

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.

BY SIMON GREENLEAF, LL.D.

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

Second Edition,

REVISED AND CORRECTED BY THE AUTHOR.

LONDON:

A. MAXWELL & SON, 32, BELL YARD, LINCOLN'S INN;

W. SMITH, 113, FLEET STREET;

HODGES & SMITH, DUBLIN; T. & J. CLARK, EDINBURGH.

1847.

§ 37. 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. But they also relate events which were miraculous, or out of the ordinary course of 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 that 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.* Without stopping to examine the correctness of

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 own reporters?

* 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 our own 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

this doctrine, as a fundamental principle in the law of evidence, it is sufficient in this place to remark, that it contains this

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 to 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 favour 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

fallacy; it excludes all knowledge derived by inference or deduction from facts, confining us to what we derive from

the deceased appeared to them, conversed with them, 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 deceive 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 far 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 rigorously 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 his *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. There 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 of 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 which 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

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 its own experience.

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 strong and active man should do it, under a 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 Britannica, art. Laplace, vol. xiii. p. 101. Memoires Ecrits à Ste. Helena, i. 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. Whewel 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, vol. i. pp. 28---32, (New Series.)

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, 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 connexion 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 vary his modes of operation; it ceases to be so, when such cause is assigned." *

§ 38. 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 sceptics most satisfactorily met and overthrown, by the ablest writers of our own day, whose works are easily accessible.† Thus much, however, may

* See Mr. Norton's "Discourse on the latest form of Infidelity," p. 18.

† The arguments on this subject are stated in a condensed form, by Mr. Horne, in his Introduction to the Study of the Holy Scriptures, vol. i. ch. 4, sec. 2; in which he refers, among others, to Doctor Gregory's Letters on the Evidences of the Christian Revelation; Dr. Campbell's Dissertation on Miracles; Vince's Sermons on the Credibility of Miracles; Bishop Marsh's Lectures, part 6, lect. 30; Dr. Adams's Treatise in reply to Mr. Hume; Bishop Gleig's Dissertation on Miracles, (in the third volume of his edition of Stackhouse's History of the Bible, p. 240, &c.); Dr. Key's Norissian Lectures, vol. i. See also Dr. Hopkins's Lowell Lectures, lect. I. and II. delivered in Boston in 1844, where this topic is treated with great perspicuity and cogency.

Among the more popular treatises on miracles, are Bogue's Essay on the Divine Authority of the New Testament, ch. 5; Bishop Wilson's Evidences of Christianity, vol. i. lect. 7; Bishop Sumner's Evidences, ch. 10; Gambier's Guide to the Study

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 likely 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 spake 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; all saw his instantaneous restoration; and all witnessed the act of Jesus in touching him, and heard his words.* 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 one 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 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 connexion of the word or the act of Jesus with the restoration of the blind, lame and dead, to sight, and health,

of Moral Evidence, ch. v; Mr. Norton's Discourse on the latest form of Infidelity, and Dr. Dewey's Dudleian Lecture, delivered before Harvard University, in May, 1836.

* See Bishop Wilson's Evidences, lect. 7, p. 130.

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, 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.

§ 39. 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.* 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 names and particular cir-

* 1 Stark on Evid. p. 496—499