of the Ancient Documents Rule, Regius Professor of Modern History at Oxford, Hugh Trevor-Roper, believed it was problematic that the extant complete manuscripts of the New Testament date about three hundred years after the events described.

"I do not myself attach any importance to it," said English judge Lord Hailsham.⁹⁶ "This point is an invalid one for a great variety of reasons. The first is that it altogether overlooks the extreme meticulousness with which, before printing, the copiers of ancient manuscripts preserved the integrity of the text they were copying. This is true both of pagan and religious writers. The Massoretic text of the Hebrew Old Testament, for example, depends upon manuscripts, the earliest of which was, until recently, of the eleventh century A.D. or thereabouts. But its basic integrity has not only never seriously been questioned but has recently been amply vindicated by the discovery among the so-called Dead Sea Scrolls of an almost complete text of Isaiah. The truth is that both Old and New Testament scriptures and for that

⁹⁵ Montgomery on *The John Ankerberg Show*, "Jesus Christ: Was He a Liar, a Lunatic, a Legend, or God?" 1988, transcript, p. 5.

⁹⁶ Quintin McGarel Hogg II, Baron Hailsham of St Marylebone, KG, CH, PC, QC, Lord Chancellor under Prime Minister Stanley Baldwin.

matter the works of a wide range of secular authors are amply confirmed by quotations from a wide variety of sources outside their respective holograph versions, by translations of whole books, by criticisms and references in other authors and, occasionally, by the accidental preservation and rediscovery of actual fragments, like the Dead Sea Scrolls, or the fragment of papyrus, now in Geneva, containing a few lines from a second-century manuscript of St. John's Gospel, presumably written within a century of the original autograph."⁹⁷

Archaeologists acknowledge the integrity of the textual transmission of the Old and New Testament documents. To wit:

William F. Albright: "There can be no doubt that archaeology has confirmed the substantial historicity of the Old Testament tradition."⁹⁸

Albright: "We can already say emphatically that there is no longer any solid basis for dating any book of the New Testament after about A.D. 80, two full generations before the date between 130 and 150 given by the more radical New Testament critics of today."⁹⁹

Sir Frederic George Kenyon: "It cannot be too strongly asserted that in substance the text of the Bible is certain: Especially is this the case with the New Testament, of early translations from it, and of quotations from it in the oldest writers of the Church, is so large that it is practically certain that the true reading of every doubtful passage is preserved in some one or other of these ancient authorities. This can be said of no other ancient book in the world.

⁹⁷ Lord Hailsham. *The Door Wherein I Went*. London: Collins, 1975. Extract reprinted in *Simon Greenleaf Law Review*, n. 4. 1984. pp. 32-33. Available online at <http://www.classicapologetics.com/h/Hailsham.pdf>.

⁹⁸ William F. Albright, *Archaeology and the Religion of Israel*, Baltimore: Johns Hopkins University Press, 1956, p. 176.

⁹⁹ William F. Albright, *Recent Discoveries in Bible Lands*, (New York: Funk and Wagnalls, 1955), p. 136.

“Scholars are satisfied that they possess substantially the true text of the principal Greek and Roman writers whose works have come down to us, of Sophocles, of Thucydides, of Cicero, of Virgil; yet our knowledge of their writings depends on a mere handful of manuscripts, whereas the manuscripts of the new Testament are counted by hundreds, and even thousands.”

“The Christian can take the whole Bible in his hand and say without fear or hesitation that he holds in it the true Word of God, handed down without essential loss from generation to generation throughout the centuries.”¹⁰⁰

Kenyon on the Rylands Fragment (A Gospel of John Papyrus Fragment): “This is at any rate objective evidence, not resting on theological prepossessions, and since it is accepted by all those who have had most experience in dating the gospel itself must on all grounds of probability be put back into the first century, in order to allow time for the work to get into circulation; and a date toward the end of that century is what Christian tradition has always assigned to it.

“With regard to the other books of the New Testament there is not much to say. No one doubts that the synoptic gospels belong to a period perceptibly earlier than the fourth gospel, so that the traditional dates round about the fall of Jerusalem remain approximately the latest possible, and the dating of Luke carries with it that of Acts.

“For the Pauline epistles the only new evidence is that they were circulating as a collection by the end of the second century, and that this collection included Hebrews, but apparently not the pastoral epistles.

“The interval than between the dates of original composition and the earliest extant evidence becomes so small as to be in fact negligible, and the last foundation for any doubt that

¹⁰⁰ Sir Frederic George Kenyon, *Our Bible and Ancient Manuscripts*, New York: Harper & Bros., 1941, p. 23.

the Scriptures have come down to us substantially as they were written has now been removed. Both the authenticity and the general integrity of the books of the New Testament may be regarded as finally established.”¹⁰¹

Kenyon, in discussing the *Chester Beatty Papyri* (A.D. 200), located in C. Beatty Museum in Dublin and part-owned by the University of Michigan, containing papyrus codices, three of them containing major portions of the New Testament, “The net result of this discovery – by far the most important since the discovery of the Sinaiticus – is, in fact, to reduce the gap between the earlier manuscripts and the traditional dates of the New Testament books so far that it becomes negligible in any discussion of their authenticity. No other ancient book has anything like such early and plentiful testimony to its text, and no unbiased scholar would deny that the text that has come down to us is substantially sound.”¹⁰²

J. A. Thompson: “It is very evident that the biblical records have their roots firmly in general world history.”¹⁰³

Finally, it should be noted that American courts of law recognize the books of the Bible as authoritative. The President of the United States swears his oath of office upon the Bible.¹⁰⁴

¹⁰¹ Sir Frederic G. Kenyon, *The Bible and Archaeology*, New York: Harper & Row, 1940, p. 288.

¹⁰² Sir Frederic G. Kenyon, *The Bible and Modern Scholarship* (London: John Murray, 1948), p. 20.

¹⁰³ J. A. Thompson, *The Bible and Archaeology* (Grand Rapids, MI: Eerdmans, 1975), p. 442.

¹⁰⁴ Each one of the 44 presidents of the United States since George Washington on April 30, 1789, has commenced his term of office by placing his hand upon the Holy bible and solemnly swearing the Constitutional oath to faithfully execute the office of President of the United States and to the best of his ability, preserve, protect, and defend the Constitution of the United States. Acknowledged by the 111th Congress, 1st Session, H. Con. Resolution 34, 2009. Online <http://docs.google.com/gview?a=v&q=cache:UmjYpPn3qwEJ:www.wallbuilders.com/download/s/LincolnObamaBibleResolution.pdf+Bible+inauguration&hl=en&gl=us> Further documentation

Federal judges take an oath of office upon the Bible.¹⁰⁵ English law (and by extension, American law) has been influenced by the Bible.¹⁰⁶ In America, the Scriptures are cited for legal and moral authority in numerous cases.¹⁰⁷

We have now established the following under the model of jurisprudence, that

1. evidence must be evaluated by an impartial jury,
2. evidence is to be judged on the basis of probability, not possibility.
3. evidence is determined to be genuine, authentic, and relevant to be admissible by the court.
4. evidence over 20 years old can be admitted under the Ancient Documents Rule unless proven to be false.
5. for the evidence to be false, the burden of proof lies with the objector.
6. there is no evidence of forgery in extant copies of Scripture.

by David Barton, "America's Religious Heritage as Demonstrated in Presidential Inaugurations," January 2009, online at <http://www.wallbuilders.com/LIBissuesArticles.asp?id=19942>.

¹⁰⁵ U.S. Code Collection. § 453. Oaths of justices and judges. Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, XXX XXX, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as XXX under the Constitution and laws of the United States. So help me God." Found online here: <http://www.law.cornell.edu/uscode/28/453.html>

¹⁰⁶ Judge John Marshall Gest, *The Influence of Biblical texts upon English law: address before the Phi Beta Kappa and Sigma Xi societies*, June fourteenth 1910. Philadelphia: 1910.

¹⁰⁷ J. Michael Medina, attorney and editor of the *Oklahoma Law Review* documented Biblical citations in American court decisions using WESTLAW judicial databases, as those databases existed on August 31, 1991, and reported his findings in "The Bible Annotated: Use of the Bible in Reported American Decisions," *Northern Illinois University Law Review*, vol. 12, pp. 187-254. This study is available online here: <http://www.fdlaw.com/articles/The%20Bible%20Annotated.pdf>

7. under the legal principle that individuals are presumed to be conversant with their own affairs, and that the Scriptures have remained in the custody of churches and synagogues, the documents of the Old and New Testaments are admissible as evidence.
8. the New Testament documents are the best attested documents of ancient antiquity. To deny their genuineness would be to deny the genuineness of Greco-Roman history.
9. the Ancient Documents Rule's standards confirm the genuineness of the Old and New Testaments.
10. archaeology has confirmed the genuineness of the Old and New Testaments.
11. American law acknowledges the authority of the Old and New Testaments.

In the "pre-trial" phase, we have established that the transmission of text is acceptable and sound, and that the documents in question are genuine. This addresses the Bibliographic Test of Sanders.

"But a second question must be answered before we can accept the evidence furnished by the document," says logician Francis Bowen. "We must be satisfied, not only that the Testimony is Genuine,--that it was actually given by those from whom it purports to come, but that it is Authentic, --that this Testimony is a true and faithful narrative of what actually happened. Proofs of the Genuineness of the writing amount, at the utmost, only to bringing the witnesses into court and establishing their identity; proofs of the Authenticity must be found by sifting their evidence, and applying to it all the tests and means of verification which we possess, in order to ascertain

whether they are telling the truth. If not Genuine, the document is said to be Spurious; if not Authentic, it is false."^{108 109}

Chauncey Sanders, author of *Introduction to Research in English Literary History*, says, "Let us consider now how one is to set about conducting an investigation into a matter of authenticity or attribution. First of all comes the collecting of every possible bit of evidence. Even if one is privately convinced that Smith is or is not the author, or that the work is or is not what it purports to be (and such convictions, unscholarly though they are, cannot always be shaken off), he must be as careful to collect evidence against his theory as for it. It may go against the grain to be very assiduous in searching for ammunition to destroy one's own case; but it must be remembered that the overlooking of a single detail may be fatal to one's whole argument. Moreover, it is the business of the scholar to seek the truth, and the satisfaction of having found it should be ample recompense for having to give up a cherished but untenable theory."¹¹⁰

The question is, are skeptics willing to do that?

¹⁰⁸ Francis Bowen. *A Treatise on Logic; or, The laws of pure thought; comprising both the Aristotelic and Hamiltonian analyses of logical forms, and some chapters of applied logic*. Second edition. (Cambridge [Mass.] Sever and Francis, 1864), pp. 433-435. Available online here: <http://quod.lib.umich.edu/cgi/t/text/text-idx?c=moa;idno=AJE9611.0001.001>

¹⁰⁹ See also Isaac Taylor, [History of the Transmission of Ancient Books to modern times, together with The Process of Historical Proof; or, A concise account of the means by which the genuineness of ancient literature generally, and authenticity of historical works especially, are ascertained](#). A New edition, revised and enlarged. (Liverpool: E. Howell, 1889).

¹¹⁰ Chauncey Sanders in *Introduction to Research in English Literary History* (New York: The Macmillan Company, 1952), p. 160.

Authenticity falls under the domain of Sanders' Internal and External Tests. We shall now see whether they are authentic, using the standards of the science of jurisprudence.¹¹¹

First, let's refresh our memory. How do we know whether an event happened?

1) Someone recorded it (or testifies to it); 2) they show themselves to be reliable as a source; 3) there is no contrary evidence.

1) Someone recorded (or testifies to) an event.

What we know about the claims of Judaism and Christianity comes from documents from The Old Testament, The New Testament, and artifacts and documents from secular sources.

What is a testament?

American Heritage Dictionary:

tes•ta•ment

"n. Something that serves as tangible proof or evidence"¹¹²

Oxford English Dictionary:

testament, n.

¶3. *erron.* = TESTIMONY; witness.¹¹³

What is testimony?

testimony, n.

¹¹¹ Which employ Sanders' tests.

¹¹² "testament." *The American Heritage® Dictionary of the English Language*, Fourth Edition. Houghton Mifflin Company, 2004. 11 Aug. 2009.

¹¹³ *Oxford English Dictionary*, 2nd edition, 1989. Accessed online August 11, 2009. © Oxford University Press, 2009.

1. a. Personal or documentary evidence or attestation in support of a fact or statement; hence, any form of evidence or proof.

b. Any object or act serving as proof or evidence.¹¹⁴

Websters College Dictionary:

Testimony: “n. 1. The statement or declaration of a witness under oath, usu. in court. 2. Evidence in support of a fact or statement; proof. 3. Open declaration or profession, as of faith.”

And where does testimony come from?

Oxford English Dictionary:

eye-witness,

2. One who can give testimony from personal observation; one who has seen a thing done or happen. Also *attrib.*

witness, n.

2. a. Attestation of a fact, event, or statement; testimony, evidence; †evidence given in a court of justice. See also 10.

4. a. One who gives evidence in relation to matters of fact under inquiry; *spec.* one who gives or is legally qualified to give evidence upon oath or affirmation in a court of justice or judicial inquiry.

6. a. One who is or was present and is able to testify from personal observation; one present as a spectator or auditor. (Cf. EAR-WITNESS, EYE-WITNESS.) Usually with *of*, occas. *to*.

b. In asseverative formulæ, in which a deity or a human being is invoked as one who is cognizant of a fact; as *God is my witness, be my witness that...* Most often in phr. *to call* or *take to* (†one's) *witness*: to call upon or appeal to as one's surety; to swear by.

7. fig. Something that furnishes evidence or proof of the thing or fact mentioned; an evidential mark or sign, a token.

b. Introducing a name, designation, phrase, or clause denoting a person or thing that furnishes evidence of the fact or exemplifies the statement. Also *as witness*, and, in early use, †*witness on*. (After L. *teste...*, F. *témoïn...*)

¹¹⁴ Ibid.

c. *spec.* In textual criticism, a manuscript or an early version which is regarded as evidence of authority for the text. (Usually in *pl.*)

8. a. One who testifies for Christ or the Christian faith, esp. by death; a martyr. *Obs. exc.* as literal rendering of Gr. $\mu\acute{\alpha}\rho\tau\upsilon\rho$ MARTYR.

10. *to bear witness*: (said properly of a person, a book, etc.) to give oral or written testimony or evidence; hence *fig.* to furnish or constitute evidence or proof; to testify, witness *to* (occas. *of*). ***to bear*** (one) ***witness***: to corroborate one's statement or be a witness of one's action. (Cf. ON. *bera vitni*, OF. *porter temoin*.)¹¹⁵

Websters College Dictionary:

Eyewitness: “n. 1. A person who actually sees some act. Occurrence, or the like, and can give a first-hand account of it.”

Witness: “n. 6. A person who is present at an occurrence, esp. one who is able to attest as to what took place. 7. A person who gives testimony, as in a court of law. 8. A person or thing serving as evidence. 9. A person who signs a document attesting the genuineness of its execution. 10. Testimony or evidence: *to bear witness to her suffering.*”

In this section, we'll address the testimonies with the following outline based on the Sanders model of historical research. Again, these methods parallel the rules of legal evidence.

A. Bibliographic. Established in the previous section.

B. Internal.

1. The prophets and the apostles claimed to be eyewitnesses.
2. The prophets and the apostles stressed the value of their testimony as witnesses.
3. Hearsay evidence.
4. Circumstantial evidence.

¹¹⁵ Ibid.

C. External. Secular sources corroborate the testimony of the prophets and apostles.

"When the possibilities of bibliographical evidence have been exhausted, we may look to see what internal evidence of authorship or authenticity the work provides," Sanders writes.¹¹⁶ "A work may contain a statement by the author testifying to its genuineness. Such, for example, is Shakespeare's reference¹¹⁷ to Venus and Adonis as the 'first heir of my invention'; and many like instances might be mentioned. In the absence of any suspicious circumstances that would lead one to doubt the author's words, such evidence is valid, it being assumed, of course, that the style, subject matter, and other characteristics are not incompatible with the alleged authorship."¹¹⁸

Bowen tells us, "Of the Internal Evidence, it has been justly remarked, that it is weak to establish either Genuineness or Authenticity, but powerful to disprove both. As Hamilton remarks, 'We can easily conceive that an able and learned forger may accommodate his fabrications both to all the general circumstances of time, place, people, and language under which it is supposed to have been written, and even to all the particular circumstances of the style, habit of thought, personal relations, &c. of the supposed author.' On the -other hand, a single anachronism, well made out, in respect either to events, institutions, customs, or even the use of language, is as fatal to the document's claim to antiquity, as a well-established *alibi* is to

¹¹⁶ Chauncey Sanders, *Introduction to Research in English Literary History* (New York: The Macmillan Company, 1952), p. 146

¹¹⁷ Sanders: In the Dedicatory Epistle.

¹¹⁸ Attestations of authorship, both internal and external, are addressed in works such as Horne's *An Introduction to the Critical study and knowledge of the Holy Scriptures*, Vol. 2 and Vol. 4, (1877 edition), and J. P. Holding in *Trusting the New Testament*.

the success of a criminal prosecution. Bentley's *Dissertation upon the Epistles of Phalaris* might have been limited to pointing out two or three of the numerous anachronisms which he detected in them, if his only object in writing it had been to prove that these alleged Epistles were an impudent forgery. In respect to the Authenticity of a narrative, it is to be observed, that the credibility of certain facts is one thing, and the proof of their actual occurrence is another. For establishing the former, Internal Evidence is sufficient; for the latter, it is powerless, being entirely inapplicable. By saying that a narrative of certain events bears with it Internal Evidence of its truth, we mean only that the events are possible, that they are consistent with each other, - that they harmonize with what we know from other sources concerning the men of that country and that age, - that they are conformable to the ordinary course of things."¹¹⁹

We now examine the Internal Evidence from the documents themselves.

Philadelphia attorney Joseph Evans Sagebeer presents the details:

"The Scripture records are evidence of two kinds: they are evidence as *res gestae* and they are expert evidence, that is, they are receivable as evidence by reason of what they are and by reason of their authorship.

"In the matter of the Christian religion the Scripture records are part of the *res gestae*. Considered as such, their value is in themselves, not in their authorship. An entry in a ledger is as valuable when made by an under-clerk as when made by the head of the firm. This principle is well illustrated by the Epistle to the Hebrews. Its value as evidence is not in the least degree impeached by the fact that its author is unknown. If the ledger of a business firm has always been received and regarded as a ledger, its value is not at all impeached if it is impossible to tell which

¹¹⁹ Francis Bowen. *A Treatise on Logic; or, The laws of pure thought; comprising both the Aristotelic and Hamiltonian analyses of logical forms, and some chapters of applied logic*. Second edition. (Cambridge [Mass.] Sever and Francis, 1864), pp. 433-435. Available online here: <http://quod.lib.umich.edu/cgi/t/text/text-idx?c=moa;idno=AJE9611.0001.001>.

particular clerk kept this ledger. Its value does not arise from its authorship, but from the fact that it is a ledger of the business, that it is a part of the body of circumstances surrounding and connected with the conduct of the business. The Epistle to the Hebrews would be no more valuable as evidence if it were shown that it was written by Paul; it would be no less valuable if it were shown that it was written, by Cleophas. A work written contemporaneously with the establishment of Christianity, by a person who knew the facts of the case, and offered either as a narrative of the facts or as an explanation of them, and which occupies a place in that historic transaction which may be called the establishment of Christianity, is a part of the *res gestae*, regardless of its authorship, as the unnamed ghost in "Hamlet" is one of the *dramatis persona*. The fact that a document whose author is unknown has kept its place as a part of the historic transaction may be an added reason to believe that it is not a fabrication, because it has been able to keep its place without the stability that might have been given by the weight of a great name. Nor is the value of any book impeached because it was for a long time doubted and only lately admitted to the canon. A ledger may have been lost or its authenticity for a long time doubted, but when it is once discovered and proved, it is as trustworthy as any other part of the *res gestae*. Indeed, there may be an especial value added to a book by the fact that because of its unknown authorship, or because of its unexpected teaching, there has been an attempt to expel it as foreign to the rest of the body of literature, but that in spite of this, and by virtue of its own nature, it has maintained a place as a part of the organic whole."¹²⁰

¹²⁰ Joseph Evans Sagebeer, *The Bible in Court: The Method of Legal Inquiry Applied to the Study of the Scriptures*. Philadelphia: J. B. Lippincott, 1900, pp. 111-115. Online here: http://www.archive.org/details/MN41662ucmf_2.

For examples of *res gestae* as evidence, Sagebeer cites diplomatic correspondence and the cries of a mob, and Scripture as well. "It is impossible to doubt that the Scripture records are the authentic transcripts of the facts and the authoritative expression of the spirit of the Christian religion; not only because of the personality or personal equipment of the authors, but by virtue of the fact that they are a part of the *res gestae*, a part of the historic case.

"But the Scriptures are evidence not only as *res gestae*, they are expert evidence. Their authors offer themselves as witnesses specially qualified to speak. The essential elements in expert testimony are three: that the witness shall himself claim that he has special and peculiar equipment for this kind of evidence; that he shall be able to substantiate his claim; and that his evidence shall be considered as expert evidence only upon the particular matters upon which he claims an exceptional knowledge. If the Scriptures are to be received as expert evidence, they must present these three elements."¹²¹

We begin with the testimony of those who wrote the Old and New Testaments.

First, those who were witnesses claimed to be witnesses. Examples follow (this is not a complete list).

The children of Israel:

[Exodus 20:18](#) (KJV)

¹⁸And all the people **saw** the thunderings, and the lightnings, and the noise of the trumpet, and the mountain smoking: and when the **people saw it**, they removed, and stood afar off.

[Joshua 22:34](#) (KJV)

³⁴And the children of Reuben and the children of Gad called the altar Ed: for it shall be a **witness** between us that the LORD is God.

¹²¹ Joseph Evans Sagebeer, *The Bible in Court: The Method of Legal Inquiry Applied to the Study of the Scriptures*. Philadelphia: J. B. Lippincott, 1900, pp. 115-116. Read this work for examples.

Joshua 24:22 (KJV)

²²And Joshua said unto the people, **Ye are witnesses** against yourselves that ye have chosen you the LORD, to serve him. And they said, **We are witnesses.**

Joshua 24:27 (KJV)

²⁷And Joshua said unto all the people, Behold, this stone shall be **a witness** unto us; for it hath heard all the words of the LORD which he spake unto us: **it shall be therefore a witness unto you**, lest ye deny your God.

Jesus Christ:

Luke 24:48 (KJV)

⁴⁴And he said unto them, **These are the words which I spake unto you, while I was yet with you**, that all things must be fulfilled, which were written in the law of Moses, and in the prophets, and in the psalms, concerning me.

⁴⁵Then opened he their understanding, that they might understand the scriptures,

⁴⁶And said unto them, Thus it is written, and thus it behooved Christ to suffer, and to rise from the dead the third day:

⁴⁷And that repentance and remission of sins should be preached in his name among all nations, beginning at Jerusalem.

⁴⁸And **ye are witnesses of these things.**

John 8:13-18 (KJV)

¹³The Pharisees therefore said to Him, “You bear witness of Yourself; Your witness is not true.”

¹⁴Jesus answered and said to them, “**Even if I bear witness of Myself, My witness is true**, for I know where I came from and where I am going; but you do not know where I come from and where I am going. ¹⁵You judge according to the flesh; I judge no one. ¹⁶And yet if I do judge, My

judgment is true; for I am not alone, but I am with the Father who sent Me.¹⁷ It is also written in your law that **the testimony of two men is true.**¹⁸ **I am One who bears witness of Myself, and the Father who sent Me bears witness of Me.”**

John 8:58 (KJV)

⁵⁸Jesus said unto them, Verily, verily, I say unto you, **Before Abraham was, I am.**

People of Judah:

John 12:17 (KJV)

¹⁷The people therefore that was with him when he called Lazarus out of his grave, and raised him from the dead, **bare record.**

Luke, the Physician:

Luke 1:1-3 (NKJV)

¹ Inasmuch as many have taken in hand to set in order a narrative of those things which have been fulfilled among us, ²**just as those who from the beginning were eyewitnesses and ministers of the word delivered them to us,** ³it seemed good to me also, having had perfect understanding of all things from the very first, to write to you an orderly account, most excellent Theophilus,

Peter and those who witnessed the ministry of Christ:

Acts 2:22-32 (KJV)

²²Ye men of Israel, hear these words; Jesus of Nazareth, **a man approved of God among you by miracles and wonders and signs, which God did by him in the midst of you, as ye yourselves also know:**

²³Him, being delivered by the determinate counsel and foreknowledge of God, ye have taken, and by wicked hands have crucified and slain:

²⁴Whom God hath raised up, having loosed the pains of death: because it was not possible that he should be holden of it.

²⁵For David speaketh concerning him, I foresaw the Lord always before my face, for he is on my right hand, that I should not be moved:

²⁶Therefore did my heart rejoice, and my tongue was glad; moreover also my flesh shall rest in hope:

²⁷Because thou wilt not leave my soul in hell, neither wilt thou suffer thine Holy One to see corruption.

²⁸Thou hast made known to me the ways of life; thou shalt make me full of joy with thy countenance.

²⁹Men and brethren, let me freely speak unto you of the patriarch David, that he is both dead and buried, and his sepulchre is with us unto this day.

³⁰Therefore being a prophet, and knowing that God had sworn with an oath to him, that of the fruit of his loins, according to the flesh, he would raise up Christ to sit on his throne;

³¹He seeing this before spake of the resurrection of Christ, that his soul was not left in hell, neither his flesh did see corruption.

³²**This Jesus hath God raised up, whereof we all are witnesses.**

Acts 3:12-15 (KJV)

¹²And when Peter saw it, he answered unto the people, Ye men of Israel, why marvel ye at this? or why look ye so earnestly on us, as though by our own power or holiness we had made this man to walk?

¹³The God of Abraham, and of Isaac, and of Jacob, the God of our fathers, hath glorified his Son Jesus; whom ye delivered up, and denied him in the presence of Pilate, when he was determined to let him go.

¹⁴But ye denied the Holy One and the Just, and desired a murderer to be granted unto you;

¹⁵And killed the Prince of life, whom God hath raised from the dead; **whereof we are witnesses.**

Acts 5:27-32 (KJV)

²⁷And when they had brought them, they set them before the council: and the high priest asked them,

²⁸Saying, Did not we straitly command you that ye should not teach in this name? and, behold, ye have filled Jerusalem with your doctrine, and intend to bring this man's blood upon us.

²⁹Then Peter and the other apostles answered and said, We ought to obey God rather than men.

³⁰**The God of our fathers raised up Jesus, whom ye slew and hanged on a tree.**

³¹Him hath God exalted with his right hand to be a Prince and a Saviour, for to give repentance to Israel, and forgiveness of sins.

³²And **we are his witnesses of these things**; and so is also the Holy Ghost, whom God hath given to them that obey him.

Acts 10:34-45 (KJV)

³⁴Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons:

³⁵But in every nation he that feareth him, and worketh righteousness, is accepted with him.

³⁶The word which God sent unto the children of Israel, preaching peace by Jesus Christ: (he is Lord of all:)

³⁷**That word, I say, ye know, which was published throughout all Judaea, and began from Galilee, after the baptism which John preached;**

³⁸How God anointed Jesus of Nazareth with the Holy Ghost and with power: who went about doing good, and healing all that were oppressed of the devil; for God was with him.

³⁹**And we are witnesses of all things which he did both in the land of the Jews, and in Jerusalem; whom they slew and hanged on a tree:**

⁴⁰**Him God raised up the third day, and shewed him openly;**

⁴¹Not to all the people, **but unto witnesses chosen before God, even to us, who did eat and drink with him after he rose from the dead.**

⁴²And he commanded us to preach unto the people, and to **testify** that it is he which was ordained of God to be the Judge of quick and dead.

⁴³**To him give all the prophets witness**, that through his name whosoever believeth in him shall receive remission of sins.

⁴⁴While Peter yet spake these words, **the Holy Ghost fell on all them which heard the word.**

⁴⁵And they of the circumcision which believed were astonished, as many as came with Peter, because that **on the Gentiles also was poured out the gift of the Holy Ghost.**

John, the Apostle:

John 19:35 (NKJV)

And he who has seen has testified, and his **testimony** is true; and he knows that he is telling the truth, so that you may believe.

John 21:24 (KJV)

This is the disciple who testifies of these things, and wrote these things; and we know that his **testimony** is true.

1 John 1:1-4 (KJV)

¹That which was from the beginning, which **we have heard**, which **we have seen with our eyes**, which **we have looked upon**, and **our hands have handled**, of the Word of life;

²(For the life was manifested, and **we have seen it, and bear witness**, and shew unto you that eternal life, which was with the Father, and was manifested unto us;)

³That which **we have seen and heard declare we unto you**, that ye also may have fellowship with us: and truly our fellowship is with the Father, and with his Son Jesus Christ.

⁴And **these things write we unto you**, that your joy may be full.

Paul, the Apostle:

Acts 14:3 (KJV)

³Long time therefore abode they [Paul and Barnabus] speaking boldly in the Lord, which **gave testimony** unto the word of his grace, and **granted signs and wonders to be done by their hands**.

Second, the witnesses stressed the value of their testimony as witnesses.

Samuel, the Prophet:

1 Samuel 12:1-5 (KJV)

¹ Now Samuel said to all Israel: “Indeed I have heeded your voice in all that you said to me, and have made a king over you. ² And now here is the king, walking before you; and I am old and grayheaded, and look, my sons *are* with you. I have walked before you from my childhood to this day. ³ **Here I am. Witness against me before the LORD and before His anointed:** Whose ox have I taken, or whose donkey have I taken, or whom have I cheated? Whom have I oppressed, or from whose hand have I received *any* bribe with which to blind my eyes? I will restore *it* to you.”

⁴ And they said, “You have not cheated us or oppressed us, nor have you taken anything from any man’s hand.”

⁵ Then he said to them, “The LORD *is* witness against you, and **His anointed is witness this day**, that you have not found anything in my hand.”

And they answered, “***He is witness.***”

Jesus Christ:

John 20:27-28 (KJV)

²⁷ Then saith he to Thomas, Reach hither thy finger, and behold my hands; and reach hither thy hand, and thrust it into my side: and be not faithless, but believing.

²⁸ And Thomas answered and said unto him, My LORD and my God.

Matthew 28:18-20 (KJV)

¹⁸ And Jesus came and spake unto them, saying, All power is given unto me in heaven and in earth.

¹⁹Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost:

²⁰Teaching them to observe all things whatsoever I have commanded you: and, lo, I am with you always, even unto the end of the world. Amen.

Acts 1:8 (KJV)

⁸But ye shall receive power, after that the Holy Ghost is come upon you: and **ye shall be witnesses unto me both in Jerusalem, and in all Judaea, and in Samaria, and unto the uttermost part of the earth.**

John, the Apostle:

John 21:24 (KJV)

²⁴This is **the disciple which testifieth** of these things, and wrote these things: and **we know** that his **testimony is true.**

Luke, the Physician:

Acts 1:1-3 (KJV)

¹ The **former account** I made, O Theophilus, of all that Jesus began both to do and teach,

² until the day in which He was taken up, after He through the Holy Spirit had given commandments to the apostles whom He had chosen,

³ to whom He also presented Himself alive after His suffering **by many infallible proofs**, being **seen by them during forty days** and **speaking of the things** pertaining to the kingdom of God.

(Dr. John Ankerberg mentions that "the Greek *en pollois tekmariais* [for "many infallible proofs"] is an expression which is defined in the lexicons as 'decisive proof' and indicates the strongest type of legal evidence.")¹²²

Acts 1:21-23 (KJV)

²¹Wherefore of these men which have companied with us all the time that the Lord Jesus went in and out among us,

²²Beginning from the baptism of John, unto that same day that he was taken up from us, must one be ordained to be **a witness with us of his resurrection.**

²³And they appointed two, Joseph called Barsabas, who was surnamed Justus, and Matthias.

The Apostles:

Acts 4:33 (KJV)

³³And with great power gave **the apostles witness of the resurrection of the Lord Jesus:** and great grace was upon them all.

Acts 13:31 (KJV)

³¹And he was seen many days of them which came up with him from Galilee to Jerusalem, who are **his witnesses** unto the people.

1 Corinthians 15 (KJV)

¹²² John Ankerberg and John Weldon. "The Evidence for the Resurrection of Jesus Christ —Part 2: Could the Evidence Stand Cross-Examination in a Modern Court of Law?" online at <http://www.ankerberg.com/Articles/apologetics/AP0302W3.htm>. See Joseph Thayer, *Thayer's Greek English Lexicon of the New Testament* (Grand Rapids, MI: Baker, 1982), p. 617; James Hope Moulton, George Milligan, *The Vocabulary of the Greek Testament Illustrated from the Papyri and Other Non-Literary Sources* (Grand Rapids, MI: Eerdmans, 1980), p. 628; Spiros Zodhiates, *The Hebrew-Greek Key Study Bible* (Grand Rapids, MI: Baker, 1985), p. 71; Kurt Aland, et. al., *The Greek New Testament* (New York: American Bible Society, 1968), p. 179.

³For I delivered unto you first of all that which I also received, how that Christ died for our sins according to the scriptures;

⁴And that he was buried, and that **he rose again the third day according to the scriptures:**

⁵And that he was **seen of Cephas**, then of the twelve:

⁶After that, he was **seen of above five hundred brethren at once**; of whom the greater part remain unto this present, but some are fallen asleep.

⁷After that, **he was seen of James**; then of **all the apostles**.

⁸And last of all **he was seen of me** also, as of one born out of due time.

⁹For I am the least of the apostles, that am not meet to be called an apostle, because I persecuted the church of God.

¹⁰But by the grace of God I am what I am: and his grace which was bestowed upon me was not in vain; but I laboured more abundantly than they all: yet not I, but the grace of God which was with me.

¹¹Therefore whether it were I or they, so we preach, and so ye believed.

¹²Now if Christ be preached that he rose from the dead, how say some among you that there is no resurrection of the dead?

¹³But if there be no resurrection of the dead, then is Christ not risen:

¹⁴And if Christ be not risen, then is our preaching vain, and your faith is also vain.

¹⁵Yea, and we are found false **witnesses** of God; because **we have testified of God that he raised up Christ**: whom he raised not up, if so be that the dead rise not.

¹⁶For if the dead rise not, then is not Christ raised:

¹⁷And if Christ be not raised, your faith is vain; ye are yet in your sins.

¹⁸Then they also which are fallen asleep in Christ are perished.

¹⁹If in this life only we have hope in Christ, we are of all men most miserable.

²⁰But now is Christ risen from the dead, and become the firstfruits of them that slept.

²¹For since by man came death, by man came also the resurrection of the dead.

²²For as in Adam all die, even so in Christ shall all be made alive.

²³But every man in his own order: Christ the firstfruits; afterward they that are Christ's at his coming.

²⁴Then cometh the end, when he shall have delivered up the kingdom to God, even the Father; when he shall have put down all rule and all authority and power.

Hebrews 12:1 (KJV)

¹Wherefore seeing we also are compassed about with so great a cloud of witnesses, let us lay aside every weight, and the sin which doth so easily beset us, and let us run with patience the race that is set before us, ...

For a complete outline on the testimony of the Biblical writers, refer to W. R. Miller, "The Truthfulness of the Eyewitness Accounts as Presented in the Bible," online at <http://www.tektonics.org/guest/truthfulness.html>.

"The most convincing testimony that can possibly be offered in a court of law is that of an eyewitness who has seen or heard what he testifies," states Congressman Chandler. "Now, it is reasonably certain that all of the Gospel writers were eyewitnesses of most of the events recorded by them in the Gospel histories. Both Matthew and John were numbered among the Twelve who constantly attended the Master in all His wanderings, heard His discourses, witnessed the performance of His miracles, and proclaimed His faith after He was gone. It is very probable that Mark was another eyewitness of the events in the life and ministry of the

Savior. It is now very generally agreed that the author of the Second Gospel was the young man who threw away his garment and fled at the time of the arrest in the Garden.¹²³ If Mark was actually present at midnight in Gethsemane peering through the shadows to see what would be done to the Nazarene by the mob, it is more than probable that he was also a witness of many other events in the life and ministry of the great Teacher. But, whether this be true or not, it is very well settled that the Second Gospel was dictated to Mark by Peter, who was as familiar with all the acts and words of Jesus as was Matthew or John. The Christian writers of antiquity unanimously testify that Mark wrote the Gospel ascribed to him,¹²⁴ at the dictation of Peter. If their testimony is true, Peter is the real author of the Second Gospel.

"That the Gospel of Mark was written by an eyewitness is the opinion of Renan, the skeptic, who says: 'In Mark, the facts are related with a clearness for which we seek in vain amongst the other Evangelists. He likes to report certain words of Jesus in Syro-Chaldean. He is full of minute observations, coming doubtless from an eye-witness. There is nothing to prevent our agreeing with Papias¹²⁵ in regarding this eye-witness, who evidently had followed Jesus, who had loved Him and observed Him very closely, and who had preserved a lively image of Him, as the Apostle Peter himself.'¹²⁶ The same writer declares Matthew to have been an eyewitness of the events described by him. He says: 'On the whole, I admit as authentic the four canonical Gospels. All, in my opinion, date from the first century, and the authors are, generally

¹²³ Mark 14:51, 52.

¹²⁴ See Horne, *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*, Vol. 4, 1877 edition, Chapter 4, "On the Gospel by St. Mark," pp. 432-442.

¹²⁵ Eusebius, *Ecclesiastical History*, 3.39, 5.20. Irenius, *Against Heresies* 3.1.

¹²⁶ Intro. *Vie de Jesus*. In English, *The Life of Jesus* (New York: Carleton, 1844), p. 35. Translated from the French by Charles Edwin Wilbour.

speaking, those to whom they are attributed; but their historic value is diverse. Matthew evidently merits an unlimited confidence as to the discourses; they are the *Logia*, the identical notes taken from a clear and lively remembrance of the teachings of Jesus."¹²⁷

According to Chandler, "That Luke was an eyewitness of many of the things recorded by him, and that the others were related to him by eyewitnesses, is perfectly clear from the introductory verses of his Gospel. In addressing his royal patron, Theophilus, he assures him that those who communicated the information contained in the Gospel to him were eyewitnesses; and follows by saying that he himself had had 'perfect understanding of all things from the very first.'¹²⁸ The evident meaning of this is that, desiring full information for Theophilus, he had supplemented his own personal knowledge by additional facts secured from eyewitnesses to those things which, not being of the Twelve, he himself had not seen."¹²⁹

Greenleaf comments, "The design of Luke's Gospel was to supersede the defective and inaccurate narratives then in circulation, and to deliver to Theophilus to whom it is addressed, a full and authentic account of the life, doctrines, miracles, death, and resurrection of our Savior. Who Theophilus was, the learned are not perfectly agreed; but the most probable opinion is that of Dr. Lardner, now generally adopted, that, as Luke wrote his Gospel in Greece, Theophilus was a man of rank in that country."¹³⁰ Either the relations subsisting between him and Luke, or the

¹²⁷ Intro. *Vie de Jesus*. p. 34.

¹²⁸ Luke 1:2-3.

¹²⁹ Walter M. Chandler. *The Trial of Jesus from a Lawyer's Standpoint*. New York: The Empire Publishing Co., 1908. Volume 1, pp. 24-26, accessible online at <http://www.archive.org/details/trialofjesusfro01chan>.

¹³⁰ See Lardner, Works 6.138-139 3.203-204; and other authors, cited in Horne, Introduction Volume 4, 267.

dignity and power of his rank, or both, induced the evangelist, who himself also 'had perfect understanding of all things from the first,' to devote the utmost care to the drawing up of a complete and authentic narrative of these great events. He does not affirm himself to have been an eye-witness; though his personal knowledge of some of the transactions may well be inferred from the 'perfect understanding' which he says he possessed. Some of the learned seem to have drawn this inference as to them all, and to have placed him in the class of original witnesses but this opinion though maintained on strong and plausible grounds, is not generally adopted. If, then, he did not write from his own personal knowledge the question is, what is the legal character of his testimony?

"If it were 'the result of inquiries, made under competent public authority, concerning matters in which the public are concerned,'¹³¹ it would possess every legal attribute of an inquisition, and, as such, would be legally admissible in evidence, in a court of justice. To entitle such results, however, to our full confidence, it is not necessary that they should be obtained under a legal commission; it is sufficient if the inquiry is gravely undertaken and pursued, by a person of competent intelligence, sagacity, and integrity. The request of a person in authority, or a desire to serve the public, are, to all moral intents, as sufficient a motive as a legal commission.¹³² Thus, we know that when complaint is made to the head of a department, of

¹³¹ 2 Phil. on Ev. p. 95 (9th edition).

¹³² Greenleaf: "When Abbot, Archbishop of Canterbury, in shooting a deer with a cross-bow, in Bramsil park, accidentally killed the keeper, King James I by a letter dated Oct. 3, 1621, requested the Lord Keeper, the Lord Chief Justice, and others, to inquire into the circumstances and consider the case and 'the scandal that may have risen thereupon.' and to certify the King what it may amount to. Could there be any reasonable doubt of their report of the facts, thus ascertained? See Spelman, *Posthumous Works*, p. 121." [Spelman, Henry, Sir. *The Posthumous works of Sir Henry Spelman Kt. Relating to the Laws and Antiquities of England*. Publish'd from the Original Manuscripts. London, 1723. 291pp. Vol. 2 of 2]

official misconduct or abuse, existing in some remote quarter, nothing is more common than to send some confidential person to the spot, to ascertain the facts and report them to the department; and this report is confidently adopted as the basis of its discretionary action, in the correction of the abuse, or the removal of the offender. Indeed, the result of any grave inquiry is equally certain to receive our confidence, though it may have been voluntarily undertaken, if the party making it had access to the means of complete and satisfactory information upon the subject.¹³³ If, therefore, Luke's Gospel were to be regarded only as the work of a contemporary historian, it would be entitled to our confidence. But it is more than this. It is the result of careful inquiry and examination, made by a person of science, intelligence, and education, concerning subjects which he was perfectly competent to investigate, and as to many of which he was peculiarly skilled, they being cases of the cure of maladies; subjects, too, of which he already had the perfect knowledge of a contemporary, and perhaps an eye-witness, but beyond doubt, familiar with the parties concerned in the transactions, and belonging to the community in which the events transpired, which were in the mouths of all; and the narrative, moreover, drawn up for the especial use, and probably at the request, of a man of distinction, whom it would not be for the interest nor safety of the writer to deceive or mislead. Such a document certainly possesses

¹³³ Greenleaf: "The case of the ill-fated steamer *President* furnishes an example of this sort of inquiry. This vessel, it is well known, sailed from New York for London in the month of March, 1841, having on board many passengers, some of whom were highly connected. The ship was soon overtaken by a storm, after which she was never heard of. A few months afterwards a solemn inquiry was instituted by three gentlemen of respectability, one of whom was a British admiral, another was agent for the underwriters at Lloyd's, and the other a government packet agent, concerning the time, circumstances, and causes of that disaster; *the result of which was communicated to the public, under their hands*. This document received universal confidence, and no further inquiry was made." [See also [The President Steamer](#). *Times Picayune*, published as *The Daily Picayune*, May 21, 1841, p. 2; [The Steamer President](#). *New Bedford Register* (New Bedford, Massachusetts), vol. III, iss. 21; June 16, 1841, p. 1; and [The Loss of the Steamship President: A painting by the German artist Andreas Achenbach](#). From *The Northern Mariner/Le marin du nord*, XV No. 3, (July 2005), pp. 53-71.]

all the moral attributes of an inquest of office, or of any other official investigation of facts; and as such is entitled, *in firo conscientiae*, to be adduced as original, competent, and satisfactory evidence of the matters it contains."¹³⁴

As for John the Apostle, Chandler says, "St. John was peculiarly well qualified to record the sayings and doings of the Christ. He was called 'the disciple whom Jesus loved. He was admitted into the presence of the Savior, at all times, on terms of the utmost intimacy and friendship. At the Last Supper, his head reposed confidingly and lovingly upon the bosom of the Master. Together with Peter and James, he witnessed the resurrection of Jairus' daughter; was present at the Transfiguration on the Mount, and at the agony of the Savior in the Garden. From the cross, Jesus placed upon him the tender and pathetic burden of caring for His mother; and, running ahead of Peter, he was the first among the Twelve to arrive at the open sepulcher. By means of a favorable acquaintanceship with the High Priest, he was enabled to gain access to the palace and to be present at the trial of Jesus, as well as to introduce Peter, his friend."¹³⁵

Chandler concludes, "It is thus clearly evident that the Evangelists were amply able, from any point of view, to truthfully and accurately record the events narrated in the Gospel histories. As eyewitnesses, being on the ground and having the situation well in hand, they were certainly better qualified to write truthful history of the events then occurring than historians and critics who lived centuries afterwards."¹³⁶

¹³⁴ Greenleaf, *Testimony of the Evangelists*, § 22.

¹³⁵ Walter M. Chandler, *The Trial of Jesus from a Lawyer's Standpoint*. (New York: The Empire Publishing Co., 1908). Volume 1, p. 26, accessible online at <http://www.archive.org/details/trialofjesusfro01chan>.

¹³⁶ Chandler, *Trial*, Volume 1, p. 27.

Hearsay Evidence

The Federal Rules of Evidence, Rule 801,¹³⁷ makes the following relevant definitions:

(a) Statement.

A "statement" is (1) an oral or written assertion or (2) nonverbal conduct of a person, if it is intended by the person as an assertion.

(b) Declarant.

A "declarant" is a person who makes a statement.

(c) Hearsay.

"Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

The Hearsay Rule, Rule 802, is defined:

"Hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court pursuant to statutory authority or by Act of Congress."

"Fundamentally, hearsay evidence at common law is generally inadmissible," says Henry Hok Guan Teh. "However, this hearsay rule has now been virtually abolished for civil proceedings by the Civil Evidence Act 1995,¹³⁸ and at present, there are many statutory exceptions in criminal cases.¹³⁹ The main criteria remains whether such evidence should be admissible is the relevancy in determining whether procedural preconditions for its admission have been satisfied or to the weight to be attributed to it. If it is relevant, then the hearsay evidence is admissible."

¹³⁷ Article 8: "Hearsay," listed online at <http://www.law.cornell.edu/rules/fre/rules.htm#Rule801>.

¹³⁸ United Kingdom, Civil Evidence Act 1995, Chapter 38, displayed online at http://www.opsi.gov.uk/acts/acts1995/ukpga_19950038_en_1.

¹³⁹ United Kingdom, s. 23 Criminal Justice Act 1988, Chapter 33, displayed online at http://www.opsi.gov.uk/acts/acts1988/ukpga_19880033_en_1.htm with Section 23 hearsay exception provision here: http://www.opsi.gov.uk/acts/acts1988/ukpga_19880033_en_4#pt2-11g23.

"... In addition, Phipson on *Evidence* wrote that hearsay evidences are not excluded on the grounds of irrelevancy. He correctly explains that hearsay evidence 'cannot truly be called irrelevant. A belief in hearsay is often regarded as instinctive; at all events it is universally sanctioned by experience, since nine-tenths of the world's business is conducted on its basis; and the fact that relaxations of the rule excluding it are constantly sanctioned by statute is significant both of its logical and legal value. It would be more correct therefore to say that all hearsay connected with the issue is, and must to some extent be, 'relevant', whether in law it be admissible or not.'¹⁴⁰ This is how European countries and other countries that apply civil law tradition, to a certain extent view it. To them, all hearsay evidences connected to the issue are relevant and as long as they are good, they should be accepted. After all, the admission does not restrict their discretion to believe in its truth or not. As for the NT documents, they are considered evidence that is good in the sense that the contents of the Gospels would allow the court the opportunity to consider its assertions about the historicity of Jesus found in the Gospels. It is also good evidence because they are written by those, such as Matthew and John who had immediate, firsthand, eyewitness contact with Jesus, or by others (Mark, Luke, Paul) who were intimately acquainted with the apostolic circle."¹⁴¹

¹⁴⁰ *Phipson on Evidence* (Sweet & Maxwell, 15th ed.) para 25-06. *Phipson on Evidence* is the United Kingdom's leading work on civil and criminal evidence.

¹⁴¹ Henry Hock Guan Teh. "Legal Apologetics: Principles of the Law of Evidence as Applied in the Quest for Religious Truth." *Global Journal of Classical Theology*, v. 5, n. 1. July 2005.

In the United States, the Federal Rules of Evidence allow for hearsay exceptions¹⁴² under Rule 803. Among them is " (16) Statements in ancient documents. Statements in a document in existence twenty years or more the authenticity of which is established."

That's right. Our friend, the Ancient Documents Rule.

Under the Rule, the documents of the Old and New Testaments are admissible evidence in courts of law. Attorney Francis J. Lamb discusses the Ancient Documents Rule extensively in his book, *Miracle and Science*,¹⁴³ to which we refer the reader.

Newspapers are considered "hearsay evidence" in a court of law. But, in *Dallas County v. Commercial Union Assurance Co.* 286 F.2d 388 (5th Cir. 1961), the judge allowed that a newspaper, published in 1901, could be used as evidence to prove the Dallas County Courthouse in Selma, Alabama was damaged by fire. By definition, the edition of the paper could have been classified an "ancient document," but the judge ruled the newspaper article was trustworthy because it was inconceivable that a newspaper reporter in a small town would report a fire in the courthouse if none had occurred.^{144 145}

¹⁴² Federal Rules of Evidence, Article 8, Rules 803 and 804. Hub page online here: <http://www.law.cornell.edu/rules/fre/>.

¹⁴³ Francis J. Lamb, *Miracle and Science* (Oberlin, OH: Bibliotheca Sacra Co., 1909), pp. 26-53. It is available online here: http://books.google.com/books?id=HYxlAAAAMAAJ&pg=PR3&source=gbs_selected_pages&cad=2#v=onepage&q=&f=false.

¹⁴⁴ *Dallas County v. Commercial Union Assurance Co.* 286 F.2d 388 (5th Cir. 1961). For full details about the case and its legal ramifications, see http://isites.harvard.edu/icb/icb.do?keyword=k9840&pageid=icb.page36965&pageContentId=icb.pagecontent90797&state=maximize&view=view.do&viewParam_name=DallasCountyvCommercialUnionAssuranceCo.html

¹⁴⁵ See also *United States v. Barbati*, 284 F. Supp. 409 (E.D.N.Y. 1968).

Circumstantial Evidence

Circumstantial evidence is defined in *A Dictionary of Law* as:

"circumstantial evidence (indirect evidence) Evidence from which the judge or jury may infer the existence of a fact in issue but which does not prove the existence of the fact directly."¹⁴⁶

Australian Supreme Court Justice Ken Handley mentions that, "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 that given by Chief Baron Pollock to the jury in *Regina v Exall*:"¹⁴⁷

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. 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.

¹⁴⁶ **"circumstantial evidence"** *A Dictionary of Law*, by Jonathan Law and Elizabeth A. Martin. Oxford University Press 2009 *Oxford Reference Online*. Oxford University Press. Los Angeles Public Library. 13 August 2009, <http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t49.e613>

¹⁴⁷ *Regina v Exall*, (1866) 4 F&F 922 at p. 929 (176 ER 850, 853).

Handley cites statements from the Lord Chancellor Cairns in the *Belhaven and Stenton Peerage*¹⁴⁸ in the House of Lords, in 1875:

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.

Says Handley, "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 (John 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).

¹⁴⁸ *Belhaven and Stenton Peerage* (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.¹⁴⁹

"If Jesus was dead at point A, and alive again at point B, then resurrection has occurred: *res ipsa loquitur*," Dr. Montgomery points out.¹⁵⁰

Res ipsa loquitur is Latin for 'the facts speak for itself'. It is a legal principle applied in such court cases as *Scott v London & St Katherine Docks Co.* (1865) 2 H. & C. 596; *Ward v Tesco Stores* (1976) 1 W.L.R. 810. Examples are given in 1 Starkie on Evidence, p. 498 and Wills on Circumstantial Evidence, § 128-129. [pp. 169-170, 1905 edition].

"This principle is chiefly employed in tort actions," Montgomery says. As an example, a patient wakes after an operation and discovers that his surgeon has amputated the wrong leg; sues; and succeeds without the need to provide empirical evidence of the surgeon's negligence.¹⁵¹

¹⁴⁹ Ken R. Handley. *A Lawyer Looks at the Resurrection*. Reprinted from *Kategoria: A Critical Review*, v. 15. 1999. pp. 10-11.

¹⁵⁰ Montgomery, "Chapter 6, Part 2: The Jury Returns: A Juridical Defense of Christianity," *Evidence for Faith, Deciding the God Question* (Dallas: Probe Books, 1991). Extract online at <http://www.mtio.com/articles/bissart1.htm>.

¹⁵¹ Montgomery, *Tractatus Logico-Theologicus*, 3rd revised edition, (Verlag für Kultur und Wissenschaft, 2005), pp. 102-103. 3.666, 3.6661, 3.6662.

“If [circumstantial evidence] is such as usually satisfies reasonable men, in matters of ordinary transaction, it is all which the greatest skeptic has a right to require,” Simon Greenleaf says, “for it is by such evidence alone that our rights are determined in the civil tribunals; and on no other evidence do they proceed, even in capital cases. Thus where a house had been feloniously broken open with a knife, the blade of which was broken and left in the window, and the mutilated knife itself, the parts perfectly agreeing, was found in the pocket of the accused, who gave no satisfactory explanation of the fact, no reasonable doubt remained of his participation in the crime. And where a murder had been committed by shooting with a pistol, and the prisoner was connected with the transaction by proof that the wadding of the pistol was part of a letter addressed to him, the remainder of which was found upon his person, no juror’s conscience could have reproached him for assenting to the verdict of condemnation.¹⁵² Yet the evidence, in both cases, is but the evidence of circumstances, amounting, it is true, to the highest degree of probability, but yet not utterly inconsistent with the innocence of the accused. The evidence which we have of the great facts of the Bible history belongs to this class, that is, it is moral evidence; sufficient to satisfy any rational mind, by carrying it to the highest degree of moral certainty. If such evidence well justify the taking away of human life or liberty, in the one case, surely it ought to be deemed sufficient to determine our faith in the other.”¹⁵³

Philadelphia attorney Sagebeer closes, “The historic facts of the origin of the Christian Church are circumstantial evidence of the resurrection of Christ. The historic facts of the Church are the data for which the historian has to account. He has to account for the fact that

¹⁵² Greenleaf: See *1 Stark. on Ev.* p. 498. *Wills on Circumstantial Evidence*, §128-129, pp. 56-57, 1843 edition; pp. 169-170, 1905 edition.

¹⁵³ Greenleaf, *Testimony of the Evangelists*, § 41.

Christianity was successfully established among people opposed to it by habit of thought, by personal inclination, and by religious training, and he cannot account for these facts if the resurrection be denied. The world would not have been converted to a dead Jewish rabbi who had promised to rise from the dead and who had not been able to keep his promise. The disciples would not have rallied around a murdered and defeated Lord. One day they were scattered through Judea, frightened and hopeless; the third day afterward they were united into a company that has been increasing in numbers and influence for nineteen centuries. That company of disciples has never had any other bond of union than their common faith that their Lord was risen from the dead. Immediately after that event, in the city where he had been crucified, and to the people who had put him to death, they began to preach that he had risen from the dead. The circumstantial historic facts of the origin of the Church must have had a sufficient cause: their sufficient cause will be their explanation; they can be fully accounted for upon the assumption that the only explanation of its origin ever offered by the Church, that Christ rose from the dead, is the true explanation, and they cannot be explained upon any other hypothesis."¹⁵⁴

Corroborating evidence

Sanders' third test is the External Evidence Test, in which other historical testimony is used to support, or corroborate, the Biblical accounts.

Bowen comments: "The External Evidences of Genuineness are to be found either in other and admitted writings of the supposed author, or in the works of writers who were either his contemporaries, or nearly of the same antiquity; and the evidence is either direct, if the disputed writing is therein explicitly attributed to him, or indirect, if these works quote as his

¹⁵⁴ Joseph Evans Sagebeer, *The Bible in Court: The Method of Legal Inquiry Applied to the Study of the Scriptures*. Philadelphia: J. B. Lippincott, 1900, pp. 142-143.

production passages which are found in the document. This indirect testimony has the greater force, for on account of its casual or incidental character there is less reason to suspect that it has been forged.

"The External Evidences of the Authenticity of the writing, considered as a narrative of facts, are too numerous to mention. They are found in allusions to the same facts, or to incidents obviously connected with them, by contemporary authors; in customs, traditions, and institutions, which have come down to later times, and the origin of which cannot be accounted for, except on the supposition that the reported events actually took place; in coins, medals, and inscriptions, belonging to the same age, or one immediately subsequent, and connected by equally close relations with the alleged facts; in the notoriety which such incidents must have obtained, the interest which must have been felt in them, and the consequent probability that falsifications and forgeries respecting them would never have been attempted, or would have been detected and disproved at the time."¹⁵⁵

"Besides having the value of expert evidence, these extrinsic proofs also have the weight of corroborating evidence," solicitor Henry Hock Guan Teh explains.¹⁵⁶ "The word 'corroboration' means support or confirmation. In relation to the law of evidence, it refers to any rule of law or practice which requires that certain kinds of evidence be confirmed or supported by other, independent evidence, in order to be sufficient to sustain a given result. Until recently, requirements for corroboration played an important part in the law of evidence in criminal cases.

¹⁵⁵ Francis Bowen. *A Treatise on Logic; or, The laws of pure thought; comprising both the Aristotelic and Hamiltonian analyses of logical forms, and some chapters of applied logic*. Second edition. Cambridge [Mass.] Sever and Francis, 1864), pp. 433-435. Available online here: <http://quod.lib.umich.edu/cgi/t/text/text-idx?c=moa;idno=AJE9611.0001.001>.

¹⁵⁶ Henry Hock Guan Teh. "Legal Apologetics: Principles of the Law of Evidence as Applied in the Quest for Religious Truth." *Global Journal of Classical Theology*, v. 5, n. 1. July 2005.

But, as a result of statutory changes, and the decision of the Court of Appeal in *Makanjuola*,¹⁵⁷ almost nothing remains of this once major common rule. As a general rule, the courts may act upon duly proved documentary evidence without any extrinsic evidences. Hence, by just relying on the evidences discussed above, the NT documents is sufficient to stand alone to prove the case for Christ. However, as Lord Reid in *DPP v Kilbourne* explained that ‘there is nothing technical in the idea of corroboration. When in the ordinary affairs of life one is doubtful whether or not to believe a particular statement, one naturally looks to see whether it fits in with other statements or circumstances relating to the particular matter; the better it fits in, the more one is inclined to believe it’.¹⁵⁸

"Courts consider that corroboration is an important guide to the truth and if a case is corroborated in important matters from independent sources or the other side, it is likely to be accepted," says Justice Ken Handley.¹⁵⁹

In *Legal and Historical Proof of the Resurrection of the Dead with an Examination of the Evidence in the New Testament*, attorney and legal textbook writer John F. Whitworth observes,¹⁶⁰ "The historical books of the New Testament are quoted or alluded to by a series of Christian writers, beginning with those who were contemporary with the Apostles, or who immediately followed them, and proceeding in close and regular succession from their time to

¹⁵⁷ *Makanjuola* (1995) 1 WLR 1348; [1995] 3 All ER 730; [1995] 2 Cr App R 469.

¹⁵⁸ *DPP v Kilbourne* (1973) AC 729 at 750.

¹⁵⁹ Ken Handley, "[A Lawyer Looks at the Resurrection](#)". Reprinted from *Kategoria: A Critical Review*, v. 15. 1999, pp. 2-3.

¹⁶⁰ John F. Whitworth, *Legal and Historical Proof of the Resurrection of the Dead with an Examination of the Evidence in the New Testament*. (Harrisburg, PA: Publishing House of the United Evangelical Church, 1912), pp. 35-38.

the present.¹⁶¹ They are quoted or mentioned by the following writers: By Barnabas, the companion of Paul, in an epistle read amongst early Christians, though not accounted a part of the New Testament; by Clement, Bishop of Rome, named by Paul in one of his epistles; by Hermas, mentioned by Paul in his Epistles to the Romans; by Ignatius, Bishop of Antioch, shortly after the death of Christ; by Polycarp, who had conversed with the Apostles; by Papias, an acquaintance of John the Apostle; somewhat later, the year 140, by Justin Martyrs; the year 170 by Tremens, who had conversed with the immediate disciples of the Apostles; a little later, the year 180, by Clement of Alexandria, one of the most voluminous of ancient Christian writers; by Tertullian, who wrote about the year 200; by Origen, who wrote about the year 250, and who, in the quantity of his writings, exceeded the most laborious of the Greek and Latin authors, and by Eusebius, Bishop of Caesarea, who, about the year 315, wrote a history of the affairs of Christianity from its origin to his own time.¹⁶² After this period, says Dr. Paley, 'there is no room for any question upon the subject; the works of Christian writers being as full of texts of Scripture, and of references to Scripture, as the discourses of modern divines.'¹⁶³ These ancient writers, whose works are now accessible, quote passages liberally from the books of the New Testament, and mention the authors by name. The force of this concurring testimony as to the contents of the gospels, is greatly strengthened when it is remembered that the writers lived in countries remote from one another: Clement lived at Rome, Ignatius at Antioch, Polycarp at Smyrna, Justin Martyr in Syria, and Irenaeus in France. An examination of these quotations, as

¹⁶¹ Paley's *Evidences*, p. 102.

¹⁶² Paley's *Evidences*, pp. 104-129; 1 Gibbon, p. 534; 1 Horne's *Introduction*, pp. 38-46.

¹⁶³ Paley's *Evidences*, p. 129.

set forth in Paley's *Evidences*, shows clearly that the New Testament, as now in use, is the same as when originally written.

"There is also the testimony of those who wrote against Christianity. Tacitus, seventy years after the death of Christ, records His death as having taken place in the reign of Tiberius, under Procurator Pontius Pilate; Celsus, an Epicurean philosopher, writing in the second century; Porphyry, writing in the third century, and the Emperor Julian, writing in the fourth century, name the books of the New Testament, quote liberally from them, and concede that they are genuine productions.¹⁶⁴ Celsus, especially, takes notice of every important event in the life of Christ from His birth to His ascension, as narrated in the Gospels.¹⁶⁵ 'This sort of evidence,' Dr. Paley has remarked, 'is of all others the most unquestionable, the least liable to any practices of fraud and is not diminished by the lapse of ages.'"

Other secular sources who, within the first three centuries A.D. give reference to Jesus and the early Church, include Roman authors Suetonius, Thallus and Pliny the Younger, Roman Caesars Trajan and Hadrian; Jewish authors Josephus, Rabbi Eliezer and the writings in the Babylonian Talmud; Greek historian and satirist Lucian and Syrian Mara Bar-Serapion.

From these sources, Edwin Yamauchi provides these acknowledgements:¹⁶⁶

- (1. Jesus was a Jewish teacher.
- (2. Many people believed that he performed healings and exorcisms.
- (3. Some people believed he was the Messiah.
- (4. He was rejected by the Jewish leaders.

¹⁶⁴ Paley's *Evidences*, pp. 30, 161-166.

¹⁶⁵ Gilmore's *Evidences*, p. 180.

¹⁶⁶ Yamauchi in Lee Strobel, *The Case for Christ*, p. 87.

- (5. He was crucified under Pontius Pilate in the reign of Tiberius.
- (6. Despite this shameful death, his followers, who believed that he was still alive, spread beyond Palestine so that there were multitudes of them in Rome by A.D. 64.
- (7. "All kinds of people" from the cities and countryside—men and women, slave and free—worshiped him as God.¹⁶⁷

In his book, *The Historical Jesus*, Gary Habermas documents 110 facts about Jesus Christ and the early Christians from 39 ancient sources.¹⁶⁸

The most significant works documenting the external sources for the Biblical accounts came from English minister Nathaniel Lardner. His research can be found in *Credibility of the Gospel History*;¹⁶⁹ *The History of the Heretics of the Two First Centuries after Christ* (1780);

¹⁶⁷ See Elgin S. Moyer, *Who Was Who in Church History*, rev. ed. (Chicago: Moody Press, 1968).

¹⁶⁸ Noted by Craig A. Parton, *A Lawyer's Quest for the Gospel* (St. Louis: Concordia Publishing House, 2003), p. 152.

¹⁶⁹ Lardner's multi-volume *Credibility of the Gospel History* was highly regarded by *Edinburgh Encyclopaedia* contributor Dr. Thomas Chalmers. "In his evidence for the authenticity of the different pieces which make up the New Testament, he begins with the oldest of the fathers, some of whom were the intimate companions of the original writers. According to our view of the matter, he should have dated the commencement of his argument from a higher point, and begun with the testimonies of these original writers to one another. In the second Epistle of Peter, there is a distinct reference made to the writings of Paul; and in the Acts of the Apostles, there is a reference made to one of the four Gospels. Had Peter, instead of being an apostle, ranked only with the fathers of the church, and had his epistle not been admitted into the canon of scripture, this testimony of his would have had a place in the catalogue, and been counted peculiarly valuable, both for its precision and its antiquity. There is certainly nothing in the estimation he enjoyed, or in the circumstances of his epistle being bound up with the other books of the New Testament, which ought to impair the credit of his testimony. But in effect, his testimony does make a weaker impression on the mind, than a similar testimony from Barnabas, or Clement, or Polycarp. It certainly ought not to do it, and there is a delusion in the preference that is thus given to the latter writers. It is, in fact, another example of the principle which we have been so often insisting upon. What profane authors are in reference to Christian authors at large, the fathers of the church are in reference to the original writers of the New Testament. In contradiction to every approved principle, we prefer the distant and later testimony, to the

and *A Large Collection of Ancient Jewish and heathen testimonies to the truth of the Christian religion, with notes and observations* (London: sold by J. Buckland and T. Longman and J. Waugh, 1764), Volume 1. Containing the Jewish testimonies, and the testimonies of heathen authors of the first century.--Volume 2. Containing the testimonies of heathen writers of the second century.--Volume 3. Containing the testimonies of heathen writers of the third century, and to the conversion of Constantin, the first Christian emperor [sic].--Volume 4. Containing the testimonies of heathen writers of the fourth, fifth and sixth centuries. *Of Credibility of the Gospel History*, Dr. Timothy McGrew of Western Michigan University states, "Lardner executes his design with incredible thoroughness. The question of the census in Luke 2:1-2, for example, fills 86 pages (volume 1, pp. 260-345). Virtually every subsequent apologist who takes up the historical argument is explicitly indebted to him.

"In a work of this scope, written this long ago, it is inevitable that there should be some places where modern scholarship diverges from Lardner's opinions or where new discoveries shed a fuller light on issues he discusses. But when he errs, it is generally on the side of being overly critical of the evidence for his own case, as when he rejects the (then recently-discovered) first epistle of Clement of Rome, which is now widely acknowledged to be genuine. And in all cases his massive research remains an invaluable resource, a detailed and scrupulously honest map of all prior thinking on each topic he covers. No one who aspires to be a well-informed

testimony of writers, who carry as much evidence and legitimate authority along with them, and who only differ from others in being nearer the original sources of information. We neglect and undervalue the evidence which the New Testament itself furnishes, and rest the whole of the argument upon the external and superinduced testimony of subsequent authors." Thomas Chalmers, *Evidence and Authority of the Christian Revelation*.

student of apologetics can neglect this monumental work, which fills the first four and a half volumes of Kippis's 10 volume edition of Lardner's *Works*."¹⁷⁰

Other explorations for the external support of the Biblical accounts can be found in the following works:

Gregory Sharpe, L.L.D. Fellow of the Royal Society, and of the Society of Antiquarians. *An Argument in Defense of Christianity, Taken from the Concessions of the Most Ancient Adversaries, Jews, and Pagans, Philosophers and Historians*, (London, 1755).

Jean Le Clerc, *Bibliothèque ancienne et modern: pour server de suite aux Bibliothèques universelles et choisies* (Amsterdam, 1714-1727).

Thomas Dawson. *An Appeal to the genuine records and testimonies of heathen and Jewish writers; in defence of Christianity* (London: Printed for Richard Ware, 1733).

William Salisbury, *History of the Establishment of Christianity, Compiled from Jewish and Heathen Authors Only* (London, 1776).

Houtteville, M. l'abbé, (Claude-François), *La religion chrétienne prouvée par les faits* Paris, P.G. LeMercier, 1749).

William Paley. *A View of the Evidences of Christianity in Three Parts*, with annotations by Richard Whately. (New York: Miller, 1865).

J.B. Lightfoot, ed. and trans., *The Apostolic Fathers* (Grand Rapids: Baker, 1891, 1956).

Charles Reginald Haines, *Heathen Contact with Christianity During Its First Century and a Half: Being All References to Christianity Recorded in Pagan Writings During That Period* (Cambridge: Deighton, Bell, 1923).

¹⁷⁰Dr. Timothy McGrew, "Historical Apologetics: 1697-1893; An Introductory Bibliography," online at <http://www.lydiamcgrew.com/Historicalapologeticsreadinglist.htm>.

F.F. Bruce, *Jesus and Christian Origins outside the New Testament* (Grand Rapids: Eerdmans, 1974).

Gary Habermas, *The Historical Jesus: Ancient Evidence for the Life of Christ* (Joplin, MO.: College Press, 1996).

Paul W. Barnett, *Is the New Testament History*, (Hodder & Stoughton, Sydney, 1986), pp. 30-31.

R.T. France, *The Evidence for Jesus* (Downers Grove, Ill.: Intervarsity Press, 1986).

Edwin Yamauchi, "Jesus Outside the New Testament: What Is the Evidence?" in *Jesus under Fire*, ed. Michael Wilkins and J. P. Moreland (Grand Rapids: Zondervan, 1995).

With the genuineness and authenticity of the documents established, we now assess the credibility of the witnesses.

2) They show themselves to be reliable as a source

What proof is there that the witnesses committed perjury?

In a court of law, the burden of proof is on the objector.

We begin with the Presumption of Innocence. Innocent until proven guilty. It's a legal concept that dates back to some 300 years Before Christ.

Aristotle's dictum states that the benefit of the doubt is to be given to the document itself, not arrogated by the critic to herself.¹⁷¹

¹⁷¹ Aristotle, *De Arte Poetica*, 1460b-1461b.

"To inquire whether the facts related by the Four Evangelists are proved by competent and satisfactory evidence," says Greenleaf,¹⁷² "we are led, first, to consider on which side lies the burden of establishing the credibility of the witnesses. On this point the municipal law furnishes a rule, which is of constant application in all trials by jury, and is indeed the dictate of that charity which thinketh no evil:

*In the absence of circumstances which generate suspicion, every witness is to be presumed credible, until the contrary is shown; the burden of impeaching his credibility lying on the objector.*¹⁷³

"This rule serves to show the injustice with which the writers of the Gospels have ever been treated by infidels; an injustice silently acquiesced in even by Christians; in requiring the Christian affirmatively, and by positive evidence, *aliunde*, to establish, the credibility of his witnesses above all others, before their testimony is entitled to be considered, and in permitting the testimony of a single profane writer, alone and uncorroborated, to outweigh that of any single Christian. This is not the course in courts of chancery, where the testimony of a single witness is never permitted to outweigh the oath even of the defendant himself, interested as he is in the cause but, on the contrary, if the plaintiff, after having required the oath of his adversary, cannot overthrow it by something more than the oath of one witness, however credible, it must stand as evidence against him. But the Christian writer seems, by the usual course of the argument, to have been deprived of the common presumption of charity in his favor; and reversing the ordinary rule of administering justice in human tribunals, his testimony is unjustly presumed to be false, until it is proved to be true. This treatment, moreover, has been applied to them all in a

¹⁷² Greenleaf, *Testimony of the Evangelists*, § 28-29.

¹⁷³ Greenleaf: See 1 Starkie on Evidence, pp. 16, 480, 521.

body; and, without due regard to the fact, that, being independent historians, writing at different periods, they are entitled to the support of each other: they have been treated, in the argument, almost as if the New Testament were the entire production, at once, of a body of men, conspiring by a joint fabrication, to impose a false religion upon the world. It is time that this injustice should cease; that the testimony of the evangelists should be admitted to be true, until it can be disproved by those who would impugn it; that the silence of one sacred writer on any point should no more detract from his own veracity or that of the other historians, than the like circumstance is permitted to do among profane writers; and that the Four Evangelists should be admitted in corroboration of each other, as readily as Josephus and Tacitus, or Polybius and Livy.¹⁷⁴

¹⁷⁴ Greenleaf: This subject has been treated by Dr. Chalmers, in his *Evidences of the Christian Revelation*, chapter 3. The following extract from his observations will not be unacceptable to the reader. "In other cases, when we compare the narratives of contemporary historians, it is not expected that all the circumstances alluded to by one will be taken notice of by the rest; and it often happens that an event or a custom is admitted upon the faith of a single historian; and the silence of all other writers is not suffered to attach suspicion or discredit to his testimony. It is an allowed principle, that a scrupulous resemblance between two histories is very far from necessary to their being held consistent with one another. And what is more, it sometimes happens that, with contemporary historians, there may be an apparent contradiction, and the credit of both parties remain as entire and unsuspecting as before. Posterity is, in these cases, disposed to make the most liberal allowances. Instead of calling it a contradiction, they often call it a difficulty. They are sensible that, in many instances a seeming variety of statement has, upon a more extensive knowledge of ancient history, admitted of a perfect reconciliation. Instead, then, of referring the difficulty in question to the inaccuracy or bad faith of any of the parties, they, with more justness and more modesty, refer it to their own ignorance, and to that obscurity which necessarily hangs over the history of every remote age. These principles are suffered to have great influence in every secular investigation; but so soon as, instead of a secular, it becomes a sacred investigation, every ordinary principle is abandoned, and the suspicion annexed to the teachers of religion is carried to the dereliction of all that candor and liberality with which every other document of antiquity is judged of and appreciated. How does it happen that the authority of Josephus should be acquiesced in as a first principle, while every step, in the narrative of the evangelists, must have foreign testimony to confirm and support it? How comes it that the silence of Josephus should be construed into an impeachment of the testimony of the evangelists, while it is never admitted, for a single moment, that the silence of the evangelists, can impart the slightest blemish to the testimony of Josephus? How comes it, that the supposition

"But if the burden of establishing the credibility of the evangelists were devolved on those who affirm the truth of their narratives, it is still capable of a ready moral demonstration, when we consider the nature and character of the testimony, and the essential marks of difference between true narratives of facts and the creations of falsehoods. It is universally admitted that the credit to be given to witnesses depends chiefly on their ability to discern and comprehend what was before them, their opportunities for observation, the degree of accuracy with which they are accustomed to mark passing events and their integrity in relating them. The rule of municipal law on this subject embraces all these particulars, and is thus stated by a legal text-writer of the highest repute:

*The credit due to the testimony of witnesses depends upon, firstly, their honesty; secondly, their ability; thirdly, their number and the consistency of their testimony; fourthly, the conformity of their testimony with experience; and fifthly, the coincidence of their testimony with collateral circumstances.*¹⁷⁵

of two Philips in one family should throw a damp of skepticism over the Gospel narrative, while the only circumstance which renders that supposition necessary is the single testimony of Josephus; in which very testimony it is necessarily implied that there are two Herods in that same family? How comes it, that the evangelists, with as much internal, and a vast deal more of external evidence in their favor, should be made to stand before Josephus, like so many prisoners at the bar of justice? In any other case, we are convinced that this would be looked upon as *rough handling*. But we are not softy for it. It has given more triumph and confidence to the argument. And it is no small addition to our faith, that its first teachers have survived an examination, which, in point of rigor and severity, we believe to be quite unexampled in the annals of criticism." See Chalmers, *Evidences*, pp. 72-74.

¹⁷⁵ Greenleaf: 1 Stark. on Ev., pp. 480, 545.

The above standards come from English barrister and jurist Thomas Starkie, the "legal text-writer of the highest repute." His *A Practical Treatise on the Law of Evidence*,¹⁷⁶ published in 1824, became a standard work in the legal profession.¹⁷⁷

¹⁷⁶ Thomas Starkie. *A Treatise on the Law of Evidence, and Digest of Proofs, in Civil and Criminal Proceedings*, 1842 edition, Vol. 1 of 3, available online here: <http://www.archive.org/details/evidence01star>. From the Preface:

THE investigation of truth, the art of ascertaining that which is unknown from that which is known, has occupied the attention, and constituted the pleasure as well as the business of the reflecting part of mankind in every civilized age and country. But inquiries of this nature are nowhere more essential to the great temporal interests of society than where they are applied to the purposes of judicial investigation in matters of fact. Their importance is obviously commensurate with the interests of justice and of right; the best and wisest laws are useless until the materials be provided upon which they can safely be exercised; in other words, the administration of a law assumes the truth of the facts or predicament to which it is applied.

With those who regard law as a science which rests on certain fixed and equitable foundations, and who view its decisions not as arbitrary precedents, but valuable only as they illustrate the great principles from which they emanate, this branch of jurisprudence, which comprises the rules and practice of judicial investigation, must exceed all others in point of interest. However widely different codes may vary from each other in matters of arbitrary positive institution, and of mere artificial creation, the general means of investigating the truth of contested facts must be common to all. Every rational system which provides the means of proof must be founded on experience and reason, on a well-grounded knowledge of human nature and conduct, on a consideration of the value of testimony, and on the weight due to coincident circumstances. Here, therefore, the object of the law is identified with that of pure science; the common aim of each is the discovery of truth; and all the means within the reach of philosophy, all the connections and links, physical or moral, which experience and reason can discover, are thus rendered subservient to the purposes of justice. In different systems of law, the great principles on which the rules of evidence depend may be and are variously modified; but every departure from those principles, wheresoever it occurs, must constitute a corresponding and commensurate imperfection.

Notwithstanding, however, the universality of the great principles of the science, it is essential in practice to guard and limit the reception of evidence by certain definite and positive rules. Nature has no limits; but every system of positive law must, on grounds of policy, prescribe artificial boundaries, even in its application to a subject which from its independent nature least of all admits of such restraint. These, however, are necessarily for the most part of a negative description, the effect of which is to exclude evidence in particular cases, and under special circumstances, on general grounds of utility and convenience; yet even here so difficult is it to prescribe limits on such a subject, without the hazard of committing injustice, that rules, the general policy of which is obvious, are by no means favoured. Thus, although according to the

Starkie's rules apply to all witnesses in courts of law. Greenleaf calls for the same standard:

"Let the evangelists be tried by these tests."

The Test of Honesty

Greenleaf begins:¹⁷⁸ "And *first*; as to their *honesty*. Here they are entitled to the benefit of the general course of human experience, that men ordinarily speak the truth, when they have no prevailing motive or inducement to the contrary. This presumption, to which we have before alluded, is applied in courts of justice, even to witnesses whose integrity is not wholly free from suspicion; much more is it applicable to the evangelists, whose testimony went against all their worldly interests. The great truths which the apostles declared were that Christ had risen from the dead, and that only through repentance from sin, and faith in him, could men hope for salvation. This doctrine they asserted with one voice, everywhere, not only under the greatest discouragements, but in the face of the most appalling terrors that can be presented to the mind

Law of England he who is interested is also incompetent to be a witness, yet the Courts are ever anxious to apply the objection, as natural reason would apply it, to the credibility rather than to the competency of a party; to receive and to weigh his testimony, rather than wholly and peremptorily to exclude it. It is true, that in many instances the law may by rules of a positive nature annex a technical and arbitrary effect to particular evidence, which does not actually appertain to it. Thus, by our law, a judgment is frequently absolute and conclusive evidence of the facts which have been already contested; but one general observation is applicable to this and to most instances of a similar nature, including the numerous cases of legal presumption, that they are not used as the means or instruments of truth, but are in virtue and effect nothing more than mere technical and positive rules, which are wholly independent of the principles of evidence, and whose only foundation is their general utility and convenience.

¹⁷⁷ Michael Lobban, 'Starkie, Thomas (1782–1849)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/26319>, accessed 13 Aug 2009]

¹⁷⁸ Greenleaf, *Testimony of the Evangelists*, § 30-32.

of man. Their master had recently perished as a malefactor, by the sentence of a public tribunal. His religion sought to overthrow the religions of the whole world. The laws of every country were against the teachings of his disciples. The interests and passions of all the rulers and great men in the world were against them. The fashion of the world was against them. Propagating this new faith, even in the most inoffensive and peaceful manner, they could expect nothing but contempt, opposition, revilings, bitter persecutions, stripes, imprisonments, torments, and cruel deaths. Yet this faith they zealously did propagate; and all these miseries they endured undismayed, nay, rejoicing. As one after another was put to a miserable death, the survivors only prosecuted their work with increased vigor and resolution. The annals of military warfare afford scarcely an example of the like heroic constancy, patience, and unblenching courage. They had every possible motive to review carefully the grounds of their faith, and the evidences of the great facts and truths which they asserted and these motives were pressed upon their attention with the most melancholy and terrific frequency. It was therefore impossible that they could have persisted in affirming the truths they have narrated, had not Jesus actually risen from the dead, and had they not known this fact as certainly as they knew any other fact.¹⁷⁹ If it were morally possible for them to have been deceived in this matter, every human motive operated to lead them to discover and avow their error. To have persisted in so gross a falsehood, after it was known to them, was not only to encounter, for life, all the evils which man could inflict from without, but to endure also the pangs of inward and conscious guilt; with no hope of future

¹⁷⁹ Greenleaf: If the witnesses could be supposed to have been biased, this would not destroy their testimony to matters of fact; it would only detract from the weight of their judgment in matters of opinion. The rule of law on this subject has been thus stated by Dr. Lushington: "When you examine the testimony of witnesses nearly connected with the parties, and there is nothing very peculiar tending to destroy their credit, when they depose to mere facts, their testimony is to be believed; when they depose as to matter of opinion, it is to be received with suspicion." *Dillon v Dillon*, 3 Curteis, *Eccl. Rep.* pp. 96, 102.

peace, no testimony of a good conscience, no expectation of honor or esteem among men, no hope of happiness in this life, or in the world to come.

"Such conduct in the apostles would moreover have been utterly irreconcilable with the fact that they possessed the ordinary constitution of our common nature. Yet their lives do show them to have been men like all others of our race; swayed by the same motives, animated by the same hopes, affected by the same joys, subdued by the same sorrows, agitated by the same fears, and subject to the same passions, temptations, and infirmities as ourselves. And their writings show them to have been men of vigorous understandings. If then their testimony was not true, there was no possible motive for this fabrication."

Some skeptics point out that the miracle stories were concocted to demonstrate that Jesus was greater than others who claimed to be the Messiah.¹⁸⁰

It doesn't occur to these skeptics that if the evangelists told falsehoods, it would

- (1. undermine the message of truth being proclaimed,
- (2. violate their own moral beliefs, and
- (3. have falsehoods exposed by opponents with the means, motive and opportunity to do

so.

Greenleaf continues: "It would also have been irreconcilable with the fact that they were good men. But it is impossible to read their writings and not feel that we are conversing with men eminently holy and of tender consciences, with men acting under an abiding sense of the presence and omniscience of God, and of their accountability to him, living in his fear, and

¹⁸⁰ This argument is also debunked by Glenn Miller, "Were the Miracles of Jesus invented by the Disciples/Evangelists?" updated November 2, 2001, posted online here: <http://www.christian-thinktank.com/mq2.html>.

walking in his ways. Now, though in a single instance a good man may fall when under strong temptations, yet he is not found persisting, for years, in deliberate falsehood, asserted with the most solemn appeals to God, without the slightest temptation or motive, and against all the opposing interests which reign in the human breast. If, on the contrary, they are supposed to have been bad men, it is incredible that such men should have chosen this form of imposture, enjoining as it does unfeigned repentance, the utter forsaking and abhorrence of all falsehood and of every other sin, the practice of daily self-denial, self-abasement and self-sacrifice, the crucifixion of the flesh with all its earthly appetites and desires, indifference to the honors, and hearty contempt of the vanities of the world, and inculcating perfect purity of heart and life, and communion of the soul with heaven. It is incredible that bad men should invent falsehoods to promote the religion of the God of truth. The supposition is suicidal. If they did believe in a future state of retribution, a heaven and a hell hereafter, they took the most certain course, if false witnesses, to secure the latter for their portion. And if, still being bad men, they did not believe in future punishment, how came they to invent falsehoods the direct and certain tendency of which was to destroy all their prospects of worldly honor and happiness, and to insure their misery in this life? From these absurdities there is no escape, but in the perfect conviction and admission that they were good men, testifying to that which they had carefully observed and considered, and well knew to be true.¹⁸¹

To this, we add the Scriptures which bound the prophets and the apostles to tell the truth, with the knowledge that God Himself was witness to their actions.

¹⁸¹ Greenleaf: This subject has been so fully treated by Dr. Paley, in his view of the *Evidences of Christianity*, Part 1, Prop. 1, that it is unnecessary to pursue it farther in this place.

God:

[Exodus 20:16](#) (KJV)

¹⁶Thou shalt not bear false witness against thy neighbour.

[Leviticus 5:1](#) (KJV)

¹And if a soul sin, and hear the voice of swearing, and **is a witness**, whether he hath seen or known of it; if he do not utter it, then he shall bear his iniquity.

[Deuteronomy 5:20](#) (KJV)

²⁰Neither shalt thou bear false witness against thy neighbour.

[Deuteronomy 11:1](#) (KJV)

¹Therefore thou shalt love the LORD thy God, and keep his charge, and his statutes, and his judgments, and his commandments, alway.

[Deuteronomy 12:28](#) (KJV)

²⁸Observe and hear all these words which I command thee, that it may go well with thee, and with thy children after thee for ever, when thou doest that which is good and right in the sight of the LORD thy God.

[Deuteronomy 28:15](#) (KJV)

¹⁵But it shall come to pass, if thou wilt not hearken unto the voice of the LORD thy God, to observe to do all his commandments and his statutes which I command thee this day; that all these curses shall come upon thee, and overtake thee:

Elders of Gilead:

Judges 11:10 (KJV)

¹⁰And the elders of Gilead said unto Jephthah, The LORD be witness between us, if we do not so according to thy words.

Solomon, King of Israel:**Proverbs 19:5** (KJV)

⁵A false witness shall not be unpunished, and he that speaketh lies shall not escape.

Proverbs 19:9 (KJV)

⁹A false witness shall not be unpunished, and he that speaketh lies shall perish.

Proverbs 21:28 (KJV)

²⁸A false witness shall perish: but the man that heareth speaketh constantly.

Zechariah, the Prophet:**Zechariah 8:16** (KJV)

¹⁶These are the things that ye shall do; Speak ye every man the truth to his neighbour; execute the judgment of truth and peace in your gates:

Jesus Christ:**Matthew 7:15** (KJV)

¹⁵Beware of false prophets, which come to you in sheep's clothing, but inwardly they are ravening wolves.

Matthew 15:19 (KJV)

¹⁹For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies:

[Matthew 19:17-19](#) (KJV)

¹⁷And he said unto him, Why callest thou me good? there is none good but one, that is, God: but if thou wilt enter into life, keep the commandments.

¹⁸He saith unto him, Which? Jesus said, Thou shalt do no murder, Thou shalt not commit adultery, Thou shalt not steal, Thou shalt not bear false witness, [Exodus 20:12-16; Deuteronomy 5:16-20]

¹⁹Honour thy father and thy mother: and, Thou shalt love thy neighbour as thyself. [Leviticus 19:18]

[Mark 10:19](#) (KJV)

¹⁹Thou knowest the commandments, Do not commit adultery, Do not kill, Do not steal, Do not bear false witness, Defraud not, Honour thy father and mother. [Exodus 20:12-16; Deuteronomy 5:16-20]

[Luke 18:20](#) (KJV)

²⁰Thou knowest the commandments, Do not commit adultery, Do not kill, Do not steal, Do not bear false witness, Honour thy father and thy mother. [Exodus 20:12-16; Deuteronomy 5:16-20]

Peter, the Apostle:

2 Peter 1:16-18 (KJV)

¹⁶For we have not followed cunningly devised fables, when we made known unto you the power and coming of our Lord Jesus Christ, but were eyewitnesses of his majesty.

¹⁷For he received from God the Father honour and glory, when there came such a voice to him from the excellent glory, This is my beloved Son, in whom I am well pleased.

¹⁸And this voice which came from heaven we heard, when we were with him in the holy mount.

Paul, the Apostle:

Romans 1:9 (KJV)

⁹For God is my witness, whom I serve with my spirit in the gospel of his Son, that without ceasing I make mention of you always in my prayers;

Romans 9:1 (KJV)

¹I say the truth in Christ, I lie not, my conscience also bearing me witness in the Holy Ghost,

2 Corinthians 1:12 (KJV)

¹²For our rejoicing is this, the testimony of our conscience, that in simplicity and godly sincerity, not with fleshly wisdom, but by the grace of God, we have had our conversation in the world, and more abundantly to you-ward.

2 Corinthians 4:2 (KJV)

²But have renounced the hidden things of dishonesty, not walking in craftiness, nor handling the word of God deceitfully; but by manifestation of the truth commending ourselves to every man's conscience in the sight of God.

2 Corinthians 5:11 (KJV)

¹¹Knowing therefore the terror of the Lord, we persuade men; but we are made manifest unto God; and I trust also are made manifest in your consciences.

1 Timothy 6:11-13 (KJV)

¹¹But thou, O man of God, flee these things; and follow after righteousness, godliness, faith, love, patience, meekness.

¹²Fight the good fight of faith, lay hold on eternal life, whereunto thou art also called, and hast professed a good profession before many witnesses.

¹³I give thee charge in the sight of God, who quickeneth all things, and before Christ Jesus, who before Pontius Pilate witnessed a good confession;

2 Timothy 1:3 (KJV)

³I thank God, whom I serve from my forefathers with pure conscience, that without ceasing I have remembrance of thee in my prayers night and day;

Another typical skeptic claim is that our knowledge of Jesus comes from those who acknowledge him as the Messiah, the savior of the world.¹⁸² The charge of bias is raised.

Here, skeptics commit a logical goof known as the Genetic Fallacy.

Dr. Michael C. Labossiere of Florida A & M University defines the term: "A Genetic Fallacy is a **line** of **"reasoning"** in which a perceived defect in **the origin** of a claim or thing is taken to be evidence that discredits **the claim** or thing itself. It is also a line of reasoning in which the origin of a claim or thing is taken to be evidence for the claim or thing. This sort of "reasoning" has the following form:

1. The origin of a claim or thing is presented.
2. The claim is true (or false) or the thing is supported (or discredited).

"It is clear that sort of 'reasoning' is fallacious. For example: 'Bill claims that $1+1=2$. However, my parents brought me up to believe that $1+1=254$, so Bill must be wrong.'

"It should be noted that there are some cases in which the origin of a claim is relevant to the truth or falsity of the claim. For example, a claim that comes from a reliable expert is likely to be true (provided it is in her area of expertise)."¹⁸³

¹⁸² In secular accounts, Josephus' *Antiquities* 18:3¹⁸² and Pliny's *Letters*¹⁸² corroborates the Messianic claim.

The evangelists were convinced and committed because what they reported was actually true – just as newspaper reporters, and school teachers, are convinced and committed in their profession.

Evangelical researcher Glenn Miller responds, "It should be pointed out that 'bias' actually has NO CORRELATION to 'truth or falsity'. One's pre-disposition to believe X has no logical bearing on the truth-status of X. (In history, this is known as the 'genetic fallacy'; in philosophy it is called the 'argumentum ad hominem'.)

"For example, if there are two propositions X and ~X, one of which is true (and the other false); and if there are two proponents A and B, with A having a 'bias' toward X and B having a 'bias' toward ~X, then ONE OF THEM IS STILL CORRECT--in spite of 'bias'." ¹⁸⁴

Marshall asks, "How can we be sure that the whole story has not been colored by the pious imagination of the earliest Christians who saw the story of Jesus in the light of the religious position which they ascribed to him after his death?" ¹⁸⁵

These claims are countered by Montgomery: "First of all, these people did not start out as believers. In fact, after Jesus' crucifixion, they were back at the old fishing nets. They quite obviously had not arrived at the belief reflected in the writings that they produced later. What changed their minds was the resurrection itself. We see this in the case of Thomas, who wouldn't

¹⁸³ Dr. Michael C. Labossiere of Florida A & M University. The Nizkor Project. "Fallacy: Genetic Fallacy " found online at <http://www.nizkor.org/features/fallacies/genetic-fallacy.html>.

¹⁸⁴ Glenn Miller. "Christian 'bias' in the NT Writers--Does it render the NT unreliable or inadmissible as evidence?" updated April 5, 1996. Online here: <http://www.christian-thinktank.com/nuhbias.html>.

¹⁸⁵ I. Howard Marshall, *I Believe in the Historical Jesus* (Eerdmans, 1977), p. 59.

believe unless he could touch the nail prints in Jesus' hands and thrust his hand into His side after the resurrection."

He adds, "It doesn't really make any difference whether a writer about Jesus or a writer about anything else is a friend of the person that he writes about, if he produces his writings in an environment where there are hostile witnesses. The fact is that the early apostles went out and presented what we have in the New Testament in a primarily Jewish audience, particularly in the synagogues. And the Jewish religious leaders had been the primary opponents of Jesus' message. Now, it is inconceivable that the disciples, friends of Jesus or not, could have gotten away with incorrect information about Jesus in the presence of hostile witnesses who had themselves had contact with Jesus' life and who had what we lawyers call 'means, motive and opportunity' to destroy that picture."¹⁸⁶

As an eyewitness, John the Apostle reported,

1 John 1:1-3

"¹ That which was from the beginning, which **we have heard, which we have seen with our eyes, which we have looked upon, and our hands have handled**, concerning the Word of life--²the life was manifested, and **we have seen, and bear witness, and declare to you** that eternal life which was with the Father and was **manifested to us--**³that which **we have seen and heard we declare to you**, that you also may have fellowship with us; and truly our fellowship is with the Father and with His Son Jesus Christ."

¹⁸⁶ John Warwick Montgomery. Transcript, "Jesus Christ: Was He a Liar, a Lunatic, a Legend, or God?", *The John Ankerberg Show*, 1988, p. 4.

Marshall postulates, "If the Evangelists had been scientific historians, disinterested recorders of what happened, then there is some chance that they might have avoided displaying such bias. But this is not what they were. They were writers of Gospels, works intended to convert the outsider and strengthen the believer. They were not writing history but religious propaganda."¹⁸⁷

In addition to the rebuttals already presented, Marshall fails on two more points.

(1. That at least three of the evangelists were men of learning: Matthew, the tax collector; Luke, the physician; Paul, the rabbi.

a. Moreover, the opponents of early Christianity – Romans and Jews alike -- included men of learning that had the means, motive and opportunity of exposing the claims of the evangelists for inaccuracies and falsehood. Instead, persecution was done for political and religious reasons.¹⁸⁸

b. Throughout the Bible, God's spokespeople included kings, judges, lawyers,¹⁸⁹ wise men and prophets versed in God's laws, and well-educated.

c. The greatest authority was/is Jesus Christ, who astounded the Jewish scribes with his learning and wisdom.¹⁹⁰ Being the Creator himself¹⁹¹ He is the ultimate authority.

¹⁸⁷ I. Howard Marshall, *I Believe in the Historical Jesus* (Eerdmans, 1977), p. 54.

¹⁸⁸ As was done by Saul/Paul of Tarsus.

¹⁸⁹ See Ethelbert Callahan, *The Lawyers of the Bible*. Indianapolis: Hollenbeck Press, 1912. 77 pp. A lecture delivered before the Indiana University School of Law, January 23, 1911.

¹⁹⁰ Matthew 7:28, Matthew 13:54, Mark 1:22, Mark 6:2, Luke 2:47, Luke 4:32.

¹⁹¹ John 1:1-3, Colossians 1:16, Revelation 4:11.

(2. We are analyzing the historical claims of the witnesses using the model of jurisprudence. We are confirming facts on actual historical events.

States Harvard law professor Greenleaf: "If the witnesses could be supposed to have been biased, this would not destroy their testimony to matters of fact; it would only detract from the weight of their judgment in matters of opinion. The rule of law on this subject has been thus stated by Dr. Lushington: 'When you examine the testimony of witnesses nearly connected with the parties, and there is nothing very peculiar tending to destroy their credit, when they depose to mere facts, their testimony is to be believed; when they depose as to matter of opinion, it is to be received with suspicion.'"¹⁹²

Walter M. Chandler also addresses the matter: "It has been frequently urged that, regardless of their natural endowments, the Evangelists were biased in favor of Jesus and His teachings, and bitterly prejudiced against all opposing faiths. In other words, they were at the same moment both enthusiasts and fanatics. For this reason, it is contended, their testimony is unreliable. This is without doubt the weakest assault ever made upon the trustworthiness of the Gospel narratives. That the Gospel writers were neither fanatics nor enthusiasts is evident from the very tone and style of the Sacred Writings themselves. The language of fanaticism and enthusiasm is the language of rant and rage, of vituperation and of censure, on the one hand, and of eulogy and adulation on the other. The enthusiast knows no limit to the praise of those whose cause he advocates. The fanatic places no bounds to his denunciation of those whom he opposes. Now, the most remarkable characteristic of the New Testament histories is the spirit of quiet dignity and simple candor which everywhere pervades them. There is nowhere the slightest trace

¹⁹² *Dillon v Dillon*, 3 Curteis, *Eccl. Rep.* pp. 96, 102. Yes, we provided Greenleaf's note earlier. We reprint it for emphasis, and for folks who may have overlooked the footnote.

of bitterness or resentment. There is enthusiasm everywhere in the sense of religious fervor, but nowhere in the sense of unbecoming heat or impatient caviling. The three eventful years of the ministry of Jesus afforded many opportunities for the display of temper and for the use of invective in the Evangelical writings. The murder of the Baptist by Herod; his cunning designs against Jesus; the constant dogging of the footsteps of the Master by the spies of the Sanhedrin; and His crucifixion by the order of Pontius Pilate—what more could be desired to make the heart rage and the blood boil? But nowhere is there the slightest exhibition of violent feeling or extravagant emotion. A gentle forbearance, a mild equanimity, a becoming dignity, mark every thought and utterance. The character of Pilate, as portrayed in the New Testament, is a supreme illustration of the fairness and magnanimity of the Gospel writers. Philo and Josephus describe the Roman procurator as stubborn, cruel, and vindictive. The only kindly suggestion touching the character of Pilate that has come down from the ancient world, is that contained in the writings of men who, above all others, would have been justified in describing him as cowardly and craven. Instead of painting him as a monster, they have linked conscience to his character and stored mercy in his heart, by their accounts of his repeated attempts to release Jesus. Fanatics and enthusiasts would not have done this.

"Again, the absence of both bias and prejudice in the minds and hearts of the Evangelists is shown by the fact that they did not hesitate to record their own ludicrous foibles and blunders, and to proclaim them to the world. A disposition to do this is one of the surest indications of a truthful mind. It is in the nature of 'a declaration against interest,' in the phraseology of the law; and such declarations are believed because it has been universally observed that 'men are not likely to invent anecdotes to their own discredit.' 'When we find them in any author,' says

Professor Fisher¹⁹³ in his *Grounds of Theistic and Christian Belief*, 'a strong presumption is raised in favor of his general truthfulness.'¹⁹⁴

"Many passages of New Testament Scriptures place Jesus and the Apostles in a most unfavorable light before the world. The denial of the Master by Peter¹⁹⁵ and His betrayal by Judas;¹⁹⁶ the flight of the Eleven from the Garden at the time of the arrest;¹⁹⁷ the ridiculous attempt of Peter to walk upon the sea and his failure because of lack of faith;¹⁹⁸ the frequent childish contentions among the disciples for place and precedence in the affections of Jesus and in the New Kingdom;¹⁹⁹ the embassy from John the Baptist to Jesus asking if He, Jesus, was the Messiah, after the latter had already visited the former, and had been baptized by him;²⁰⁰ the

¹⁹³ George Park Fisher, Titus Street professor of ecclesiastical history in the Yale Divinity School in 1861-1901. He was president of the American Historical Association in 1897-1898. Cf. *Encyclopedia Britannica*, 1911 edition, online here: http://www.1911encyclopedia.org/George_Park_Fisher.

¹⁹⁴ Fisher, *The Grounds of Christian Belief* (New York: C. Scribner's sons (1905), p. 314, available online at <http://www.archive.org/details/thegroundsofthei00fishuoft>. "What surer mark of an honest narrator can exist than a willingness to give a plain, unvarnished account of his own mortifying mistakes, and the consequent rebuffs, whether just or not, which he has experienced? When Boswell writes that Johnson said to him, with a stern look, " Sir, I have known David Garrick longer than you have done, and I know no right you have to talk to me on the subject," or when an author tells us that his hero said to him, " Sir, endeavor to clear your mind of cant," no one can doubt that the biographer is telling a true story. Men are not likely to invent anecdotes to their own discredit. When we find them in any author, a strong presumption is raised in favor of his general truthfulness."

¹⁹⁵ Matthew 26:70-72.

¹⁹⁶ Matthew 26:46-50.

¹⁹⁷ Matthew 26:56.

¹⁹⁸ Matthew 14:28-31.

¹⁹⁹ Mark 10:35-42; Matthew 20:20-25.

²⁰⁰ Matthew 11:2, 3.

belief of the family of Jesus that He was mad;²⁰¹ and the fact that His neighbors at Nazareth threatened to kill Him by hurling Him from a cliff²⁰²—these various recitals have furnished a handle to skeptical criticism in every age. They might as well have been omitted from the Gospel histories; and they would have been omitted by designing and untruthful men."

George Fisher reveals other embarrassments: "The apostles related, and the Evangelists record, serious delinquencies of which the former were guilty, unworthy tempers of feeling, and offences of a grave character.

"They tell us of the ambition and rivalry which sprang up among them, and of the wrangles that ensued. The mother of John and James petitioned that her sons might have the highest places of honor in the new kingdom, of the nature of which she had so poor a conception.²⁰³ The two apostles joined in the request,²⁰⁴ having first tried to draw from their Master a promise that they should have whatever they might ask for. The other ten were angry with John and James for preferring such a request.²⁰⁵ One day, on their way to Capernaum, the disciples fell into a dispute on the same question, who shall have the precedence.²⁰⁶ Altercations of this sort, so they themselves related, broke out in their company on different occasions. Will the reader ponder the fact that all four of the Evangelists give a circumstantial account of the

²⁰¹ Mark 3:21. (J.P. Holding: "This was not a response to his claims, but we learn that his popularity was unprecedented.")

²⁰² Luke 4:28-29.

²⁰³ Matthew 20:20, 21.

²⁰⁴ Mark 10:37

²⁰⁵ Mark 10:41.

²⁰⁶ Mark 9:34; cf. Luke 9:46, 22:24.

denials of Peter?²⁰⁷ Here was the apostle who had a kind of leadership among them. It was he whose preaching was most effective among the Jews everywhere.²⁰⁸ Yet this undisguised account of his cowardice, treachery, and falsehood, on a most critical occasion, is presented in detail in the evangelical narrative. It is impossible to doubt that it formed a part of the story of the crucifixion, which the apostles, each and all of them, told to their converts. Could a more striking proof of simple candor be afforded? Is it not obvious that the narrators sank their own personality merged it as it were in the absorbing interest with which they looked back on the scenes which they had beheld, and in which they had taken part? And then they relate that at the crucifixion they all forsook Jesus, and fled.²⁰⁹ They make no attempt to conceal the fact that they left his burial to be performed by one who was comparatively a stranger, and by the women whose devotion overcame their terror, or who considered that their sex would be their safe guard. Beyond the conscientious spirit which this portrayal of their own infirmities and misconduct compels us to attribute to the apostles, these features of the Gospel narrative show that they forgot themselves, so intent were they on depicting things just as they had occurred. In other words, they impress on us the objective character of the Gospel history as it is given on the pages of the Evangelists."²¹⁰

Chandler next exposes a logical fallacy employed by the skeptics, that of the Double Standard.

²⁰⁷ Matt. 26:58 seq.; Mark 14:54 seq.; Luke 12:54 seq.; John 18:15 seq.

²⁰⁸ Galatians 2:8.

²⁰⁹ Matthew 26:56; Mark 14:50.

²¹⁰ Fisher, *The Grounds of Christian Belief*, pp. 314-315. For a more extensive analysis, see Alfred Roberts, *Light Shining Out of Darkness, The Fidelity of the Four Evangelists Evinced By Their Apparent Imperfections*. (London, 1839).

"Again, touching the question of bias and prejudice," he says, "it is worthy of observation that skeptics fail to apply the same rules of criticism to sacred that they employ in profane literature. It is contended by them that the Evangelists are unworthy of belief because their writings record the words and deeds of their own Lord and Master. It is asserted that this sacred and tender relationship warped and blinded their judgment, and disqualified them to write truthfully the facts and circumstances connected with the life and ministry of the founder of their faith. But these same critics do not apply-the same tests of credibility to secular writers sustaining similar relationships. *The Commentaries of Caesar*²¹¹ and the *Anabasis of Xenophon*²¹² record the mighty deeds and brilliant achievements of their authors; but this fact does not destroy their reliability as historical records in the estimation of those who insist that the Gospel writers shall be rejected on grounds of bias and partiality. *The Memorabilia of Xenophon*, "Recollections of Socrates," is the tribute of an affectionate and admiring disciple; and yet, all the colleges and universities of the world employ this work as a text-book in teaching the life and style of conversation of the great Athenian philosopher. It is never argued that the intimate relationship existing between Xenophon and Socrates should affect the credibility of the author of the *Memorabilia*. The best biography in the English language is Boswell's *Life of Johnson*.²¹³ Boswell's admiration for Dr. Johnson was idolatrous. At times, his servile flattery of the great

²¹¹ Julius Caesar; Charles Anthon, *Caesar's Commentaries on the Gallic war; and the first book of the Greek paraphrase; with English notes, critical and explanatory, plans of battles, sieges, etc., and historical, geographical, and archæological indexes*. (New York, Harper & Brothers, 1856). Online here: <http://name.umdl.umich.edu/AHJ8817>.

²¹² Xenophon, *The Anabasis of Xenophon with English notes, critical and explanatory, a map ... and a plan of the battle of Cunaxa*. (New York: Harper & Bros., 1858). Online here: <http://books.google.com/books?id=p5ZgAAAAMAAJ>.

²¹³ James Boswell, *Boswell's Life of Johnson*. (London ; New York: Henry Frowde, 1904). Online here: http://books.google.com/books?id=4_RaAAAAMAAJ.

Englishman amounted to disgusting sycophancy. In spite of this, his work is a monumental contribution to historical literature. The *Encyclopedia Britannica* says that "Boswell has produced the best biography the world has yet seen";²¹⁴ but why not reject this book because of its author's spaniel-like devotion to the man whose life he has written? If Matthew, Mark, Luke, and John are to be repudiated on the ground of bias, why not repudiate Caesar, Xenophon, and Boswell? It is respectfully submitted that there is no real difference in logic between the tests of credibility applicable to sacred, and those required in the case of profane writers. A just and exact criticism will apply the same rules to both."

The question is, are skeptics willing to do that?

Finally, to deal with contentions about bias and unlearned scribes, we hear from a real expert, E. M. Blaiklock, of the University of Auckland, Auckland, New Zealand: "Near Eastern archaeology has demonstrated the historical and geographical reliability of the Bible in many important areas. By clarifying the objectivity and factual accuracy of biblical authors, archaeology also helps correct the view that the Bible is avowedly partisan and subjective. It is now known, for instance, that, along with the Hittites, Hebrew scribes were the *best historians in the entire ancient Near East*, despite contrary propaganda that emerged from Assyria, Egypt, and elsewhere."²¹⁵

²¹⁴ Thomas Spencer Baynes. *The Encyclopedia Britannica*, 1888 edition, online here: http://books.google.com/books?id=waAMAAAAYAAJ&pg=PA78&lpg=PA78&dq=%22Boswell+has+produced+the+best+biography+the+world+has+yet+seen%22&source=bl&ots=9oFW_t8wiP&sig=e7l-2Z7r7c1KqSJcuhSbab4OaEI&hl=en&ei=Od-CSrGeEoyosgP12_S2Ag&sa=X&oi=book_result&ct=result&resnum=2#v=onepage&q=%22Boswell%20has%20produced%20the%20best%20biography%20the%20world%20has%20yet%20seen%22&f=false.

²¹⁵ E. M. Blaiklock, University of Auckland, Auckland, New Zealand, "Editor's Preface," *The New International Dictionary of Biblical Archaeology* (Grand Rapids, MI: Regency Reference Library/Zondervan, 1983), pp. vii-viii, emphasis added.

The Test of Ability

"In the *second* place, as to their *ability*," Greenleaf notes.²¹⁶ "The text writer before cited [Starkie] observes that the ability of a witness to speak the truth depends on the opportunities which he has had for observing the facts, the accuracy of his powers of discerning, and the faithfulness of his memory in retaining the facts, once observed and known.²¹⁷ Of the latter trait, in these witnesses we of course know nothing, nor have we any traditional information in regard to the accuracy of their powers of discerning. But we may well suppose that in these respects they were like the generality of their countrymen, until the contrary is shown by an objector. It is always to be presumed that men are honest, and of sound mind, and of the average and ordinary degree of intelligence. This is not the judgment of mere charity; it is also the uniform presumption of the law of the land; a presumption which is always allowed freely and fully to operate, until the fact is shown to be otherwise, by the party who denies the applicability of this presumption to the particular case in question. Whenever an objection is raised in opposition to ordinary presumptions of law, or to the ordinary experience of mankind, the burden of proof is devolved on the objector by the common and ordinary rules of evidence, and of practice in courts. No lawyer is permitted to argue in disparagement of the intelligence or integrity of a witness, against whom the case itself afforded no particle of testimony. This is sufficient for our purpose, in regard to these witnesses. But more than this is evident, from the

²¹⁶ Greenleaf, *Testimony of the Evangelists*, § 33.

²¹⁷ Greenleaf: *1 Stark. on Ev.*, pp. 483, 548.

minuteness of their narrative, and from their history. Matthew was trained, by his calling, to habits of severe investigation and suspicious scrutiny; Luke's profession demanded an exactness of observation equally close and searching. The other two evangelists, it has been well remarked, were as much too unlearned to forge the story of their master's life, as these were too learned and acute to be deceived by any imposture."

Chandler remarks, "The text writers on the Law of Evidence are generally agreed that the ability of a witness to speak truthfully and accurately depends upon two considerations: (1) His natural powers of observation, which enable him to clearly perceive, and his strength of memory, which enables him to fully retain the matters of fact to which his testimony relates; (2) his opportunities for observing the things about which he testifies.

"To what extent the Gospel writers possessed the first of these qualifications—that is, power of observation and strength of memory—we are not informed by either history or tradition. But we are certainly justified in assuming to be true what the law actually presumes: that they were at least men of sound mind and average intelligence. This presumption, it may be remarked, continues to exist in favor of the witness until an objector appears who proves the contrary by competent and satisfactory evidence. It is not believed that this proof has ever been or can ever be successfully established in the case of the Evangelists.

"Aside from this legal presumption in their favor, there are certain considerations which lead us to believe that they were well qualified to speak truthfully and authoritatively about the matters relating to Gospel history. In the first place, the writings themselves indicate extraordinary mental vigor, as well as cultivated intelligence. The Gospels of Luke and John, moreover, reveal that elegance of style and lofty imagery which are the invariable characteristics of intellectual depth and culture. The 'ignorant fishermen' idea is certainly not applicable to the

Gospel writers. If they were ever very ignorant, at the time of the composition of the Evangelical writings they had outgrown the affliction. The fact that the Gospels were written in Greek by Hebrews indicates that they were not entirely illiterate.

"Again, the occupations of two of them are very suggestive. Matthew was a collector at the seat of customs,²¹⁸ and Luke was a physician.²¹⁹ Both these callings required more than ordinary knowledge of men, as well as accurate powers of observation, discrimination, and analysis."²²⁰

And yet, Marshall denies that, "the Evangelists had been scientific historians, disinterested recorders of what happened."²²¹

Let's consider the expertise of a real assessor of eyewitness testimony, Simon Greenleaf, a man to whom Marshall pales in comparison in the field of evidences.

Of Matthew, Greenleaf writes, "Allusion has been already made to his employment as a collector of taxes and customs but the subject is too important to be passed over without further notice. The tribute imposed by the Romans upon countries conquered by their arms was enormous. In the time of Pompey, the sums annually exacted from their Asiatic provinces, of which Judea was one, amounted to about four millions and a half of sterling, or about twenty-two millions of dollars. These exactions were made in the usual forms of direct and indirect taxation; the rate of the customs on merchandise varying from, an eighth to a fortieth part of the value of

²¹⁸ Matthew 9:9.

²¹⁹ Colossians 4:14. "Luke, the beloved physician."

²²⁰ Walter M. Chandler. *The Trial of Jesus from a Lawyer's Standpoint*. New York: The Empire Publishing Co., 1908. [Volume 1](#), p. 19.

²²¹ I. Howard Marshall, *I Believe in the Historical Jesus* (Eerdmans, 1977), p. 54.

the commodity; and the tariff including all the principal articles of the commerce of the East, much of which, as is well known, still found its way to Italy through Palestine, as well as by the way of Damascus and of Egypt. The direct taxes consisted of a capitation-tax, and a land-tax, assessed upon a valuation or census, periodically taken, under the oath of the individual, with heavy penal sanctions.²²² It is natural to suppose that these taxes were not voluntarily paid, especially since they were imposed by the conqueror upon a conquered people, and by a heathen, too, upon the people of the house of Israel. The increase of taxes has generally been found to multiply discontents, evasions, and frauds on the one hand, and, on the other, to increase vigilance, suspicion, close scrutiny, and severity of exaction. The penal code, as revised by Theodosius, will give us some notion of the difficulties in the way of the revenue officers, in the earlier times of which we are speaking. These difficulties must have been increased by the fact that, at this period, a considerable portion of the commerce of that part of the world was carried on by the Greeks, whose ingenuity and want of faith were proverbial. It was to such an employment and under such circumstances, that Matthew was educated; an employment which must have made him acquainted with the Greek language, and extensively conversant with the public affairs and the men of business of his time; thus entitling him to our confidence, as an experienced and intelligent observer of events passing before him. And if the men of that day were, as in truth they appear to have been, as much disposed as those of the present time, to evade the payment of public taxes and duties, and to elude, by all possible means, the vigilance of the revenue officers, Matthew must have been familiar with a great variety of forms of fraud,

²²² Greenleaf: See Gibbon, *Rome* vol. 1 chap. 6 and vol. 3 chap. 17 and authorities there cited. Cod. Theod. Lib. xi:tit. 1-28, with the notes of Gothofred [Jacob Gothofred/Jacobus Gothofredus/Jacques Godefroy, 1587 - 1652]. Gibbon treats particularly of the revenues of a latter period than our Savior's time; but the general course of proceeding, in the levy and collection of taxes, is not known to have been changed since the beginning of the empire.

imposture, cunning, and deception, and must have become habitually distrustful, scrutinizing, and cautious; and, of course, much less likely to have been deceived in regard to many of the facts in our Lord's ministry, extraordinary as they were, which fell under his observation. This circumstance shows both the sincerity and the wisdom of Jesus in selecting him for an eye-witness of his conduct, and adds great weight to the value of the testimony of this evangelist."

Of Luke, Greenleaf says, "That Luke was a physician appears not only from the testimony of Paul,²²³ but from the internal marks in his Gospel, showing that he was both an acute observer, and had given particular and even professional attention to all our Savior's miracles of healing. Thus, the man whom Matthew and Mark describe simply as a leper, Luke describes as *full of leprosy*;²²⁴ he, whom they mention as having *a withered hand*, Luke says had his *right hand withered*;²²⁵ and of the maid, of whom the others say that Jesus took her by the hand and she arose, he adds, that *her spirit came to her again*.²²⁶ He alone, with professional accuracy of observation, says that *virtue went out of Jesus*, and healed the sick;²²⁷ he alone states the fact that the sleep of the disciples in Gethsemane was *induced by extreme sorrow*; and mentions the blood-like sweat of Jesus, as occasioned by the *intensity of his agony*; and he alone relates the miraculous healing of Malchus's ear.²²⁸ That he was also a man of a liberal education, the comparative elegance of his writings sufficiently shows.²²⁹

²²³ Colossians 4:14. Luke, the beloved physician.

²²⁴ Luke 5:12; Matt. 8:2; Mark 1:40.

²²⁵ Luke 6:6; Matt. 12:10; Mark 3:1.

²²⁶ Luke 8:55; Matt. 9:25; Mark 5:42.

²²⁷ Luke 6:19.

²²⁸ Luke 22:44-45, 51.

Luke's value as a doctor, historian, and "man of letters" is acknowledged by today's renowned scholars and archaeologists. To wit:

Dr. John A. Scott, Professor of Greek at Northwestern University: "Luke was not only a doctor and historian, but he was one of the world's greatest men of letters. He wrote the clearest and the best Greek written in that century."²³⁰

Sir William M. Ramsay: "Luke is a historian of the first rank; not merely are his statement of fact trustworthy; he is possessed of the true historic sense; he fixes his mind on the idea and plan that rules in the evolution of history, and proportions the scale of his treatment to the importance of each incident. He seizes the important and critical events and shows their true nature at greater length, while he touches lightly or omits entirely much that was valueless for his purpose. In short, this author should be placed along with the very greatest of historians."²³¹

J. A. Thompson, *The Bible and Archaeology*: "It is widely agreed today that in this book [Acts] we can see the hand of a historian of the first rank.... Luke is shown to be a most careful recorder of information, whether it be matters of geography and political boundaries, local customs, titles of local officers, local religious practices, details of local topography, or the disposition of buildings in Greek or Roman, Asian or European towns."²³²

²²⁹ See Horne, *Introduction* 4.260-272. [1825 edition], where references may be found to earlier writers.

²³⁰ Dr. John A. Scott, Professor of Greek at Northwestern University. In W. J. Sparrow-Simpson, *The Resurrection and Modern Thought*, London, 1911, p. 405.

²³¹ Sir William Mitchell Ramsay, *Luke the Physician*, pp. 177-79, 222.

²³² J. A. Thompson, *The Bible and Archaeology* (Grand Rapids, MI: Eerdmans, 1975), pp. 375, 405.

John Robert McRay, Professor New Testament and archaeology, Wheaton (Illinois) College: “The general consensus of both liberal and conservative scholars is that Luke is very accurate as a historian. He’s erudite, he’s eloquent, his Greek approaches classical quality, he writes as an educated man, and archaeological discoveries are showing over and over again that Luke is accurate in what he has to say.”²³³

A. N. Sherwin-White: “For Acts the confirmation of historicity is overwhelming.... Any attempt to reject its basic historicity must now appear absurd. Roman historians have long taken it for granted.”²³⁴

Regarding Paul, the Apostle, Thomas Hartwell Horne reports on his impressive credentials in *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*:²³⁵

ACCOUNT OF THE APOSTLE PAUL.

I. SAUL, also called Paul, (by which name this illustrious apostle was generally known after his preaching among the Gentiles, especially among the Greeks and Romans,) was a Hebrew of the Hebrews, a descendant of the patriarch Abraham,

²³³ John Robert McRay, Professor New Testament and archaeology, Wheaton (Illinois) College. In Lee Strobel, *The Case for Christ* (Grand Rapids, Michigan: Zondervan Publishing House, 1998), quoting McRay, p. 97.

²³⁴ A. N. Sherwin-White, Oxford University, *Roman Society and Roman Law in the New Testament*, Oxford: Clarendon Press, 1963, p. 189.

²³⁵ Thomas Hartwell Horne, John Ayre, Samuel Prideaux Tregelles. "Chapter 8: Account of the Apostle Paul, Sec. 1," *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*, v. 4, 14th edition, pp. 484-485. Available online here: <http://books.google.com/books?dq=editions:OCLC28944265&jtp=5&id=vS4XAAAAYAAJ#v=onepage&q=&f=false>.

of the tribe of Benjamin²³⁶, and a native of Tarsus, then the chief city of Cicilia. By birth he was a citizen of Rome²³⁷, a distinguished honour and privilege, which had been conferred on some of his ancestors for services rendered to the commonwealth during the wars.²³⁸ His father was a Pharisee, and he himself was educated in the most rigid principles of that sect.²³⁹ Some of his relations were Christians, and had embraced the Gospel before his conversion; his sister's son may have been one of these.²⁴⁰ That he was early educated in Greek literature at Tarsus, may be inferred from that place being celebrated for polite learning²⁴¹ and eloquence, and also from his quotations of several Greek poets.²⁴² From Tarsus, Saul removed to Jerusalem, where he made considerable proficiency in the study of the law, and the Jewish traditions, under Gamaliel, a celebrated teacher of that

²³⁶ Phil. 3:5; 2 Cor. 11:22; Acts 16: 37, 38.

²³⁷ Acts 22:25, 29; 23:27.

²³⁸ Dr. Lardner has shown that this is the most probable opinion. *Works*, 8vo. vol. 1. pp. 227—229; 4to. vol. 1. pp. 124,125. Such also is the opinion of John Arntzenius, who has written an elegant dissertation on St. Paul's citizenship. (See his *Dissertationes Binse*, p. 195. Utrecht, 1725.)

²³⁹ Acts 23:6, 26:5; Phil. 3:5.

²⁴⁰ Acts 23:16-22; Romans 16:7,11,21.

²⁴¹ Horne: Strabo the geographer, who lived in the same age as St. Paul, characterizes the inhabitants of Tarsus as cherishing such a passion for philosophy and all the branches of polite literature, that they greatly excelled even Athens and Alexandria, and every other place where there were schools and academies for philosophy and literature. He adds, that the natives of Tarsus were in the practice of going abroad to other cities to perfect themselves. (Lib. xiv. vol. 2. pp. 960, 961. edit. Oxon.) This circumstance accounts for St. Paul's going to Jerusalem, to finish his studies under Gamaliel.

²⁴² Horne: Thus, in Acts 17: 28 he cites a verse from Aratus; in 1 Corinthians 15: 33 he quotes another from Menander; and in Titus 1:12 a verse from Epimenides.

day.²⁴³ He appears to have been a person of great natural abilities, of quick apprehension, strong passions, and firm resolution; and was thus qualified for signal service, as a teacher of whatever principles he might embrace. He was also externally blameless in his life, and strictly faithful to the dictates of his conscience, according to the knowledge, or want of knowledge, which he possessed: this is evident from his appeals to the Jews, and from the undissembled satisfaction he expresses on a serious comparison and recollection of his former and later conduct.²⁴⁴ His parents completed his education by having him taught the art of tent-making²⁴⁵, in conformity with the practice of the Jews, with whom it was customary to teach youth of the highest birth some mechanical employment, by which, in cases of necessity, they might maintain themselves without being burthensome to others: and his occupation appears subsequently to have had some influence upon his style.²⁴⁶ For some time after the appearance of Christianity in the world, he was a bitter enemy and a furious opposer of all who professed that faith; and when the proto-martyr Stephen was stoned, Saul was not

²⁴³ Acts 22:3, 26:5; Galatians 1:14.

²⁴⁴ Acts 23:1, 26:4-5; Philippians 3:6.; 1 Timothy 1:13; 2 Timothy 1:3.

²⁴⁵ Horne: Michaelis makes St. Paul to have been a maker of mechanical instruments (vol. iv. pp. 183—186.); but all commentators are of opinion that he was a manufacturer of tents, for which, in the East, there was always a considerable demand.

²⁴⁶ To a man employed in making tents, the ideas of camps, arms, armour, warfare, military pay, would be familiar: and St. Paul introduces these and their concomitants so frequently, that his language seems to have been such as might rather have been expected from a soldier, than from one who lived in quiet times, and was a preacher of the gospel of peace. Powell's Discourses, p. 254.

only consenting to his death, but actually took care of the clothes of the witnesses who had stoned him.

Biblical scholar Edward Harwood²⁴⁷ notes, "All the writings of St. Paul bespeak him to have been a man of a most exalted genius, and the strongest abilities. His composition is peculiarly nervous and animated. He possessed a fervid conception, a glowing but chastised fancy, a quick apprehension, and an immensely ample and liberal heart. Inheriting from nature distinguished powers, he carried the culture and improvement of them to the most exalted height to which human learning could push them. He was an excellent scholar, an acute reasoner, a great orator, a most instructive and spirited writer. Longinus, a person of the finest taste and justest discernment in criticism and polite literature, classes the Apostle Paul among the most celebrated²⁴⁸ orators of Greece. His speeches in the Acts of the Apostles are worthy the Roman senate. They breathe a most generous fire and fervour, are animated with a divine spirit of liberty and truth, abound with instances of as fine address as any of the most celebrated orations of *Demosthenes* or *Cicero* can boast; and his answers, when at the *bar*, to the questions proposed to him by the court, have a politeness and a greatness, which nothing in antiquity hardly ever equalled."²⁴⁹

²⁴⁷ M. J. Mercer, 'Harwood, Edward (1729–1794)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edition, Jan 2008 [http://www.oxforddnb.com/view/article/12539], accessed 14 Aug 2009.

²⁴⁸ Longinus, p. 268. Pearce, 8vo.

²⁴⁹ Edward Harwood's *A New Introduction to the Study and Knowledge of the New Testament*, vol. 1 (London: T. Becket and P. A. DeHondt, in the strand; and J. Johnson and B. Davenport, 1767), pp. 199-200.

Horne concurs, and adds,²⁵⁰ "At the same time, this great preacher adapted his discourses to the peculiarities of his respective audiences with an astonishing degree of propriety and ability, as is evident from the difference of his reasoning with the Jews at Antioch in Pisidia, with the Gentiles at Lystra, with the polished Athenians, and with Felix the Roman governor, as also from the apology which he makes for himself before king Agrippa."²⁵¹

By ignoring the credentials of the aforementioned evangelists, skeptics demonstrate their lack of competence in assessing the past.

Chandler addresses another skeptical claim:²⁵² "But it is frequently contended that, if the Evangelists were eyewitnesses of the leading events which they recorded, they committed them to writing so long afterwards that they had forgotten them, or had confused them with various traditions that had in the meantime grown up. There may be some little truth in this contention, but not enough to destroy the credibility of the witnesses as to events such as the Crucifixion and Resurrection of Jesus. These are not matters to be easily forgotten or confused with other things. The date of the composition and publication of the different Gospels is not known. But Professor Holtzmann, of Heidelberg (a man who cannot be said to be favorable to Christianity, since he was for several years the leader of the freethinkers in the Grand Duchy of Baden), after many years of careful study of the subject, declared that the Synoptic Gospels, the first three, were

²⁵⁰ Thomas Hartwell Horne, John Ayre, Samuel Prideaux Tregelles. "Chapter 8: Account of the Apostle Paul, Sec. 1," *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*, v. 4, 14th edition, pp. 498.

²⁵¹ Acts 25-26. We'll address Paul's defense before Herod Agrippa II shortly.

²⁵² Walter M. Chandler. *The Trial of Jesus from a Lawyer's Standpoint*. New York: The Empire Publishing Co., 1908. [Volume 1](#), pp. 27-28.

committed to writing between the years 60 and 80 of our era.²⁵³ This was only from thirty to fifty years after the death of Jesus. Could men of average memory and intelligence who had been almost daily preaching the life and deeds of Jesus during these thirty or fifty years have forgotten them? The testimony of Principal Drummond, of Oxford, is very pertinent at this point. He says: "If we suppose that the Synoptic Gospels were written from forty to sixty years after the time of Christ, still they were based on earlier material, and even after forty years the memory of characteristic sayings may be perfectly clear. ... I have not a particularly good memory, but I can recall many sayings that were uttered forty, or even fifty, years ago, and in some cases can vividly recollect the scene."²⁵⁴

When the apostle Paul wrote to the Corinthians (around A.D. 56-57²⁵⁵), he appealed to the eyewitness testimony of himself, the other Apostles, and over 500 people who had seen the risen Christ.

Justice Handley remarks, "This is a remarkable piece of historical evidence written at a very early date, when eyewitnesses 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

²⁵³ "Die synoptischen Evangelien," pp. 412-14.

²⁵⁴ Marcus Dods, *The Bible, Its Origin and Nature*, p. 184.

²⁵⁵ Horne, *An Introduction to the Critical Study and Knowledge of the Holy Scriptures*, Vol. 4, 1877 edition, p. 525.

stress disorder. Our decision is in the official Law Reports.²⁵⁶ Survivors gave evidence at the trial and had the clearest recollection of what had happened. 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.²⁵⁷ 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."²⁵⁸

What does this mean? Skeptics who proclaim the New Testament accounts as faulty on account of memory, do so by engaging the logical fallacy of a Double Standard, and in the absence of any testimony to the contrary.

Number and consistency of their testimony

Simon Greenleaf applies Starkie's third rule of evidence:²⁵⁹ "In the *third* place, as to their *number* and the *consistency* of their testimony. The character of their narratives is like that of all other true witnesses, containing, as Dr. Paley observes, substantial truth, under circumstantial variety. There is enough of discrepancy to show that there could have been no previous concert among them, and at the same time such substantial agreement as to show that they all were independent narrators of the same great transaction, as the events actually occurred.

²⁵⁶ Commonwealth of Australia v McLean (1996) 41 NSWLR 389.

²⁵⁷ *Evidence Act* 1995 (NSW) s 64.

²⁵⁸ Ken Handley, "[A Lawyer Looks at the Resurrection](#)". Reprinted from *Kategoria: A Critical Review*, v. 15. 1999, pp. 3-4.

²⁵⁹ Greenleaf, *Testimony of the Evangelists*, § 34.

That they conspired to impose falsehood upon the world is, moreover, utterly inconsistent with the supposition that they were honest men; a fact, to the proofs of which we have already adverted. But if they were bad men, still the idea of any conspiracy among them is negatived, not only by the discrepancies alluded to, but by many other circumstances which will be mentioned hereafter; from all which, it is manifest that if they concerted a false story, they sought its accomplishment by a mode quite the opposite to that which all others are found to pursue, to attain the same end. On this point the profound remark of an eminent writer is to our purpose; that 'in a number of concurrent testimonies, where there has been no previous concert, there is a probability distinct from that which may be termed the sum of the probabilities resulting from the testimonies of the witnesses; a probability which would remain, even though the witnesses were of such a character as to merit no faith at all. This probability arises from the concurrence itself. That such a concurrence should spring from chance is as one to infinite; that is, in other words, morally impossible. If therefore concert be excluded, there remains no cause but the reality of the fact.'²⁶⁰

"The usual character of human testimony is substantial truth under circumstantial variety," says William Paley. "This is what the daily experience of courts of justice teaches. When accounts of a transaction come from the mouths of different witnesses, it is seldom that it is not possible to pick out apparent or real inconsistencies between them. These circumstances are studiously displayed by an adverse pleader, but oftentimes with little impression upon the

²⁶⁰ Campbell, *Philosophy of Rhetoric*, c. v. b. 1. Part 3, p. 125; Whately, *Rhetoric*, part 1. ch. 2 § 4; 1 *Starkie on Ev.* p. 487.

minds of the judges. On the contrary, a close and minute agreement induces the suspicion of confederacy and fraud."²⁶¹

Wills points out,²⁶² "Instances of discrepancy as to the minor attendant circumstances of historical events are almost numberless. Lord Clarendon relates that the Marquis of Argyle was condemned to be hanged, and that the sentence was performed the same day.²⁶³ Burnet, Woodrow, and Echard, writers of good authority who lived near the time, state that he was beheaded, though condemned to be hanged, and that the sentence was pronounced on Saturday and carried into effect on the Monday following.²⁶⁴ Charles the Second, after his flight from Worcester, has been variously stated to have embarked at Brighthelmstone²⁶⁵ and at New Shoreham.²⁶⁶ Lord Clarendon states that the royal standard was erected about six o'clock of the evening of the 25th of August, 'a very stormy and tempestuous day.'²⁶⁷ Other contemporary historians state that it was erected on the 22nd of August.²⁶⁸ But such discrepancies never occasion a doubt as to the truth of the principal facts with which they are connected."

²⁶¹ William Paley. *View of the Evidences of Christianity*, Part 3. c. 1. Quoted by William Wills and Chandler.

²⁶² William Wills, *An Essay on the Rationale of Circumstantial Evidence: Illustrated by Numerous Cases*. London: Longman, Orme, Brown, Green, and Longmans, 1838, pp. 291-292.

²⁶³ Lord Clarendon's *Life and Continuation*, &c., Vol. 2. 266.

²⁶⁴ Paley's *Evidences*, Part 3. ch. 1.

²⁶⁵ Lord Clarendon's *History of the Rebellion*, vol. 6, p. 541, Oxford, ed. 1826.

²⁶⁶ Lingard's *History of England* (New York, Catholic publication Society of America, 1912), vol. 11, Chapter 1.

²⁶⁷ *History of the Rebellion*, vol. 3, p. 190.

²⁶⁸ Rushworth's *Historical Collections*, vol. 1, Part 3. p. 783.

Says Greenleaf, "The discrepancies between the narratives of the several evangelists, when carefully examined, will not be found sufficient to invalidate their testimony. Many seeming contradictions will prove, upon closer scrutiny, to be in substantial agreement; and it may be confidently asserted that there are none that will not yield, under fair and just criticism. If these different accounts of the same transactions were in strict verbal conformity with each other, the argument against their credibility would be much stronger. All that is asked for these witnesses is that their testimony may be regarded as we regard the testimony of men in the ordinary affairs of life. This they are justly entitled to; and this no honorable adversary can refuse. We might, indeed, take higher ground than this, and confidently claim for them the severest scrutiny; but our present purpose is merely to try their veracity by the ordinary tests of truth, admitted in human tribunals."²⁶⁹

Greenleaf then notes²⁷⁰ the Double Standard fallacy of the skeptics: "If the evidence of the evangelists is to be rejected because of a few discrepancies among them, we shall be obliged to discard that of many of the contemporaneous histories on which we are accustomed to rely. Dr. Paley has noticed the contradiction between Lord Clarendon and Burnett and others in regard to Lord Strafford's execution: the former stating that he was condemned to be hanged, which was done on the same day and the latter all relating that on a Saturday he was sentenced to the block, and was beheaded on the following Monday. Another striking instance of discrepancy has since occurred, in the narratives of the different members of the royal family of France, of their flight from Paris to Varennes, in 1792. These narratives, ten in number, and by eye-witnesses and personal actions in the transactions they relate, contradict each other, some in trivial and

²⁶⁹ Greenleaf, *Testimony of the Evangelists*, § 35.

²⁷⁰ *Ibid.*, § 36.

some on more essential points, but in every case in a wonderful and inexplicable manner.²⁷¹ Yet these contradictions do not, in the general public estimation, detract from the integrity of the narrators, nor from the credibility of their relations. In the points in which they agree, and which constitute the great body of their narratives, their testimony is of course not doubted where they differ, we reconcile them, as well as we may; and where this cannot be done at all, we follow that light which seems to us the clearest. Upon the principles of the skeptic, we should be bound utterly to disbelieve them all. On the contrary, we apply to such cases the rules which, in daily experience, our judges instruct juries to apply, in weighing and reconciling the testimony of different witnesses; and which the courts themselves observe, in comparing and reconciling different and sometimes discordant reports of the same decisions. This remark applies especially to some alleged discrepancies in the reports which the several evangelists have given of the same discourses of our Lord.²⁷²

²⁷¹ Greenleaf: See the *Quarterly Review*, 28:465. These narrators were, the Duchess D'Angouleme herself, the two Messrs. De Bouille, the Duc De Choiseul, his servant, James Briaasc, Messrs. De Damas and Deslons, two of the officers commanding detachments on the road, Messrs. De Moustier and Valori, the garde du corps who accompanied the king, and finally M. de Fontanges, archbishop of Toulouse, who though not himself a party to the transaction, is supposed to have written from the information of the queen. An earlier instance in similar discrepancy is mentioned by Sully. After the battle of Aumale, in which Henry IV was wounded, when the officers were around the king's bed, conversing upon the events of the day, there were not two who agreed in the recital of the most particular circumstance of the action. D'Aubigne, a contemporary writer, does not even mention the king's wound, though it was the only one he ever received in his life. See *Memoirs in Sully*, 1:245. If we treated these narratives as skeptics would have us treat those of the sacred writers, what evidence should we have of any battle at Aumale, or of any flight to Varennes?

²⁷² Greenleaf: Far greater discrepancies can be found in the different reports of the same case, given by the reporters of legal judgments than are shown among the evangelists; and yet we do not consider them detracting from the credit of the reporters, to whom we still report with confidence, as to good authority. Some of these discrepancies seem utterly irreconcilable. Thus in a case, 45 Edv. 3:19, where the question was upon a gift of lands to J. de C. with Joan, the sister of the donor, and to their heirs, Fitzherbert (tit. *Tail*, 14) says it was adjudged fee simple,

But, as skeptics point out, shouldn't the gospel accounts of the Resurrection all be the same?

Such a contention has already been dismissed by Edmund Bennett, a probate judge in New York for over two decades and Dean of the School of Law at Boston University for 23 years.

"Had all four accounts been exactly alike," says the judge, "the suspicion would have been irresistible that one was copied from the other, or that all were taken from one and the same original. But substantial uniformity with circumstantial variety is one of the surest tests of truth in all historical narratives. The several accounts of many important battles of the world, and of many other historical events, vary in many particulars, and yet no one thereby has any doubt of their occurrence. The four portraits of the Father of his country, painted by four different artists,

and not Frankmarriage; Statham (tit. *Tail*) says it was adjudged a gift in Frankmarriage; while Brook (tit. *Frankmarriage*) says it was not decided. Vid. 10 Co. 118. Others are irreconcilable, until the aid of a third reporter is invoked. Thus, in the case of *Cooper v Franklin*, Croke says it was not decided, but adjourned (Cro. Jac. 100) Godbolt says it was decided in a certain way, which he mentions (Godb. 269); Moor also reports it as decided, but gives a different account of the question raised (Moor, 848): while Bulstrode gives a still different report of the judgment of the court, which he says was delivered by Croke himself. But by his account it further appears that the case was previously twice argued; and thus it at length results that the other reporters relate only what fell from the court on each of the previous occasions. Other similar examples may be found in 1 Dougl. 6, n. compared with 5 East, 475, n. in the case of *Galbraith v Neville*; and in that of *Stoughton v Reynolds*, reported by Fortescue, Strange, and in Cases temp. Hardwicke. See 3 Barn. & A. 247-248. Indeed, the books abound in such instances. Other discrepancies are found in the names of the same litigating parties, as differently given by reporters; such as *Putt v Roster*, 2 Mod. 318; *Foot v Rastall*, Skin. 49, and *Putt v Royston*, 2 Show. 211; also, *Hosdell v Harris*, 2 Keb. 462; *Hodson v Harwich*, Ib. 533, and *Hodsden v Harridge*, 2 Saund. 64, and a multitude of others, which are universally admitted to mean the same cases, even when they are not precisely within the rule of *idem sonans*. These diversities, it is well known, have never detracted in the slightest degree from the estimation in which the reporters are all deservedly held, as authors of merit, enjoying, to this day the confidence of the profession. Admitting now for the sake of argument (what is not conceded in fact), that diversities equally great exist among the sacred writers, how can we consistently, and as lawyers, raise any serious objection against them on that account, or treat them in any manner different from that which we observe towards our reporters?

viz., Stuart, Peale, Sharpless, and Wright, though all taken about the same period of his life, vary so much in expression that you would scarcely know them to represent the same person, and yet the same George Washington undoubtedly sat for them all. The various editions of Gray's Elegy, and of some of Shakespeare's plays, differ as much as do some chapters of Matthew and Luke in their respective accounts of the same transaction. Indeed, what four of us could go away from this meeting, and give exactly the same account of what transpires here? What four witnesses under oath in a court of justice ever describe a transaction precisely alike? And yet their testimony is taken as reliable, in cases involving the most important interests, even of life and death.

"Indeed, judges and juries are apt to discredit a cause in which all the witnesses tell a long story in exactly the same words." ²⁷³

William Wills tackles another skeptic's concern:²⁷⁴ "Still less are mere *omissions* to be considered as casting discredit upon testimony which stands in other respects unimpeached. Omissions are generally capable of explanation by the consideration that the mind may be so deeply impressed by, and the attention so riveted to, a particular fact, as to withdraw observation from concomitant circumstances; sometimes however they proceed from willful suppression. It is a curious fact, that Grafton in his *Chronicles*, published in 1562, in writing the reign of King John, has made no mention of Magna Charta; but our surprise is diminished when it is

²⁷³ Edmund Bennett, *The Four Gospels from a Lawyer's Standpoint*. Boston: Houghton, Mifflin, 1899. Available online here: <http://www.classicapologetics.com/b/w4g.pdf>.

²⁷⁴ William Wills, *An Essay on the Rationale of circumstantial evidence: illustrated by Numerous Cases*. London: Longman, Orme, Brown, Green, and Longmans, 1838, pp. 292-293.

remembered that he was printer to Queen Elizabeth; and he probably considered his silence complimentary to that arbitrary princess.²⁷⁵

"When these general and special reasons concur to warrant our faith in circumstantial evidence, it is then in its greatest strength and perfection; but it is notwithstanding a humbling consideration, that, 'even where there have been a number of concurrent and unconnected circumstances, which have appeared inexplicable upon any hypothesis but that of the accused being guilty, it has yet sometimes been made evident that he was innocent.'"²⁷⁶

Chandler: "Again, an investigation of the charge of discrepancy against the Gospel writers shows that the critics and skeptics have classified mere omissions as contradictions. Nothing could be more absurd than to consider an omission a contradiction, unless the requirements of the case show that the facts and circumstances omitted were essential to be stated, or that the omission was evidently intended to mislead or deceive. Any other contention would turn historical literature topsy-turvy and load it down with contradictions. Dion Cassius, Tacitus, and Suetonius have all written elaborately of the reign of Tiberius. Many things are mentioned by each that are not recorded by the other two. Are we to reject all three as unreliable historians because of this fact? Abbott, Hazlitt, Bourrienne, and Walter Scott have written biographies of Napoleon Bonaparte. No one of them has recited all the facts recorded by the others. Are these omissions to destroy the merits of all these writers and cause them to be suspected and rejected? Grafton's *Chronicles* rank high in English historical literature. They comprise the reign of King John; and yet make no mention of the granting of Magna Charta. This

²⁷⁵ *Edinburgh Review*, vol. 53, p. 5.

²⁷⁶ Sir Samuel Romilly's *Observations on the Criminal Law of England*, p. 74.

is as if the life of Jefferson had been written without mention of the Declaration of Independence; or a biography of Lincoln without calling attention to the Emancipation Proclamation. Notwithstanding this strange omission, Englishmen still preserve Grafton's Chronicles as valuable records among their archives. And the same spirit of generous criticism is everywhere displayed in matters of profane literature. The opponents of Christianity are never embarrassed in excusing or explaining away omissions or contradictions, provided the writer is a layman and his subject secular. But let the theme be a sacred one, and the author an ecclesiastic — preacher, priest, or prophet — and immediately incredulity rises to high tide, engulfs the reason, and destroys all dispassionate criticism. Could it be forgotten for a moment that Matthew, Mark, Luke, and John were biographers of the Christ, a sacred person, no difficulties would arise in the matter of inconsistencies, no objections would be made to their credibility. The slight discrepancies that undoubtedly exist would pass unnoticed, or be forever buried under the weight of an overwhelming conviction that they are, in the main, accurate and truthful."²⁷⁷

What of claims of inspiration in the text? Does "inspiration" have any bearing in legal testimony? Not according to law, and not according to Congressman Chandler, who has already addressed the allegation.

"In considering this phase of the credibility of the Gospel writers," he says, "it must again be remembered that the question of inspiration has no place in this discussion; and that Matthew, Mark, Luke, and John must be regarded simply as secular historians. The reader is urged to consider the biographers of the Christ as he would consider ordinary witnesses in a court of law; to apply to them the same tests of credibility; to sift and weigh their testimony in the same

²⁷⁷ Walter M. Chandler. *The Trial of Jesus from a Lawyer's Standpoint*. New York: The Empire Publishing Co., 1908. Volume 1, pp. 30-31.

manner; and to subject them to the same rules of cross-examination. If this is done, it is felt that the result will be entirely favorable to the veracity and integrity of the sacred writers."

Chandler concludes, "But whether the Gospel writers were inspired or not is immaterial so far as the purpose of this chapter is concerned. The rules of evidence testing their credibility would be the same in either case."²⁷⁸

"If Christianity be not true," Thomas Chalmers says, "then the first Christians must have been mistaken as to the subject of their testimony. This supposition is destroyed by the nature of the subject. It was not testimony to a doctrine which might deceive the understanding. It was something more than testimony to a dream, or a trance, or a midnight fancy, which might deceive the imagination. **It was testimony to a multitude and a succession of palpable facts, which could never have deceived the senses, and which preclude all possibility of mistake,** even though it had been the testimony only of one individual. But when, in addition to this, we consider, that it is the testimony, not of one, but of many individuals; that it is a story repeated in a variety of forms, but substantially the same; that it is the concurring testimony of different eyewitnesses, or the companions of eyewitnesses—we may, after this, take refuge in the idea of falsehood and collusion; but it is not to be admitted, that these eight different writers of the New Testament could have all blundered the matter with such method, and such uniformity."²⁷⁹

Conformity of their testimony with experience

²⁷⁸ Walter M. Chandler. *The Trial of Jesus from a Lawyer's Standpoint*. New York: The Empire Publishing Co., 1908. Volume 1, pp. 29-32.

²⁷⁹ Chalmers, *Evidence and Authority of the Christian Revelation*, 6th edition. Andover [Mass.]: Published and sold by Mark Newman, 1818. (Andover: Flagg & Gould). 172 pp.

In the fourth test of Starkie, Professor Greenleaf addresses the subject of miracles.²⁸⁰

"In the *fourth* place, as to the *conformity of their testimony with experience*. The title of the evangelists to full credit for veracity would be readily conceded by the objector, if the facts they relate were such as ordinarily occur in human experience, and on this circumstance an argument is founded against their credibility. Miracles, say the objectors, are impossible; and therefore the evangelists were either deceivers or deceived and in either case their narratives are unworthy of belief. Spinoza's argument against the possibility of miracles was founded on the broad and bold assumption that all things are governed by immutable laws, or fixed modes of motion and relation, termed the laws of nature, by which God himself is of necessity bound. This erroneous assumption is the tortoise, on which stands the elephant which upholds his system of atheism. He does not inform us who made these immutable laws, nor whence they derive their binding force and irresistible operation. The argument supposes that the creator of all things first made a code of laws, and then put it out of his own power to change them. The scheme of Mr. Hume is but another form of the same error. He deduces the existence of such immutable laws from the uniform course of human experience. This, he affirms, is our only guide in reasoning concerning matters of fact; and whatever is contrary to human experience, he pronounces incredible.²⁸¹ Without stopping to examine the correctness of this doctrine as a fundamental

²⁸⁰ Greenleaf, *Testimony of the Evangelists*, § 37, 38.

²⁸¹ Greenleaf: Mr. Hume's argument is thus refuted by Lord Brougham. "Here are two answers, to which the doctrine proposed by Mr. Hume is exposed, and either appears sufficient to shake it.

"*First*--Our belief in the uniformity of the laws of nature rests not altogether upon an experience. We believe no man ever was raised from the dead,--not merely because we ourselves never saw it, for indeed that would be a very limited ground of deduction; and our belief was fixed on the subject long before we had any considerable experience,--fixed chiefly by authority,-- that is, by

deference to other men's experience. We found our confident belief in this negative position partly, perhaps chiefly, upon the testimony of others; and at all events, our belief that in times before our own the same position held good, must of necessity be drawn from our trusting the relations of other men--that is, it depends upon the evidence of testimony. If, then, the existence of the law of nature is proved, in great part at least, by such evidence, can we wholly reject the like evidence when it comes to prove an exception to the rule--a deviation from the law? The more numerous are the cases of the law being kept--the more rare those of its being broken--the more scrupulous certainly ought we to be in admitting the proofs of the breach. But that testimony is capable of making good the proof there seems no doubt. In truth, the degree of excellence and of strength to which testimony may arise seems almost indefinite. There is hardly any cogency which it is not capable by possible supposition of attaining. The endless multiplication of witnesses,--the unbounded variety of their habits of thinking, their prejudices, their interests,--afford the means of conceiving the force of their testimony, augmented *ad infinitum*, because these circumstances afford the means of diminishing indefinitely the chances of their being all mistaken, all misled, or all combining to deceive us. Let any man try to calculate the chances of a thousand persons who come from different quarters, and never saw each other before, and who all vary in their habits, stations, opinions, interests,--being mistaken or combining to deceive us, when they give the same account of an event as having happened before their eyes,--these chances are many hundreds of thousands to one. And yet we can conceive them multiplied indefinitely; for one hundred thousand such witnesses may all in like manner bear the same testimony; and they may all tell us their story within twenty-four hours after the transaction, and in the next parish. And yet according to Mr. Hume's argument, we are bound to disbelieve them all, because they speak to a thing contrary our own experience, and to the accounts which other witnesses had formerly given us of the laws of nature, and which our forefathers had handed down to us as derived from witnesses who lived in the old time before them. It is unnecessary to add that no testimony of the witnesses, whom we are supposing to concur in their relation, contradicts any testimony of our own senses. If it did, the argument would resemble Archbishop Tillotson's upon the Real Presence, and our disbelief would be at once warranted.

"*Secondly*--This leads us to the next objection to which Mr. Hume's argument is liable, and which we have in part anticipated while illustrating the first. He requires us to withhold our belief in circumstances which would force every man of common understanding to lend his assent, and to act upon the supposition of the story told being true. For, suppose either such numbers of various witnesses as we have spoken of; or, what is perhaps stronger, suppose a miracle reported to us, first by a number of relators, and then by three or four of the very soundest judges and most incorruptibly honest men we know,--men noted for their difficult belief of wonders, and, above all, steady unbelievers in miracles, without any bias in favor of religion, but rather accustomed to doubt, if not disbelieve,-- most people would lend an easy belief to any miracle thus vouched. But let us add this circumstance, that a friend on his death-bed had been attended by us, and that we had told him a fact known only to ourselves, something that we had secretly done the very moment before we told it to the dying man, and which to no other being we had ever revealed,-- and that the credible witnesses we are supposing, informed us that the deceased appeared to them, conversed with them, and remained with them a day or two, accompanying them, and to avouch the fact of his reappearance on this earth,

communicated to them the secret of which we had made him the sole depository the moment before his death;-according to Mr. Hume, we are bound rather to believe, not only that those credible witnesses deceived us, or that those sound and unprejudiced men were themselves deceived, and fancied things without real existence, but further, that they all hit by chance upon the discovery of a real secret, known only to ourselves and the dead man. Mr. Hume's argument requires us to believe this as the lesser improbability of the two-as less unlikely than the rising of one from the dead; and yet every one must feel convinced, that were he placed in the situation we have been figuring, he would not only lend his belief to the relation, but if the relators accompanied it with a special warning from the deceased person to avoid a certain contemplated act, he would, acting upon the belief of their story, take the warning, and avoid doing the forbidden deed. Mr. Hume's argument makes no exception. This is its scope; and whether he chooses to push it thus for or no, all miracles are of necessity denied by it, without the least regard to the kind or the quantity of the proof on which they are rested; and the testimony which we have supposed, accompanied by the test or check we have supposed, would fall within the grasp of the argument just as much and as clearly as any other miracle avouched by more ordinary combinations of evidence.

"The use of Mr. Hume's argument is this, and it is an important and a valuable one. It teaches us to sift closely and vigorously the evidence for miraculous events. It bids us remember that the probabilities are always, and must always be incomparably greater against, than for, the truth of these relations, because it is always far more likely that the testimony should be mistaken or false, than that the general laws of nature should be suspended. Further than this the doctrine cannot in soundness of reason be carried. It does not go the length of proving that those general laws cannot, by the force of human testimony, be shown to have been, in a particular instance, and with a particular purpose, suspended." See Brougham, *Discourse of Natural Theology*, Note 5, p. 210-214, ed. 1835.

Laplace, in his *Essai sur les Probabilités*, maintains that, the more extraordinary the fact attested, the greater the probability of error or falsehood in the attestor. Simple good sense, he says, suggests this; and the calculation of probabilities confirms its suggestion. These are some things, he adds, so extraordinary, that nothing can balance their improbability. The position here laid down is, that the probability of error, or the falsehood of testimony, becomes in *proportion* greater, as the fact which is attested is more extraordinary. And hence a fact extraordinary in the highest possible degree, becomes in the highest possible degree improbable; or so much so, that nothing can counterbalance its improbability.

This argument has been made much use of, to discredit the evidence of miracles, and the truth of that divine religion is attested by them. But however sound it may be, in one sense, this application of it is fallacious. The fallacy lies in the meaning affixed to the term "extraordinary." If Laplace means a fact extraordinary *under* its existing circumstances and relations, that is, a fact remaining extraordinary, notwithstanding all its circumstances, the position needs not here to be controverted. But if the term means extraordinary *in the abstract*, it is far from being universally true, or affording a correct test of truth, or rule of evidence. Thus, it is extraordinary that a man should leap fifteen feet at a bound; but not extraordinary that a man should leap fifteen feet at a bound; but not extraordinary that a strong and active man should do it, under a

principle in the law of evidence, it is sufficient in this place to remark that it contains this fallacy: it excludes all knowledge derived by inference or deduction from facts, confining us to what we derive from experience alone, and thus depriving us of any knowledge or even rational belief of the existence or character of God. Nay more, it goes to prove that successive generations of men can make no advancement in knowledge, but each must begin *de novo* and be limited to the results of his own experience. But if we may infer, from what we see and know, that there is a Supreme Being, by whom this world was created, we may certainly, and with equal reason,

sudden impulse to save his life. The former is improbable in the abstract; the latter is rendered probable by the circumstances. So, things extraordinary, and therefore improbable under one hypothesis, become the reverse under another. Thus, the occurrence of a violent storm at sea, and the utterance by Jesus of the words, "Peace, be still," succeeded instantly by a perfect calm, are facts which, taken separately from each other, are not in themselves extraordinary. The connexion between the command of Jesus and the ensuing calm, as cause and effect, would be extraordinary and improbable if he were a mere man; but it becomes perfectly natural and probable, when his divine power is considered. Each of those facts is in its nature so simple and obvious, that the most ignorant person is capable of observing it. There is nothing extraordinary in the facts themselves; and the extraordinary coincidence, in which the miracle consists, becomes both intelligible and probable upon the hypothesis of the Christian. (See the *Christian Observer* for Oct. 1838, p. 617.) The theory of Laplace may, with the same propriety, be applied to the creation of the world. That matter was created out of nothing is extremely improbable, in the abstract, that is, if there is no God; and therefore it is not to be believed. But if the existence of a Supreme Being is conceded, the fact is perfectly credible.

Laplace was so fascinated with his theory, that he thought the calculus of probabilities might be usefully employed in discovering the value of the different methods resorted to, in those sciences which are in a great measure conjectural, as medicine, agriculture, and political economy. And he proposed that there should be kept, in every branch of the administration, an exact register of the trials made of different measures, and of the results, whether good or bad, to which they have led. (See the *Edinburgh Review*, vol. xxiii. pp. 335, 336.) Napoleon, who appointed him Minister of the Interior, has thus described him: "A geometrician of the first class, he did not reach mediocrity as a statesman. He never viewed any subject in its true light; he was always occupied with subtleties; his notions were all problematic; and he carried into the administration the spirit of the *infinitely small*." See the *Encyclopedia Americana* art. Laplace, vol. xiii, p. 101. *Memoires Ecrits à Ste. Helena*, 1:3. The injurious effect of deductive reasoning, upon the minds of those who addict themselves to this method alone, to the exclusion of all other modes of arriving at the knowledge of truth in fact, is shown with great clearness and success, by Mr. Whewell, in the ninth of the *Bridgewater Treatises*, book 3, ch 6. The calculus of probabilities has been applied by some writers to judicial evidence; but its very slight value as a test, is clearly shown in an able article on "Presumptive Evidence," in the *Law Magazine*, 1:28-32 (New Series).

believe him capable of works which *we* have never yet known him to perform. We may fairly conclude that the power which was originally put forth to create the world is still constantly and without ceasing exerted to sustain it; and that the experienced connection between cause and effect is but the uniform and constantly active operation of the finger of God. Whether this uniformity of operation extends to things beyond the limits of our observation is a point we cannot certainly know. Its existence in all things that ordinarily concern us may be supposed to be ordained as conducive to our happiness; and if the belief in a revelation of peace and mercy from God is conducive to the happiness of man, it is not irrational to suppose that he would depart from his ordinary course of action in order to give it such attestations as should tend to secure that belief. "A miracle is improbable, when we can perceive no sufficient cause, in reference to his creatures, why the Deity should not vary his modes of operation; it ceases to be so, when such cause is assigned!"²⁸²

"But the full discussion of the subject of miracles forms no part of the present design. Their credibility has been fully established, and the objections of skeptics most satisfactorily met and overthrown by the ablest writers of our own day, whose works are easily accessible."²⁸³

²⁸² See Norton, "Discourse on the Latest form of Infidelity," p. 18.

²⁸³ Greenleaf: The arguments on this subject are stated in a condensed form, by Horne, *Introduction to the Study of the Holy Scriptures*, vol. 1 chap. 4, sec. 2; in which he refers, among others, to Gregory, *Letters on the Evidences, doctrines and duties of the Christian religion addressed to a friend* / by Olinthus Gregory; Campbell, *Dissertation on Miracles. Volume 1 of 2; Volume 2 of 2*; Vince, *Sermons on the Credibility of Miracles*; Bishop Marsh, *Lectures*, part 6, lect. 30; Adams, *Treatise in Reply to Mr. Hume*; Bishop Gleig, *Dissertation on Miracles*, (in the third volume of his edition of Stackhouse, *History of the Bible*, p. 240, etc.); Hey, *Norrisian Lectures*, vol. 1. See also Hopkins *Lowell Lectures*, lect. 1-2 delivered in Boston in 1844, where this topic is treated with great perspicuity and cogency. Among the more popular treatises on miracles, are Bogue, *Essay on the Divine Authority of the New Testament*, chap. 5; Wilson, *Evidences of Christianity*, vol. 1 lect. 7; Sumner, *Evidences*, chap. 10 [See also Sumner's *The Miracles of Jesus*]; Gambier, *Guide to the Study of Moral Evidence*, chap. 5; Norton, *Discourse*

Coincidence of testimony with collateral circumstance

Greenleaf applies Starkie's final test:²⁸⁴ "In the *fifth* place, as to *the coincidence of their testimony, with collateral and contemporaneous facts and circumstances*. After a witness is dead and his moral character is forgotten, we can ascertain it only by a close inspection of his narrative, comparing its details with each other, and with contemporary accounts and collateral facts. This test is much more accurate than may at first be supposed. Every event which actually transpires has its appropriate relation and place in the vast complication of circumstances, of which the affairs of men consist; it owes its origin to the events which have preceded it, is intimately connected with all others which occur at the same time and place, and often with those of remote regions, and in its turn gives birth to numberless others which succeed. In all this almost inconceivable contexture, and seeming discord, there is perfect harmony; and while the fact, which really happened, tallies exactly with every other contemporaneous incident, related to it in the remotest degree, it is not possible for the wit of man to invent a story, which, if closely compared with the actual occurrences of the same time and place, may not be shown to be false.²⁸⁵ Hence it is, that a false witness will not willingly detail any circumstances in which his testimony will be open to contradiction, nor multiply them where there is danger of his being detected by a comparison of them with other accounts, equally circumstantial. He will rather deal in general statements and broad assertions, and if he finds it necessary for his purpose to employ

on the latest form of Infidelity, and Dewey, *Dudleian Lecture*, delivered before Harvard University, in May, 1836.

²⁸⁴ Greenleaf, *Testimony of the Evangelists*, § 39, 40.

²⁸⁵ 1 Stark. on Ev. p. 496-499.

names and particular circumstances in his story, he will endeavor to invent such as shall be out of the reach of all opposing proof; and he will be the most forward and minute in details, where he knows that any danger of contradiction is least to be apprehended.²⁸⁶ Therefore it is, that variety and minuteness of detail are usually regarded as certain test of sincerity, if the story, in the circumstances related, is of a nature capable of easy refutation if it were false.

The difference, in the detail of circumstances, between artful or false witnesses and those who testify the truth, is worthy of special observation. The former are often copious and even profuse in their statements, as far as these may have been previously fabricated, and in relation to the principal matter; but beyond this, all will be reserved and meagre, from the fear of detection. Every lawyer knows how lightly the evidence of a *non-mi-recordo* witness is esteemed. The testimony of false witnesses will not be uniform in its texture, but will be unequal, unnatural, and inconsistent. On the contrary, in the testimony of true witnesses there is a visible and striking naturalness of manner, and an unaffected readiness and copiousness in the detail of circumstances, as well in one part of the narrative as another, and evidently without the least regard either to the facility or difficulty of verification or detection.²⁸⁷ It is easier, therefore, to make out the proof of any fact, if proof it may be called, by suborning one or more false witnesses to testify directly to the matter in question, than to procure an equal number to testify falsely to such collateral and separate circumstances as will, without greater danger of detection, lead to the same false result. The increased number of witnesses to circumstances, and the increased number of the circumstances themselves, all tend to increase the probability of

²⁸⁶ 1 Stark. on Ev. p. 523.

²⁸⁷ 1 Stark. on Ev. p. 487. The Gospels abound in instances of this. See, for example, Mark 15:21; John 18:10; Luke 23:6; Matt. 27:58-60; John 11:1.

detection if the witnesses are false, because thereby the points are multiplied in which their statements may be compared with each other, as well as with the truth itself, and in the same proportion is increased the danger of variance and inconsistency.²⁸⁸ Thus the force of circumstantial evidence is found to depend on the number of particulars involved in the narrative; the difficulty of fabricating them all, if false, and the great facility of detection; the nature of the circumstances to be compared, and from which the dates and other facts are to be collected; the intricacy of the comparison; the number of the intermediate steps in the process of deduction; and the circuitry of the investigation. The more largely the narrative partake of these characters, the further it will be found removed from all suspicion of contrivance or design, and the more profoundly the mind will repose on the conviction of its truth."

"Multiplicity of details is studiously avoided by the false witness, who dreads particularity and feels that safety lies in confining his testimony as nearly as possible to a single fact, whose attendant facts and circumstances are few and simple," writes Congressman Chandler. "When the witness is too ignorant to understand the principle and appreciate the danger, his attorney, if he consents to dishonor his profession and pollute the waters of justice with corrupt testimony, may be depended upon to administer proper warning. The witness will be told to know as few things and to remember as little as possible concerning matters about which he has not been previously instructed. The result will be that his testimony, especially in matters in which he is compelled by the court to testify, will be hesitating, restrained, unequal, and unnatural. He will be served at every turn by a most convenient memory which will enable him to forget many important and to remember many unimportant facts and circumstances. He

²⁸⁸ 1 Stark. on Ev. pp. 522, 585.

will betray a painful hesitancy in the matter of committing himself upon any particular point upon which he has not been already drilled.

"The truthful witness, on the other hand, is usually candid, ingenuous, and copious in his statements. He shows a willingness to answer all questions, even those involving the minutest details, and seems totally indifferent to the question of verification or contradiction. The texture of his testimony is, therefore, equal, natural, and unrestrained. Now these latter characteristics mark every page of the New Testament histories. The Gospel writers wrote with the utmost freedom, and recorded in detail and with the utmost particularity, the manners, customs, habits, and historic facts contemporaneous with their lives. The naturalness and ingenuousness of their writings are simply marvelous. There is nowhere any evidence of an attempt to conceal, patch up, or reconcile. No introductory exclamations or subsequent explanations which usually characterize false testimony appear anywhere in their writings. They were seemingly absolutely indifferent to whether they were believed or not. Their narratives seem to say: These are records of truth; and if the world rejects them it rejects the facts of history. Such candor and assurance are always overwhelmingly impressive; and in every forum of debate are regarded as unmistakable signs of truth. The Evangelists, it must be assumed, were fully aware of the danger of too great particularity in the matter of false testimony, and would have hesitated to commit themselves on so many points if their statements had been untrue."²⁸⁹

But what of other stories of miracles allegedly done at the time? a skeptic might ask. Why believe one miracle-worker over another?

²⁸⁹ Walter M. Chandler. *The Trial of Jesus from a Lawyer's Standpoint*. New York: The Empire Publishing Co., 1908. Volume 1, pp. 53-54, accessible online at <http://www.archive.org/details/trialofjesusfro01chan>.

The answer is simple: Apply the same legal-historical standards of evidence. Are the stories testable? Are these miracles done in an environment where there are hostile witnesses?

The miracles associated with Jesus Christ are unique, accomplished by no one else. He healed "multitudes."²⁹⁰ He walked on the sea²⁹¹ and calmed the weather.²⁹² He fed thousands.²⁹³ He raised Lazarus from the dead.²⁹⁴ He raised himself from the dead.²⁹⁵ Who else has accomplished "signs and wonders" of this magnitude?

Moreover, the miracles reported in the Bible were done openly, "not in a corner" (Acts 26:26) and in the midst of hostile witnesses, who could see for themselves the veracity of the miracles.

Dr. John Warwick Montgomery declares, "The historic Christian claim differs qualitatively from the claims of all other world religions at the epistemological point: on the issue of testability. Eastern faiths and Islam, to take familiar examples, ask the uncommitted seeker to discover their truth experientially: the faith-experience will be self-validating."²⁹⁶

Says Henry Hock Guan Teh, "Many religions do not appeal to historical or any kind of evidences which can be objectively perceived by the court of law as concrete facts, as contrast to

²⁹⁰ Matthew 15:30, 19:2; Luke 5:15; plus individual miracles reported in the Gospels.

²⁹¹ Matthew 14:25; Mark 6:48; John 6:19.

²⁹² Matthew 8:23; Mark 4:35; Luke 8:22.

²⁹³ Matthew 14:13; Mark 6:30; Luke 9:10; John 6:1; Matthew 15:32, Mark 8:1.

²⁹⁴ John 11:43.

²⁹⁵ Matthew 28; Mark 16:1-8); Luke 24; John 20.

²⁹⁶ John Warwick Montgomery, "The Jury Returns, Juridical Defence of Christianity," *Evidence for Faith, Deciding the God Question* (Dallas: Probe Books, 1991), p. 319.

mere subjective opinion or 'spiritual' experiences. To them, as long it is subjectively satisfactory of which many may experienced similar fulfillment, it would be enough for them to confidently claim as one of the true world religions that provide spiritual contentment/enlightenment or at least, a hope."²⁹⁷

Guan Teh continues, "A careful evaluation of such investigation will help us conclude whether a religious claim is an adequate verifiable fact or sheer illusory.

"Thus, the issue of testability is utmost important especially for the claim of the historic Christianity. The Christian faith declares that the truth of its absolute claims rest squarely on certain historical facts, always open to investigation."²⁹⁸

Clarrie Briese, former Chief Magistrate of New South Wales, Australia, points out, "Not only does the appearance of miracles in the account of the Gospel writers not destroy their credibility, it would be their absence which would destroy it. For if Jesus did not have the power to perform miracles he could not have been the Messiah prophesized and spoken about in the Old Testament and we know that the New Testament writers deliberately portrayed Jesus to be the Messiah.

"Without the power over nature he could not have been the special Son of God which he himself claimed to be. It is those very miracles, in particular his resurrection, which give authenticity to his claims to be God and give authenticity to his teaching about the Kingdom of God. And if he was not what he claimed to be as recorded by the Evangelists, that is, one with God the Father, the Divine Son of God, the Son of Man, the other titles given to him -- there are

²⁹⁷ Henry Hock Guan Teh. "Legal Apologetics: Principles of the Law of Evidence as Applied in the Quest for Religious Truth." *Global Journal of Classical Theology*, v. 5, n. 1. July 2005.

²⁹⁸ Ibid.

many of them -- well if he wasn't as he claimed to be then he is shown to be nothing more than a grand megalomaniac. A great deal of his teaching would be just simply gobble-de-gook.

"Finally, I just want to point out that the miracles performed by Jesus were not just miracles for the sake of miracles. The inference is there that they were carefully selected by him to fulfill the prophecies of the Old Testament, to demonstrate to the world that he was in fact one with the God of the Old Testament."²⁹⁹

For further analysis of the evangelists' integrity, Dr. Montgomery³⁰⁰ applies the McCloskey-Schoenberg Construct for Attacking Perjury.³⁰¹

These tests are:

- A. Are There Internal Defects in the Witnesses?
- B. External Motives to Falsify?
- C. Internal Defects in the Testimony?
- D. External Defects in the Testimony?

Through these tests, McCloskey and Schoenberg determine internal and external defects in the witness himself, and his testimony.

²⁹⁹ Clarrie Briese, NSW chief magistrate, "Witnesses to the Resurrection - Credible or Not?," available online at <http://web.archive.org/web/20060820172641/http://www.lcf.pnc.com.au/Resurrection.htm>.

³⁰⁰ This section is paraphrased from Montgomery, "The Jury Returns, Juridical Defence of Christianity," *Evidence for Faith, Deciding the God Question* (Dallas: Probe Books, 1991).

³⁰¹ Patrick L. McCloskey and Ronald L. Schoenberg, *Criminal Law Advocacy* (New York: Matthew Bender, 1984), vol. 5, para. 12.01 [b]. Their construct for exposing perjury is regarded by Alan Saltzman as "the finest work on that subject." Saltzman, "Criminal Law: How to Expose Perjury through Cross-Examination," *Los Angeles Daily Journal*, November 4, 1982.

Are There Internal Defects in the Witnesses?

Is there any evidence to indicate that the "witness is inherently untrustworthy, unreliable, or undependable"? Should we disbelieve the witnesses because they're "not the type of persons who can be trusted"? Did they have criminal records? Were they pathological liars?

No. As Chandler discussed earlier, even they admit their flaws, none of which include reasons for distrust. Their testimony remains unrefuted by their contemporaries.

The legal maxim, the presumption of innocence, still applies. Innocent until proven guilty.

Were they mythomanes, incapable of distinguishing fact from fantasy?

No. Quite the opposite. As the Apostle Peter says,

2 Peter 1:16 (KJV)

For we have not followed cunningly devised fables [Gk. *mythoi*, 'myths'], when we made known unto you the power and coming of our Lord Jesus Christ, but were eyewitnesses of his majesty.

Are There External Motives to Falsify?

Did the witnesses have any motives to not tell the truth?

McCloskey and Ronald L. Schoenberg point out,

"Not all perjurers have committed prior immoral acts or prior crimes. Frequently, law abiding citizens whose pasts are without blemish will commit perjury, not because they are inherently unworthy, but because some specific present reason compels them to do so in the case at bar. Motive, then, becomes the common denominator. There is a motive for every act of perjury. The second major way in

which the cross-examiner can seek to expose perjury, therefore, is to isolate the specific motive which causes the witness to commit perjury.³⁰²

Says Dr. Montgomery, "Surely no sensible person would argue that the apostolic witnesses would have lied about Jesus for monetary gain or as a result of societal pressure. To the contrary: they lost the possibility both of worldly wealth and of social acceptability among their Jewish peers because of their commitment to Jesus. Might that very affection for and attachment to Jesus serve as a motive to falsify? Not when we remember that their Master expressly taught them that lying was of the devil."

Are There Internal Defects in the Testimony?

Is the testimony internally inconsistent or self-contradictory?

This test parallels Starkie's third rule, "Number and consistency of testimony," which we have already discussed.

Here, we'll note Dr. Montgomery's comment: "Certainly, the Four Gospels do not give identical, verbatim accounts of the words or acts of Jesus. But if they did, that fact alone would make them highly suspect, for it would point to collusion. The Gospel records view the life and ministry of Jesus from four different perspectives--just as vertical witnesses to the same accident will present different but complementary accounts of the same event. If the objection is raised that the same occurrence or pericope is sometimes found at different times or places in Jesus' ministry, depending upon which Gospel one consults, the simple answer is that no one Gospel contains or was ever intended to contain the complete account of Jesus' three-year ministry.

³⁰² Patrick L. McCloskey and Ronald L. Schoenberg, *Criminal Law Advocacy*, vol. 5 (New York: Matthew Bender, 1964), para. 12.03.

Furthermore, Jesus (like any preacher) certainly spoke the same messages to different groups at different times."

An online repository of commentaries on this topic can be found here:

<http://www.classicapologetics.com/special/reconcile.html>.

Are There External Defects in the Testimony?

Does testimony conflict with known facts external to the case?

This test parallels with Sanders' External test standard, and collaborative testimony in the legal standard, which we've already addressed.

Does Biblical testimony conflict with archaeology and extra-Biblical historical records?

Here, we'll note Dr. Montgomery's observations: "Far from avoiding contact with secular history, the New Testament³⁰³ is replete with explicit references to secular personages, places, and events. Unlike typical sacred literature, myth, and fairytale ("Once upon a time..."), the Gospel story begins with "There went out a decree from Caesar Augustus that all the world should be taxed."

He adds, "Modern archaeological research has confirmed again and again the reliability of New Testament³⁰⁴ geography, chronology, and general history. To take but a single, striking example: After the rise of liberal biblical criticism, doubt was expressed as to the historicity of Pontius Pilate, since he is mentioned even by pagan historians only in connection with Jesus' death. Then, in 1961, came the discovery at Caesarea of the now famous 'Pilate inscription,' definitely showing that, as usual, the New Testament writers were engaged in accurate historiography."

³⁰³ This is also true of the Old Testament.

³⁰⁴ We'll include the Old Testament as well.

Dr. Montgomery concludes, "Thus on no one of the four elements of the McCloskey-Schoenberg construct for attacking perjury can the New Testament witnesses to Jesus be impugned."

The truthfulness of the evangelists, under the standards of the law, has been established. Had they not told the truth, or exaggerated their claims, how could they have "gotten away with it"?

Attorney Richard A. Givens, author of *Advocacy: The Art of Pleading a Cause*, demonstrates the difficulty of effective lying and misrepresentation under cross-examination.

Referring to Givens' work, Dr. Montgomery observes, "that the witness engaged in deception must, as it were, juggle at least three balls simultaneously, while continually estimating his chances of discovery: he must be sure he doesn't say anything that contradicts what his examiner knows (or what he thinks his examiner knows); he must tell a consistent lie ('liars must have good memories'); and he must take care that nothing he says can be checked against contradictory external data. Givens's point is that successful deception is terribly difficult, for the psychological strain and energy expended in attempting it makes the deceiver exceedingly vulnerable."

According to Givens:

The wider the angles of divergence between these various images, the more confusing the problem, and the more "higher mathematics" must be done in order to attempt to avoid direct conflicts between these elements. The greater the angle of deception employed, the greater the complexity and the lower the effectiveness of these internal mental operations. If this is conscious, we attribute this to lying. If it is unconscious we lay it to the "bias" of the witness.

If one is lying or strongly biased, it is not enough to simply dredge up whatever mental trace there may be of the event and attempt to articulate it in answer to a question. Instead, all of the various elements mentioned must be weighed, a decision made as to the best approach, a reply contrived that is expected to be most convincing, and then an effort made to launch this communication into the minds of the audience.

The person with a wide angle of divergence between what is recalled and the impression sought to be given is thus at an almost helpless disadvantage, especially if confronting a cross-examiner who understands the predicament.

If the audience includes both a cross-examiner and a tribunal, the number of elements to be considered becomes even greater. The mental gymnastics required rise in geometric proportion to the number of elements involved.

Some claims involving the paranormal, such as alleged encounters with extra-terrestrials, have been shown to be fraudulent, according to Francis J. Beckwith.³⁰⁵ "Most of the case studies show how difficult it is to maintain deception under such investigation."³⁰⁶

Such is not the case with the evangelists. Had the evangelists been deceivers, their enemies had the means, motive and opportunity to expose the deception.

³⁰⁵ Francis J. Beckwith. *David Hume's Argument Against Miracles: A Critical Analysis* (Landham, MD: University Press of America, 1989), p. 130.

³⁰⁶ Beckwith: See the articles in "Part 2: The Argument from Fraud," in *A Skeptic's Handbook of Parapsychology*, ed. Paul Kurtz (Buffalo, NY: Prometheus Books, 1985), pp. 177-358. See also, Antony Flew, ed., *Readings in the Philosophical Problems of Parapsychology* (Buffalo, NY: Prometheus Books, 1987); and Patrick Grim, ed., *Philosophy of Science and the Occult* (Albany, NY: State University of New York Press, 1982).

Says Montgomery, "It would seem, for example, inconceivable that the Jewish religious leadership, with their intimate knowledge of the Old Testament, would have sat idly by as the Apostles proclaimed that Jesus' life and ministry had fulfilled dozens of highly specific Old Testament prophecies (birth at Bethlehem, virgin birth, flight to Egypt, triumphal entry, sold by a friend for thirty pieces of silver, etc., etc.), had that not been true."

The Apostle Paul, in fact, was placed on the witness stand and cross-examined. He appeared in the courts of Gallio, deputy of Achaia;³⁰⁷ Governor Felix of Caesaria,³⁰⁸ Governor Festus³⁰⁹ and King Herod Agrippa II.³¹⁰ And Agrippa **acquitted** him from wrongdoing.

Acts 26:32

³²Then said Agrippa unto Festus, "This man might have been set at liberty, if he had not appealed unto Caesar."

3) There is no contrary evidence.

Again, the enemies of the Gospel had the means, motive and opportunity to refute the oral and written testimonies of the evangelists.

Webster's College Dictionary.³¹¹

Mean(3), "n. 1. Usu. Means, an agency, instrument, or method used to attain an end. 2. Means, a. available resources, esp. money. b. considerable financial resources: a person of means."

³⁰⁷ Acts 18:12-17.

³⁰⁸ Acts 24.

³⁰⁹ Acts 25:1-12.

³¹⁰ Acts 25:13-27; Acts 26.

³¹¹ *Webster's College Dictionary* (New York: Random House, 1991).

Motive: “n. 1. Something that causes a person to act in a certain way, do a certain thing, etc.; incentive. 2. The goal or object of a person’s actions: *Her motive was revenge.*”

Opportunity: “n. 1. An appropriate or favorable time or occasion. 2. A situation or condition favorable for attainment of a goal. 3. A good position, chance, or prospect, as for success.”

That the evangelists were persecuted is undeniable. Not for lying, but for political and religious reasons. Against opposition from both Jewish³¹² and Roman authorities, and at the risk of their own lives, the evangelists continued to spread the Gospel, the “good news,” of Jesus Christ.

"They were true when written, or were then an absolute falsehood. If the latter, they must at that very time have been known to be false, and an imposition on the credulity of those then living," Judge Bennett observes.³¹³ "These stories began to be published not long after the alleged crucifixion. Many persons were then living who could have easily refuted the statements of the evangelists had they been untrue. The enemies of Jesus were still alive and active. The Scribe and the Pharisee, the Priest and the Levite, still smarted under his repeated denunciations. They had the disposition, the opportunity, and the incentive to deny the story of the miraculous birth, the spotless life, the marvelous works, the sublime death, the astounding resurrection, and the glorious ascension of our Lord, had the then published description of these events been totally fabulous. But so far as we know, no person then living ever uttered a protest against these accounts, and for two thousand years they have been received and treated as veritable history.

"Again, being written, they must have been written by someone. There they are; some persons wrote them; and they must have been written by either bad men or good men; by liars or

³¹² Paul was charged with persuading men to worship God contrary to the law. Acts 18:12-14.

³¹³ Edmund Bennett, *The Four Gospels from a Lawyer's Standpoint*. (Boston: Houghton, Mifflin, 1899).

by truth-tellers, by forgers or by honest historians. That is a very elementary and simple proposition, but it is the key to the whole situation, one which I ask you to steadily carry with you throughout this investigation. Remember that every circumstance tending to disprove forgery tends on the other hand to prove truth; for they must be one or the other.

"The question then is: Do wicked men write such books as these? Do liars proclaim that they and all other liars "shall have their part in the lake that burneth with fire and brimstone"? Does the thief denounce dishonesty, or the adulterer proclaim uncleanness, or Satan rebuke sin? If, then, these stories were not penned by wicked men, they must owe their origin to honest men; and if honest and truthful men wrote them, they must be honest and true narratives, and not a tissue of falsehoods."

Says Congressman Chandler, "We have already noted the opinion of Professor Holtzmann, of Heidelberg, that the Synoptic Gospels were committed to writing between the years 60 and 80 of our era. At that time it is certain that there were still living many persons who were familiar with the events in the life and teachings of the Savior, as well as with the numerous other facts and circumstances related by the sacred writers. St. Paul, in I Corinthians 15:6, speaks of five hundred brethren to whom the risen Jesus appeared at one time; and he adds, '*of whom the greater part remain unto this present, but some are fallen asleep.*' And it must be remembered that this particular group of two hundred and fifty or more were certainly not the only persons then living who had a distinct remembrance of the Master, His teachings, and His miracles. Many who had been healed by Him, children who had sat upon His knee and been blessed by Him, and many members of the Pharisaic party and of the Sadducean aristocracy who had persecuted Him and had then slain Him, were doubtless still living and had a lively recollection of the events of the ministry of the Nazarene. Such persons were in a position to

disprove from their personal knowledge false statements made by the Evangelists. A consciousness of this fact would have been, within itself, a strong inducement to tell the truth."³¹⁴

F. F. Bruce states a fact that should be obvious even to the most hardened skeptic: “The earliest preachers of the gospel knew the value of this first-hand testimony, and appealed to it time and again. ‘We are witnesses of these things,’ was their constant and confident assertion. And it could have been by no means so easy as some writers seem to think to invent words and deeds of Jesus in those early years, when so many of His disciples were about, who could remember what had and had not happened.

“And it was not only friendly eyewitnesses that the early preachers had to reckon with; there were others less well disposed who were also conversant with the main facts of the ministry and death of Jesus. The disciples could not afford to risk inaccuracies (not to speak of willful manipulation of the facts), which would at once be exposed by those who would be only too glad to do so. On the contrary, one of the strong points in the original apostolic preaching is the confident appeal to the knowledge of the hearers; they not only said, ‘We are witnesses of these things,’ but also, ‘As you yourselves also know’ (Acts 2:22). Had there been any tendency to depart from the facts in any material respect, the possible presence of hostile witnesses in the audience would have served as a further corrective.”³¹⁵

In the era of the Old Testament, they included³¹⁶

³¹⁴ Walter M. Chandler. *The Trial of Jesus from a Lawyer's Standpoint*. (New York: The Empire Publishing Co., 1908), Volume 1, pp. 54-56.

³¹⁵ F.F. Bruce, *The New Testament Documents: Are They Reliable?* (Downers Grove, IL 60515, Inter-Varsity Press, 1964), pp. 33, 44-46. Available online here: <http://worldinvisible.com/library/ffbruce/ntdocrli/ntdocont.htm>.

³¹⁶ For details see W. R. Miller, "The Truthfulness of the Eyewitness Accounts as Presented in the Bible, VII. Confirmation by Nonbelievers and Hostile Eyewitnesses; C. The truthfulness of

- 1. Pharoah Siamon (Unnamed in 1 Kings) and Queen Tahpenes.** Contemporary of King Solomon.
- 2. Pharoah Shesonk I/Shishak.** Contemporary of King Rehoboam.
- 3. Pharoah Shabaka (Unnamed in 2 Kings).** Contemporary of King Hezekiah, son of Ahaz, king of Judah and the prophet Isaiah.
- 4. Tirhakah, King of Ethiopia.** Contemporary of King Hezekiah and the prophet Isaiah.
- 5. Pharoah So.** Contemporary of Ahaz king of Judah and Hoshea, son of Elah and king of Israel in Samaria.
- 6. Pharoah Necho II.** Contemporary of Josiah, king of Judah, Hilkiah the priest, Ahikam the son of Shaphan, Achbor the son of Michaiah, Shaphan the scribe, and the prophet Jeremiah.
- 7. Pharoah Apries/Hophra.** Contemporary of Zedekiah, king of Judah, and the prophet Jeremiah.
- 8. Naaman, Syrian commander.**
- 9. Nebuchadnezzar, King of Neo-Babylonian Empire (605 – 562 B.C.)** Contemporary of King Zedekiah, Pharaoh Necho, Jehoiachin, and the prophets Jeremiah and Daniel.

In the era of the New Testament, they included

- 10. Herod Antipas the tetrarch, ruler of Galilee and Perea. (4 B.C. – A.D. 39)**
- 11. The Jewish Authorities.**
- 12. Nicodemus.**
- 13. Annas, the High Priest.**
- 14. Gamaliel I.**

the testimony of the prophets and the apostles were confirmed by adversaries with the means, motive, and opportunity to refute them," online at <http://www.tektonics.org/guest/truthfulness.htm>.

- 15. Caiaphas, the High Priest.**
- 16. Pontius Pilate, Governor of Judea.**
- 17. Saul/Paul of Tarsus.**
- 18. Proconsul Sergius Paulus.**
- 19. Sosthenes, chief ruler of the synagogue.**
- 20. Porcius Festus.**
- 21. King Herod Agrippa II.**

All had the means, motive and opportunity to expose the claims of the prophets and apostles, had the claims been false.³¹⁷

Let's consider King Herod Agrippa II. *Encyclopedia Britannica* notes that he was born A.D. 27, and died A.D. 93, meaning he was alive during the time the New Testament documents were written and circulated throughout the region.³¹⁸

The *Britannica* notes that Agrippa II was “king of Chalcis in southern Lebanon from A.D. 50 and tetrarch of Batanaea and Trachonitis in south Syria from A.D. 53, who unsuccessfully mediated with the rebels in the Jewish Revolt of A.D. 66–70. He was a great-grandson of Herod I the Great.

“Agrippa II was raised and educated at the imperial court in Rome. Because of his youth at the death of his father, Agrippa I, in 44, the emperor Claudius returned Judaea to the status of a province. The young prince, however, took an interest in the welfare of the Jews and helped secure them an edict of moderation. In 48 he received authority over temple affairs in Jerusalem.

³¹⁷ The following apologetic is paraphrased from Miller, "The Truthfulness of the Eyewitness Accounts as Presented in the Bible."

³¹⁸ "Herod Agrippa II." *Encyclopædia Britannica*. 2009. Encyclopædia Britannica Online Library Edition. 15 Aug. 2009 <<http://www.library.eb.com/eb/article-9040193>>

Two years later he became king of Chalcis, and in 53 he exchanged this land for Philip the Tetrarch's former holdings. Nero, the new emperor, in 54 added territory near the Sea of Galilee to Agrippa's realm. As his father had been, Agrippa II was an ardent collaborator with Rome and did all in his power to prevent the rupture between Rome and Jewry, but in vain.

“Between 52 and 60, he appointed several high priests and earned the enmity of the conflicting parties. Though he supported the rights of the Jews at Alexandria, who faced trouble from the Hellenized populace, he avoided politics in Judaea, where the Zealots, a terrorist group, were active. In 60, when St. Paul was arrested, the procurator consulted Agrippa concerning the Apostle's case; the Tetrarch found him innocent.”

According to Luke's account in Acts 26, Paul tells Agrippa, “you are well acquainted with all the Jewish customs and controversies” (verse 3), recalls Christ's resurrection from the dead as fulfilling Old Testament prophecies (verses 21-22) and tells Agrippa, “The king is familiar with these things, and I can speak freely to him. I am convinced that none of this has escaped his notice, because it was not done in a corner. King Agrippa, do you believe the prophets? I know you do.” (verses 26-27)

Can you imagine the ramifications of addressing a king like that? Had Paul spoken falsely, the book of Acts would have had a different ending (and beginning, for that matter). Instead of refuting Paul, Agrippa says, “Do you think that in such a short time you can persuade me to be a Christian?” (verse 28)

Paul's reply: “Short time or long--I pray God that not only you but all who are listening to me today may become what I am, except for these chains.” (verse 28)

Agrippa later tells Governor Festus (verse 32): “This man could have been set free if he had not appealed to Caesar.” Would Agrippa had said that if Paul was lying in his testimony?

This was an eyewitness account from the physician Luke, who recorded these events in the book of Acts. In Acts 12:23, Luke even records that Agrippa's father was consumed by worms because he had blasphemed against God (in A.D. 44, when Agrippa II was 17 years old).

There is a separate, independent account of the death of Agrippa I.

F.F. Bruce writes: "The sudden death of Herod Agrippa I, narrated by Luke in Acts 12:19-23, is recorded also by Josephus (*Antiquities* xix. 8. 2) in a form agreeing with Luke's general Outline, though the two accounts are quite independent of each other. This is the story as told by Josephus: ³¹⁹

"When Agrippa had reigned three full years over all Judaea, he came to the city of Caesarea, which was formerly called Strato's Tower. There he exhibited shows in honour of Caesar, inaugurating this as a festival for the emperor's welfare. And there came together to it a multitude of the provincial officials and of those who had been promoted to a distinguished position. On the second day of the shows he put on a robe all made of diver, of altogether wonderful weaving, and arrived in the theatre at break of day. Then the silver shone as the sun's first rays fell upon it and glittered wonderfully, its resplendence inspiring a sort of fear and trembling in those who gazed upon it. Immediately his flatterers called out from various quarters, in words which in truth were not for his good, addressing him as a god, and invoking him with the cry, "Be propitious! if

³¹⁹ F. F. Bruce, M.A., D.D., F.B.A. *The New Testament Documents: Are they Reliable?*, Fifth edition, (Downers Grove, IL: Inter Varsity Press, 1960), Chapter 9: "The Evidence of Early Jewish Writings," online at <http://www.worldinvisible.com/library/ffbruce/ntdocrli/ntdocc09.htm> or <http://www.bible.ca/b-new-testament-documents-f-f-bruce-ch9.htm>.

hitherto we have revered thee as a human being, yet henceforth we confess thee to be superior to mortal nature.”

“‘The king did not rebuke them, nor did he repudiate their impious flattery. But looking up soon afterwards he saw the owl sitting on a rope above his head, and immediately recognized it as a messenger of evil as it had formerly been a messenger of good,’ and a pang of grief pierced his heart. There came also a severe pain in his belly, beginning with a violent attack.... So he was carried quickly into the palace, and the news sped abroad among all that he would certainly die before long.... And when he had suffered continuously for five days from the pain in his belly, he departed this life in the fifty fourth year of his age and the seventh of his reign.’

“The parallels between the two accounts are obvious, as is also the absence of collusion between them. Luke describes the king’s sudden stroke by saying, in biblical language, that ‘the angel of the Lord smote him’; it is unnecessary to think that there is any significance in the fact that the Greek word for ‘angel’ in Luke’s account (*angelos*) is the same as the word for ‘messenger’ applied to the owl by Josephus, though some early Christian Fathers seem to have thought so. The Tyrians may well have taken advantage of this festival to be publicly reconciled to the king.

“In general, we may sum up the comparison of the two accounts in the words of an unbiased historian, Eduard Meyer:³²⁰ ‘In outline, in data, and in the general conception, both accounts are in full agreement. By its very interesting details, which are by no means to be

³²⁰ German historian. "Eduard Meyer." *Encyclopædia Britannica*. 2009. Encyclopædia Britannica Online. 16 Aug. 2009 <<http://www.britannica.com/EBchecked/topic/379457/Eduard-Meyer>>.

explained as due to a “tendency” or a popular tradition, Luke’s account affords a guarantee that it is at least just as reliable as that of Josephus’,”³²¹ Bruce reports.

Had Luke or Josephus been in error, King Agrippa had the means, motive, and opportunity to squelch these documents as copies circulated throughout the region, or to imprison Luke, Paul and Josephus for false testimony. Indeed, Agrippa had the means, motive and opportunity to stop the entire New Testament, written and circulating within his kingdom, within his lifetime. But he did not/could not refute the eyewitness accounts.

"The essential marks of difference between true narratives of facts and the creations of fiction have already been adverted to," Greenleaf says.³²² "It may here be added that these attributes of truth are strikingly apparent throughout the gospel histories, and that the absence of all the others is equally remarkable. The writers allude, for example, to the existing manners and customs, and to the circumstances of the times and of their country with the utmost minuteness of reference. And these references are never formally made, nor with preface and explanation, never multiplied and heaped on each other, nor brought together, as though introduced by design; but they are scattered broadcast and singly over every part of the story, and so connect themselves with every incident related as to render the detection of falsehood inevitable. This minuteness, too, is not peculiar to any one of the historians, but is common to them all. Though they wrote at different periods and without mutual concert, they all alike refer incidentally to the same state of affairs, and to the same contemporary and collateral circumstances. Their testimony, in this view, stands on the same ground with that of four witnesses, separately

³²¹ Flavius Josephus. *Antiquities of the Jews*, Book XIX, 8. 2, translated by William Whiston, available online at <http://www.ccel.org/j/josephus/works/ant-19.htm> or <http://exodus2006.com/jos-ant19.htm> or <http://www.doig.net/JA19.html>.

³²² Greenleaf, *Testimony of the Evangelists*, § 44.

examined before different commissioners, upon the same interrogatories, and all adverting incidentally to the same circumstances as surrounding and accompanying the principal transaction, to which alone their attention is directed. And it is worthy of observation that these circumstances were at that time of a peculiar character. Hardly a state or kingdom in the world ever experienced so many vicissitudes in its government and political relations as did Judea, during the period of the gospel history. It was successively under the government of Herod the Great, of Archelaus, and of a Roman magistrate; it was a kingdom, a tetrarchate, and a province; and its affairs, its laws, and the administration of justice, were all involved in the confusion and uncertainty naturally to be expected from recent conquest. It would be difficult to select any place or period in the history of nations, for the time and scene of a fictitious history or an imposture, which would combine so many difficulties for the fabricator to surmount, so many contemporary writers to confront with him, and so many facilities for the detection of falsehood."³²³

“Had the evangelists been false historians,” says Dr. Chalmers, “they would not have committed themselves upon so many particulars. They would not have furnished the vigilant inquirers of that period with such an effectual instrument for bringing them into discredit with the people; nor foolishly supplied, in every page of their narrative, so many materials for a cross-examination, which would infallibly have disgraced them. Now, we of this age can institute the same cross-examination. We can compare the evangelical writers with contemporary authors, and verify a number of circumstances in the history, and government, and peculiar economy of the Jewish people. We therefore have it in our power to institute as cross-examination upon the

³²³ Chalmers, *Evidence*, chap. 3.

writers of the New Testament; and the freedom and frequency of their allusions to these circumstances supply us with ample materials for it. The fact, that they are borne out in their minute and incidental allusions by the testimony of other historians, gives a strong weight of what has been called circumstantial evidence in their favor. As a specimen of the argument, let us confine our observations to the history of our Savior's trial, and execution, and burial. They brought him to Pontius Pilate. We know both from Tacitus and Josephus, that he was at that time governor of Judea. A sentence from him was necessary before they could proceed to the execution of Jesus; and we know that the power of life and death was usually vested in the Roman governor. Our Savior was treated with derision; and this we know to have been a customary practice at that time, previous to the execution of criminals, and during the time of it. Pilate scourged Jesus before he gave him up to be crucified. We know from ancient authors, that this was a very usual practice among Romans. The accounts of an execution generally run in this form: he was stripped, whipped, and beheaded or executed. According to the evangelists, his accusation was written on the top of the cross; and we learn from Suetonius and others, that the crime of the person to be executed was affixed to the instrument of his punishment. According to the evangelists, this accusation was written in three different languages; and we know from Josephus that it was quite common in Jerusalem to have all public advertisements written in this manner. According to the evangelists, Jesus had to bear his cross; and we know from other sources of information, that this was the constant practice of these times. According to the evangelists, the body of Jesus was given up to be buried at the request of friends. We know that, unless the criminal was infamous, this was the law or the custom with all Roman governors."³²⁴

³²⁴ See Chalmers, *Evidence*, pp. 76-78, Amer. ed. [pp. 71-104, 1818 edition] Proofs of this kind copiously referred to by Mr. Horne, in his *Introduction, &c. vol. 1, chap. 3, sect. 2:2*. [1825

Greenleaf adds,³²⁵ "There is also a striking naturalness in the characters exhibited in the sacred historians, rarely if ever found in works of fiction, and probably nowhere else to be collected in a similar manner from fragmentary and incidental allusions and expressions, in the writing of different persons. Take, for example, that of Peter, as it may be gathered from the evangelists, and it will be hardly possible to conceive that four persons, writing at different times, could have concurred in the delineation of such a character, if it were not real; a character too, we must observe, which is nowhere expressly drawn, but is shown only here and there, casually, in the subordinate parts of the main narrative. Thus disclosed, it is that of a confident, sanguine, and zealous man; sudden and impulsive, yet humble and ready to retract; honest and direct in his purposes; ardently loving his master, yet deficient in fortitude and firmness in the cause.³²⁶ When Jesus put any question to the apostles, it was Peter who was foremost to reply;³²⁷ and if they would inquire of Jesus, it was Peter who was readiest to speak.³²⁸ He had the impetuous courage to cut off the ear of the high priest's servant, who came to arrest his master; and the weakness to dissemble before the Jews, in the matter of eating with Gentile converts.³²⁹ It was he who ran with John to the sepulcher on the first intelligence of the resurrection of Jesus, and with characteristic zeal rushed in, while John paused outside the door!³³⁰ He had the ardor to

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³²⁵ Greenleaf, *Testimony of the Evangelists*, § 46, 47.

³²⁶ See Mark 8:32; 9:5; 14:29; Matt. 16:22; 17:5; Luke 9:33; 18:18; John 13:8; 18:15.

³²⁷ Mark 8:29; Matt. 16:16; Luke 9:20.

³²⁸ Matthew 18:21; 19:27; John 13:36.

³²⁹ Galatians 2:11.

³³⁰ John 20:3-6.

desire and the faith to attempt to walk on the water at the command of his Lord; but as soon as he saw the wind boisterous, he was afraid.³³¹ He was the first to propose the election of another apostle in the place of Judas;³³² and he it was who courageously defended them all on the day of Pentecost, when the multitude charged them with being filled with new wine.³³³ He was forward to acknowledge Jesus to be the Messiah,³³⁴ yet having afterwards endangered his own life by wounding the servant of the high priest, he suddenly consulted his own safety by denying the same Master for whom, but a few hours before, he had declared himself ready to die.³³⁵ We may safely affirm that the annals of fiction afford no example of a similar but not uncommon character, thus incidentally delineated.

"There are other internal marks of truth in the narratives of the evangelists, which, however, need here be only alluded to, as they have been treated with great fullness and force by able writers, whose works are familiar to all.³³⁶ Among these may be mentioned the nakedness of the narratives; the absence of all parade by the writers about their own integrity, of all anxiety to be believed, or to impress others with a good opinion of themselves or their cause, of all marks of wonder, or of desire to excite astonishment at the greatness of the events they record, and of

³³¹ Matt. 14:30.

³³² Acts 1:15.

³³³ Acts 2:14.

³³⁴ Matt. 16:16; Mark 8:29; Luke 9:20; John 6:69.

³³⁵ Matt. 26:33, 35; Mark 14:29.

³³⁶ See Paley, *View of the Evidences of Christianity*, part 2 chap. 3-7; part 3 chap. 1; Chalmers, *Evidence and Authority of the Christian Revelation*, chap. 3-4, 8; Wilson, *Evidences of Christianity*, lect. 6; Bogue, *Essay on the Divine Authority of the New Testament*, chap. 3-4.

all appearance of design to exalt their master. On the contrary, there is apparently the most perfect indifference on their part whether they are believed or not; or rather, the evident consciousness that they are recording events well known to all in their own country and times, and undoubtedly to be believed, like any other matter of public history, by readers in all other countries and ages. It is worthy, too, of especial observation that though the evangelists record the unparalleled sufferings and cruel death of their beloved Lord, and this too, by hands and with the consenting voices of those on whom he had conferred the greatest benefits, and their own persecutions and dangers, yet they have bestowed no epithets of harshness or even of just censure on the authors of all this wickedness, but have everywhere left the plain and unencumbered narrative to speak for itself, and the reader to pronounce his own sentence of condemnation; like true witnesses, who have nothing to gain or to lose by the event of the cause, they state the facts, and leave them to their fate. Their simplicity and artlessness, also, should not pass unnoticed, in readily stating even those things most disparaging to themselves. Their want of faith in their master, their dullness of apprehension of his teachings, their strifes for preeminence, their desertion of their Lord in his hour of extreme peril; these and many other incidents tending directly to their own dishonor are nevertheless set down with all the directness and sincerity of truth, as by men writing under the deepest sense of responsibility to God. Some of the more prominent instances of this class of proofs will be noticed hereafter, in their proper places, in the narratives themselves."

Conclusions

"These various considerations are the logical basis of that rule of law laid down by Mr. Greenleaf, under which the Gospel histories would be admitted into a modern court of law in a

modern judicial proceeding," states Walter M. Chandler. "Under legal tests laid down by Starkie, we have seen that the Evangelists should be believed, because:

- (1. they were honest and sincere, that is, they believed that they were telling the truth;
- (2. they were undoubtedly men of good intelligence and were eyewitnesses of the facts narrated by them in the New Testament histories;
- (3. they were independent historians, who wrote at different times and places and, in all essential details, fully corroborate each other;
- (4. excepting in the matter of miracles, which skepticism has never been able to fully disprove, their testimony is in full conformity with human experience;
- (5. their testimony coincides fully and accurately with all the collateral, social, historical, and religious circumstances of their time, as well as with the teachings and experience of universal history in every age."³³⁷

Chandler concludes, "When we come to summarize, we are led to declare that, if the Gospel historians be not worthy of belief, we are without foundation for rational faith in the secular annals of the human race. No other literature bears historic scrutiny so well as the New Testament biographies."³³⁸

"The author of these volumes believes that Jesus was divine, and that if He was not divine, Divinity has not touched this globe. The writer bases his conviction of this fact upon the perfect purity, beauty, and sinlessness of Jesus; upon the overwhelming historical evidence of His resurrection from the dead, which event 'may unhesitatingly be pronounced that best

³³⁷ Walter M. Chandler, *The Trial of Jesus from a Lawyer's Standpoint*. (New York: The Empire Publishing Co., 1908). Volume 1, p. 67.

³³⁸ *Ibid*, p. 67.

established in history';³³⁹ as well as upon the evident impress of a divine hand upon genuine Christian civilization in every age."³⁴⁰

The testimony of the apostles, and the prophets, pass the tests of evidence as given in courts of law. This is verified by some of the greatest legal minds in history, as follows:

Chuck Colson, lawyer and Special Counsel to President Richard Nixon:

"Take it from one who was inside the Watergate web looking out, who saw firsthand how vulnerable a cover-up is: Nothing less than a witness as awesome as the resurrected Christ could have caused those men to maintain to their dying whispers that Jesus is alive and Lord.

"This weight of evidence tells me the apostles were indeed telling the truth: Jesus did rise bodily from the grave; he is who He says He is. Thus, He speaks with the absolute authority of the all-powerful God. And that fact breaks what might otherwise be considered a circular argument."³⁴¹

Dale Foreman, lawyer in Washington State:³⁴²

"These facts, I believe, are clear and proven beyond a reasonable doubt. Whether you can take one step further and believe the miracle of his resurrection is something only you can decide. Still, the reliability of the rest of the Gospel is so plain that it is but a small step to believe

³³⁹ Edersheim, *Life and Times of Jesus the Messiah*, vol. 2, p. 629.

³⁴⁰ Chandler, *The Trial of Jesus from a Lawyer's Standpoint*, Volume 1, p. 211.

³⁴¹ Charles Colson, *Loving God* (Zondervan, 1997), p. 69. Online here: http://books.google.com/books?id=JrHJOD7GDs8C&pg=PA69&lpg=PA69&dq=Take+it+from+one+who+was+inside+the+Watergate+web+looking+out&source=bl&ots=PyMkJ4di2a&sig=ne-vJ_SuKni1VIICQb6qTefcfBw&hl=en&ei=Y7SISsfYDZP-tQPouIXXAg&sa=X&oi=book_result&ct=result&resnum=2#v=onepage&q=&f=false

³⁴² Foreman, *Crucify Him: A Lawyer Looks at the Trial of Jesus* (Zonderman, 1990), p. 178.

in the resurrected Christ. And what's more, it would be hard to believe that a man could have such an influence on the world if he had not overcome the ultimate enemy--death.

"The teachings of Jesus have changed the world. In 2000 years not a day has gone by when the influence of this itinerant teacher from Nazareth has not been felt. As a trial lawyer, trained to be rational, skeptical and critical, I believe it improbable that any fraud or false Messiah could have made such a profound impression for good. The most reasonable conclusion, and the most satisfying, is that Jesus was indeed the Son of God, that he was who he claimed to be and that he did come back to life."

J. N. D. Anderson, Dean of the Faculty of Law at the University of London, Chairman of the Department of Oriental Law at the School of Oriental and African Studies, and Director of the Institute of Advanced Legal Studies at the University of London:

After applying the standard evidences for the Resurrection: "How, then, can the fact of the resurrection be denied?"³⁴³

"Lastly, it can be asserted with confidence that men and women disbelieve the Easter story not because of the evidence but in spite of it."³⁴⁴

"It is in light of an examination of the available evidence along these lines, in as objective and critical way as I am capable of, that I am convinced that the historical reliability of a great part of the life and teaching of Jesus can be substantiated by the most rigorous historical and critical analysis. Nor can I believe that the interval between the events and the emergence of the Gospels was nearly long enough for the processes postulated by the more extreme Form Critics

³⁴³ J. N. D. Anderson. *Christianity: The Witness of History*, p. 90.

³⁴⁴ *Ibid.*, p. 105.

to have taken place- or, indeed, that these processes would not have been kept in constant check by the presence of eye-witnesses and the authority accorded to the apostolic tradition.

"...To the best of my ability I try to examine the evidence as a whole without imposing on that evidence my preconceived ideas; and it is the weight of that evidence, where it can be objectively tested, which leads me to certain conclusions which make it reasonable, as I see it, to accept the substantial accuracy of the records in those other points in which a similarly stringent objective corroboration is not available. And this, it seems to me, is an authentically 'legal' approach."³⁴⁵

Herbert C. Casteel, lawyer, judge, Mayor of the City of Carthage, Missouri:

"We do not have to take an irrational leap of faith. God has given us the evidence. Christianity is the truth."³⁴⁶

Sir Edward Clarke, K.C., English Solicitor-General:

"As a lawyer, I have made a prolonged study of the evidences for the events of the first Easter day. To me the evidence is conclusive, and over and over again in the High Court I have secured the verdict on evidence not nearly so compelling. Inference follows on evidence, and a truthful witness is always artless and disdains effect. The gospel evidence for the resurrection is of this class, and as a lawyer I accept it unreservedly as a testimony of truthful men to facts they were able to substantiate."³⁴⁷

Val Grieve, solicitor in Manchester, England:

³⁴⁵ Anderson, *A Lawyer Among Theologians*.

³⁴⁶ Herbert C. Casteel, *Beyond a Reasonable Doubt* (Joplin, MO: College Press, 1992).

³⁴⁷ Sir Edward Clarke, in John Stott, *Basic Christianity* (London: InterVarsity Fellowship, 1969), p. 47.

"One of the main reasons I am a Christian is that I believe the Christian faith is the most relevant thing to this world in which we live. Frequently, I am asked, "Why did you change from being an atheist and a communist to become a Christian?" I give two reasons. Firstly, I have found that Christianity is true. Looking at the evidence for the resurrection, we begin to see that this marvelous thing called 'Easter' actually happened! ... So that is one reason why I became Christian: I found that Christianity is true.

"The second reason why I became a Christian was that I found that, far from being foolishness, the Christian faith is the most relevant thing to the world in which we live."³⁴⁸

Hugo Grotius, the father of International Law:

"There can be no reason given but this one; that upon diligent inquiry such as becomes prudent men to take, in the matter of the highest concern to them, they found, that the report which was spread abroad, concerning the miracles that were done by him, was true and founded upon sufficient testimony."³⁴⁹

Sir Matthew Hale, Lord Chief Justice of England in the reign of Charles II:

"[God] sent his Son into the world, to take upon him human nature and to become man for our sakes, and in that nature to acquaint us more perfectly what the future state of mankind after death should be, namely, the state of rewards and punishments, and to acquaint us what we are to believe, and to do, and to avoid, in order to obtain everlasting happiness and glory, and to

³⁴⁸ Val Grieve, "A Fool for Christ." An address given at the London Easter Meeting of the Lawyers' Christian Fellowship on April 1, 1985, at Niblett Hall, Temple, London, England. *Global Journal of Classical Theology*, v. 1, n. 1. September 1998. Online essay here: http://www.phc.edu/gj_grievpap.php.

³⁴⁹ Hugo Grotius, *De veritate religionis Christianæ*; The Truth of the Christian Religion in Six Books, London, 1809 edition, pp. 90-91. Online here: <http://ia311509.us.archive.org/1/items/thetruthofthechr00grotuoft/thetruthofthechr00grotuoft.pdf>

give us all the assurance possible for the truth of that message, by his holy life, by his miracles, by his death, resurrection and ascension into heaven.”³⁵⁰

Sir Leslie Herron, 12th Chief Justice of New South Wales, Australia:

“Let any objective reader put side by side the four Gospels and add to them the account in Acts of the Apostles and he will be struck, as any judge accustomed to evaluate evidence is always struck, with one outstanding fact. It is this: that while there may be a great variety of detail or form of expression or narration of or emphasis put on occurrences, underneath it all, the substance and weight of the narration are true.”³⁵¹

Francis J. Lamb, lawyer from Wisconsin:

“Tested by the standards and ordeals of jurial science by which questions of fact are ascertained and demonstrated in contested questions of right between man and man in courts of justice, *the resurrection of Jesus stands a demonstrated fact.*”³⁵²

Irwin H. Linton, Washington, D.C. lawyer who argued cases before the U.S. Supreme Court:

"The actual, physical reality of this earthly fact of Christ's resurrection, on which rests our heavenly future, is not only so established that the greatest lawyers have declared it to be the

³⁵⁰ Sir Matthew Hale, *A Letter of Advice to his Grandchildren* (Boston: Wells and Lilly, 1817), pp. 49-50.

³⁵¹ Sir Leslie James Herron, *The Trial of Jesus of Nazareth*. Address at the Pitt Street Congregational church on Palm Sunday, March 22, 1970, reprinted in *The Ministry, The Voice of the Seventh-Day Adventist Ministry*, vo. 45, n. 4, April 1972.

³⁵² Francis J. Lamb, *Miracle and Science* (Oberlin, Ohio: Bibliotheca Sacra Co., 1909), p. 284.

best proved fact of all history, but it is so supported that it is difficult to conceive of any method or line of proof that it lacks which would make [it] more certain."³⁵³

"He who does not accept wholeheartedly the evangelical, conservative belief in Christ and the Scriptures has never read, has forgotten, or never been able to weigh—and certainly is utterly unable to refute—the irresistible force of the cumulative evidence upon which such faith rests, that there seems ample ground for the conclusion that such ignorance is an invariable element in such unbelief."³⁵⁴

He concluded the claims of Christian faith are so well established by such a "variety of independent and converging proofs that it has been said again and again by great lawyers that they cannot but be regarded as proved under the strictest rules of evidence used in the highest American and English courts."³⁵⁵

James C. McRuer, Chief Justice of the High Court of Ontario, Canada:

"At the ninth hour Jesus was dead. It remained for the commander of the Roman guard to give the final verdict on the day's miscarriage of justice: certainly this man was innocent!"³⁵⁶

Joseph Story, associate Supreme Court Justice:

"Christianity itself is called upon, on one side, to buckle on its armour, not to maintain the mere creeds and dogmas of a peculiar church or sect, but to establish its facts and its

³⁵³ Irwin H. Linton, *A Lawyer Examines the Bible: A Defense of the Christian Faith* (Grand Rapids, MI: Baker Book House), p. 50.

³⁵⁴ *Ibid.*, p. 45, cf. pp. 16-17.

³⁵⁵ *Ibid.*, p. 16

³⁵⁶ James C. McRuer, *This Man was Innocent* (Toronto: Clarke, Irwin, 1978), p. 76.

miracles, nay, the reality of the character, if not the personal existence, of the Founder of its hopes and its consolations."³⁵⁷

Simon Greenleaf affirms Story's position:

“Let me add, that he was also a Christian. He had studied the evidences of Christianity with professional closeness and care, and had given to them the testimony of his full assent; and he has often been heard to declare, that, in his judgment, the great facts of the gospel history were attested by a mass of evidence, which, in any court of law, would be perfectly satisfactory and conclusive. In the open and distinct avowal of his faith in its consistent practice, and in his liberal charity for others of different views, he is worthy of all imitation.”³⁵⁸

Sir Hendrik Johan Rutgers, Australian attorney:

"I know when I am spiritually thirsty, God will quench my thirst ... I want to testify that I believe in Jesus Christ ... our only Saviour ... I believe in the Holy Spirit who was given to us after the resurrection of Jesus."³⁵⁹

Stephen D. Williams, Detroit lawyer and author:

"We have been asked many times if the proof of the resurrection of Jesus was as complete and convincing from a legal standpoint, as that afforded by the record of the other

³⁵⁷ Justice Joseph Story, *A Discourse delivered before the Society of the Alumni of Harvard University: at their first anniversary, August 23, 1842*, (Boston: Charles C. Little and James Brown, 1842), p. 38.

³⁵⁸ Greenleaf, *A Discourse commemorative of the life and character of the Hon. Joseph Story, LL.D., an associate justice of the Supreme Court of the United States*. (Boston: Charles C. Little and James Brown, 1845), p. 47.

³⁵⁹ Sir Hendrik Johan Rutgers, *Testimony of a Lawyer* (Blacktown, N.S.W. : Hexagon, 1992), p. 142.

events in his life narrated in the Gospel. To this question we must answer: Yes, the proof is to be found in the same record, supplied by the same witnesses. ..." ³⁶⁰

Simon Greenleaf, Royall Professor of Law at Harvard University:

"All that Christianity asks of men on this subject, is that they would be consistent with themselves; that they would treat its evidences as they treat the evidence of other things; and that they would try and judge its actors and witnesses as they deal with their fellow men, when testifying to human affairs and actions, in human tribunals. Let the witnesses be compared with themselves, with each other, and with surrounding facts and circumstances; and let their testimony be sifted, as if it were given in a court of justice, on the side of the adverse party, the witness being subjected to a rigorous cross-examination. The result, it is confidently believed, will be an undoubting conviction of their integrity, ability, and truth. In the course of such an examination, the undesigned coincidences will multiply upon us at every step in our progress; the probability or the veracity of the witnesses and of the reality of the occurrences which they relate will increase, until it acquires, for all practical purposes, the value and force of demonstration." ³⁶¹

John Warwick Montgomery:

"Legal standards of evidence develop an essential means of resolving the most intractable disputes in society ... thus one cannot very well throw out legal reasoning merely because its

³⁶⁰ Stephen D. Williams, *The Bible in Court* (Dearborn, Mich., Dearborn book concern, 1925), p. 212.

³⁶¹ Greenleaf, *Testimony of the Evangelists*, § 42.

application to Christianity results in a verdict for the Christian faith and its approach to human rights!"³⁶²

The preponderance of evidence has now been presented. The testimony of the prophets and apostles is legal evidence under the science of jurisprudence. The skeptic can accept it. Or, they can deny it on the basis of ignoring the law, advocating the logical fallacies of a Double Standard, and a Appeal to Authority – themselves.

We rely upon the standards of jurisprudence for the verification of history, whether it's the Resurrection or any other event. It is a fact with which skeptics must contend, as well as the legal maxims that

- (1. No one is above the law.
- (2. Ignorance of the law is no excuse.

For those who do accept the evidence of the Resurrection, Thomas Arnold writes, "But the evidence of Christ's Spirit is much more strong, more full, more penetrating our whole nature. He who has this evidence, not only believes that Christ rose, and was seen of Peter, and of the other Apostles; Christ has manifested Himself to him also; he knows in whom he has believed. Life and death are no longer a great mystery, beyond which our faith dimly catches the light of resurrection; Christ is with us now, and life is clear, and death is peaceful, and resurrection is the natural end to which both lead us. There are thousands and ten thousands who have gone through this blessed evidence also; who, doing Christ's will daily, have learnt by experience the manifold riches of His grace, who have received His Spirit, and live in a continued consciousness of His presence and His love; to whom there is no need that they should

³⁶² John Warwick Montgomery. *Human Rights and Human Dignity*, (Grand Rapids: Zondervan, 1968), pp. 134-135.

pray for the sky to be opened, that they may see and hear God. God dwelleth in them already, and they in God."³⁶³

³⁶³ Thomas Arnold, Sermon II: "The Sign of the Prophet Jonah." January 7, 1838, [The Christian Life: its hopes, its fears, and its close](#). Third edition. London, B. Fellowes, 1845. Available online here: http://books.google.com/books?id=XBYPAAAAIAAJ&pg=PR1&lpg=PR1&dq=%22Christian+life:+its+hopes,+its+fears,+and+its+close%22&source=web&ots=ElSGEYxuM1&sig=HFdSGr0dxgqFJmOIGBoFoPyFoRA&hl=en&sa=X&oi=book_result&resnum=1&ct=result