

**St Barnabas Church (Broadway) at the NSW Leagues Club  
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**A Judge looks at the evidence for the Resurrection**

**Hon Mr Justice Peter W Young AO**

There are different ways of looking at a fact situation. Judges and lawyers who are trying to convince judges are experienced in finding facts. That is, even where the judge suspects that all the witnesses are lying about at least one aspect of the case and some of the documents are forgeries, he or she is still required to decide what is more likely to be the truth.

To do this, we use various techniques. I will share some of them with you tonight. It is not necessary to delve into all of them. That would deflect us from our real purpose and also it would be an hour's talk in itself.

Judges are limited by the rules of evidence. These rules were devised in a time when juries found facts rather than judges, but they were moulded by those with experience as to what types of material was likely to be more likely to prejudice the mind of the jury rather than help them get at the truth.

Let us see how a lawyer and his wife, a non-lawyer, approach a topic. The wife asks her lawyer husband whom she knew had called at Fred Johnson's house, whether he'd seen Fred's new baby. The lawyer replied, quite accurately, "I called at Johnson's house, and saw a woman who may or may not have been Mrs Johnson and she was holding a baby who may or may not have been Fred Johnson's."

All this is perfectly and technically correct. One would need DNA tests on the baby and Fred Johnson to get even 95% certainty as to the baby's parents. However, if there was no more material that (a) Fred told me he had a new baby (note whilst the truth of what Fred said would not be admissible as hearsay, the fact that he said is admissible), (b) Fred occupied 21 Lilac St Bronte, (c) a woman with a wedding ring was living at 21 Lilac St, (d) the woman was holding a baby, it would be sufficient for most courts to hold that on the balance of probabilities, the baby was Fred's baby.

We will approach the resurrection of Jesus in the same way. Just as we cannot be absolutely certain of anything, or at least, almost anything, so we would not normally let little doubts or remote possibilities cloud our view of what probably happened, so we must assess the evidence for the resurrection in the same way.

When judging one must put aside pre conceived ideas. One must also realize that, every so often, what appears incredible actually occurred. Of course, the fact that something is at first blush incredible means that it starts behind scratch, but one must not exclude it as a possibility.

The most notorious example of this is given in Eggleston's Book on Probability and the Law. A person looked out his window on a dark night in Boston and saw a tall

Afro American walking down the hill past his front fence. The man's head fell off and tumbled over the fence. The man went inside the gate, picked up his head, put it back on his shoulders and resumed his journey.

The police investigated and found the story quite true. An Afro-American medical student had taken a head home for the night to study. He had it on his shoulder with his coat buttoned up to the neck. The head slipped off his shoulder, he picked it up and went on his way.

Now, our life experience says that a person does not rise from the dead. Our life experience says that we do not see God in flesh. However, when we think about it, our life experience is flavoured by the opinions of others and by what we experience in our culture in our age. When we come to the question of the resurrection of Jesus Christ we must not dismiss the possibility of a man, who claimed to be God, rising from the dead, without giving proper weight to the available evidence.

A judge when assessing evidence looks at a number of things. First what appears to be irrefutable factual evidence, ie the sun rose at 6:12am this morning. Then the judge looks to the eye witnesses, he or she assesses their credibility, then relevant documents are considered, then the background material is assessed.

To show what I mean by this last, suppose, a woman is claiming on her husband's life assurance. The insurance company says that the husband isn't dead, but is hiding somewhere. The fact that the widow never wore black, has been seen carousing in hotels and has recently bought airline tickets to London for herself and the couple's son, would lead a judge to say to himself or herself, "Is that the behaviour of a widow who appears to have had a happy marriage? Is it not more like the conduct of a woman who knows that her husband is alive and well?"

So when we are examining the evidence for the resurrection, we need to look to the behaviour of the apostles as well as what they said in the gospels.

What is the evidence for the resurrection?

I always start with St Paul's letter to the Corinthians.

You may remember that St Paul was first a fervent anti Christian who obtained special permission from the Jewish authorities to stamp out Christianity in Damascus. He says "Christ died for our sins according to the scriptures, he was buried and he was raised on the third day and appeared to Cephas and then to the twelve, then he appeared to more than five hundred brothers and sisters at one time, most of whom are still alive, though some have died. Then he appeared to James and then to all the apostles. Last of all, he appeared to me."

Now this was a stupid thing to write if people could just go out and ask for verification and not get it. Even though the letter was written to people in the Greek city of Corinth, there was sufficient chance of people checking up on this statement to make it stupid to say it if it were not true.

Now let us turn to the Gospels themselves.

In the New Testament we find two detailed testimonies describing the death and resurrection of Jesus written by eyewitnesses – Matthew and John (both disciples of Jesus and intimately acquainted with the events in question). A third account of the event is made by Mark, who worked alongside Peter and records Peter’s eyewitness version. Luke, a Greek doctor, opens his letter by stating that since he has carefully investigated everything from the beginning, he has chosen to write an orderly account of all that has been fulfilled. Further eyewitnesses confirm Paul’s claim that Jesus died and rose, in the letters in the latter part of the New Testament.

Each of these four witnesses agrees in substance concerning the death and resurrection of Jesus, but, like you would expect with genuine witnesses, differ to a small degree in detail. This adds credibility to their story. Witnesses who testify with identical details will raise suspicions as to collusion.

Because of time constraints, I will assume everybody has at least a rough idea of the story of the crucifixion in the Bible. If you don’t, even if you are not yet a Christian, read it when you get home. I think we have some gospel portions for you if you prefer not to have to get out the Bible wherever it now is.

I should interpolate here that for the purposes of tonight, it does not matter whether or not you accept the Bible as the Word of God. Assuming you do not do so, you cannot really challenge the evidence that not only do we have extant manuscripts from the third century, but also we have records of statements of bishops in the second century, such as Papias and Iranaeus, who affirmed the existence of the Gospels and their writers.

The four accounts of Jesus by Matthew, Mark, Luke and John are consistent with the general events of the resurrection and can be tested against independent sources. Luke’s account enables historians to conclude that Jesus died under the jurisdiction of Pontius Pilate, Procurator of Judea from 26 to 36 AD or during the last ten years of the reign of the Emperor Tiberius.

The evidence is increased in value by the inclusion of bits and pieces which do not portray the writers of the gospels and their friends in a favourable light.

So let us take up Mark’s Gospel at ch 14:26, “When they had sung the hymn, they went out to the Mount of Olives. And Jesus said to them, “You will all become deserters: for it is written, “I will strike the shepherd and the sheep shall be scattered” But after I am raised up, I will go before you to Galilee. Peter said to him (and remember it was Peter who gave Mark the information to write the gospel) “Even though all become deserters. I will not.” Jesus said to him, “Truly I tell you, this day, this very day, you will deny me three times.”

The passage proceeds to show how the disciples just fell asleep at the climax of the first Holy Thursday, that when Jesus was arrested they fled, though Peter and John crept back. John, who had the right connections got inside, Peter stayed outside, and was challenged by various people as being one of Jesus’ followers, denied it three times and then the cock crowed.

This contrast with other tales of the founding committee of an organisation where the founding fathers are portrayed as people of impeccable nerve and verve. The gospels present the apostles before the crucifixion as a scared bunch who were not able to stand up to the stress of the arrest of Jesus.

We must contrast this with the behaviour of the same people after the resurrection.

Peter takes the lead. The first cricketing joke comes from his summary of what had happened to the other apostles, "Peter stood before the eleven and was bold!". Peter was not only bold before the other apostles, he was bold before the community which was quite opposed to the Christian sect.

Acts chapter 3 tells us of the story of Peter and John going up to pray at the Temple and Peter cured a man who could not walk and that in full public view. When challenged he said publicly, "You Israelites, why do you wonder at this, or why do you stare at us, the God of Abraham has glorified his servant Jesus. You killed the author of life whom God raised from the dead."

The consequence was, of course, that Peter & John were arrested. When they appeared in court, they told the same story.

These people who had only recently been fearful of the authorities are now bold. The difference was the resurrection. If they had not seen the evidence, they would not have been able to speak like this. Only the most clever conman can risk his life for a lie. And the apostles were not in this league.

On the same line, if you read the Easter stories in the Gospels critically and carefully, you will clearly see that on that first Easter Day, the disciples had no real expectation that there would be a resurrection. The women were the first to see evidence of the resurrection because they found no body, but the stone rolled away and an angel or two in the tomb. They told some of the disciples, but, in those days, no one accepted a woman as a credible witness.

Indeed, the Anglican Priest and leading Religious Book Writer, John Dickson, points out that it would be an odd thing that a person making up a story would involve women as witnesses. This is again a small pointer to the veracity of the story.

Peter and John looked in the tomb for themselves, and John believed. However, it took at least a week for all the remaining apostles to accept that Christ had risen. We thus do not have a scenario of people believing what they want to believe.

It must also be recognized that the story of the resurrection belonged to the very earliest stage of Christianity. It was a bedrock of the first thrust of the Jesus movement, not just something added later.

Many lawyers have spoken on occasions like this in an endeavour to convince people that it is quite reasonable to believe in the resurrection because the fact of the resurrection can be established to the satisfaction of our standard of legal proof.

Other scholars have done the same. I will mention some, which you might like to read over the Easter season.

There is Frank Morrison's "Who moved the Stone:" first published in 1930 and I think still in print. Morrison started to write a book sceptical about miracles, but ended up supporting the fact of the resurrection.

Josh McDowell's "Evidence that demands a Verdict" ,first published in 1972, devotes two chapters to the resurrection. In the first of these, the author says that there is no other option but to accept the resurrection as fact or that the myth of its propagation was one of the most vicious, heartless hoaxes ever foisted upon the minds of men.

McDowell gives extracts from the scriptures, the early Christ Apologists, the philosophers, leading lawyers and others to show a strong case for the resurrection as fact.

Ross Clifford, a Sydney Lawyer now head of the Baptist Theological College produced a book "Leading Lawyers Look at the Resurrection" in 1991. it's now out of print, but there is a copy in the Law Court's Library and many other libraries.

The book contains essays by leading lawyers supporting the evidence for the resurrection including in Appendix 2, an extract from the tract authored by Mr Clarrie Briese, the former Chief Stipendiary Magistrate affirming the fact of the resurrection.

Let us now look briefly at the eye witness evidence of the resurrection and the circumstantial evidence.

Each of the four accounts of Jesus' resurrection would hold up under skilful cross-examination because they are detailed, coherent and consistent with the resurrection. They provide a solid body of circumstantial evidence - that is a combination of circumstances, that when taken together points to a strong conclusion.

1. Jesus was dead – Roman method (crucifixion and spear producing water and blood separated)
2. The tomb - rich man's tomb
3. The burial -
4. The stone
5. The seal (hard to break, death to anyone who dared)
6. The guard
7. The disciples (transformation – Pentecost)
8. The Post-resurrection appearances (many – claimed at Pentecost in the city where death occurred)

Now there would be many who might have been able to contradict some of those public events. But no-one ever came forward to do so despite the fact that the Temple authorities must have been trying to find such people.

Likewise, centuries have now passed and some of the best minds have applied themselves to disputing the fact of the resurrection, knowing, as St Paul admits, that if there was no resurrection, the Christian faith is a fiction.

What happens when we look at the opposing side's witnesses? We do not find any accounts of Jesus' death and burial. The only claim we hear that was circulated at that time is recorded in Matthew. Matthew tells us that the Chief Priest and Jewish elders bribed the soldiers who had guarded the tomb to spread the word that the disciples had stolen the body while the guards slept. This is the first claim, that the disciples stole the body.

The second is that the disciples made it all up in order to get power and influence for themselves.

The third is that Jesus was not really dead, he was only stunned and later revived.

The fourth is that an imposter posed as the risen Jesus.

I have not heard any other objections seriously put, if there are any more, we will deal with them in question time..

Let us consider these objections one by one.

### **1<sup>st</sup> claim: that the disciples stole the body**

Matthew provides the first reference to the claim – This claim must have been circulating, otherwise the gospel writer would not invent a counter-claim, which sows seeds of doubt, and put it into his work. He wants to refute a widely circulating slander against Christians.

The theory is principally countered by the post resurrection behaviour of the disciples which I have already examined. The disciples, deserted Jesus and did little to prevent the capture of Jesus in the Garden of Gethsemene, There was no expectation that a Jewish martyr would rise from the dead. Traditional Jewish teaching, both before and after Jesus, stated that at the end of history the faithful dead would rise to eternal life in a divinely restored creation.

Furthermore, it would have been a very difficult job to steal the body. The disciples would have had to bribe the guards, difficult as often a guard who failed in his duty was executed, and then would have had to roll away a very heavy stone sealing the opening. They then would have had to dispose of the body without anyone seeing them.

John Dickson, points out that it is odd that it is Matthew's gospel that actually voices this objection. He notes, however, that it has now been abandoned by virtually everybody scholarly, save a few modern sensationalist writers.

### **2<sup>nd</sup> claim: the disciples made it up**

There is no suggestion in the gospel record of any failure of the disciples to tell the truth and the whole truth. Their credibility was never attacked even by their enemies.

The life they led after the resurrection, ending in martyrdom for the majority tells against any such fraud.

### **3<sup>rd</sup> claim: that Jesus only collapsed**

Method of Roman execution was cruel and effective. There were professional executioners there who ensured that Jesus was dead. Again, how did he escape from the sealed tomb past the guards, especially in a very weakened state?

### **4<sup>th</sup> claim: that an imposter posed as the risen Jesus.**

This is again countered by the fact that the disciples lives were changed.

Further, Jesus had had a very public ministry. He had been seen by hundreds. His appearances after the resurrection again were sometimes public events. It is quite implausible that an imposter could have carried out an impersonation.

### **Recent claims: it is all in the mind**

More recently, some Christian scholars have argued that the resurrection was a mere vision. Peter Carnley in his "Reflections in Glass" says that just as in the passage from 1 Corinthians I quoted earlier, Paul's experience of the resurrection must have been a vision, so were all the others to which he referred to in that chapter.

However, just because I have a dream about a car accident, does not mean that those who thought they actually saw the accident were also dreaming. Furthermore, if the 500 did not really see Christ, but had some sort of simultaneous vision, one would have thought that some would have acknowledged this, but no-one did.

There has not been the time tonight to go deeply into the texts describing Holy Week, the Crucifixion and the resurrection. I understand that a gospel portion containing an eye witness account is available for you to read and take home tonight. It was written by John, a disciple of Jesus. The most relevant chapter for tonight's topic is John 20.

So, the exercise tonight has been to determine a question of fact whether the fact of the resurrection was proved on the balance of probabilities.

When determining a question of fact – that is, whether something happened at a particular time and place – a judge must bring to the hearing an impartial and unprejudiced mind. That is, a mind that bears no preconceived ideas about what probably happened, a mind that bears no prejudices toward the witnesses who will be testifying or other characters involved in the case. A judge must confine his or her thoughts to the event in question.

My analysis is that the resurrection passes the test.

It is important that this be said and accepted.

However, establishing the fact of the resurrection is not the last step in the process. Christ's resurrection ensures our regeneration, it insures our justification before God and it ensures that we also will receive perfect resurrection bodies. Death will be for those who follow Christ merely the doorway from one aspect of life to the next.

This acceptance of Christ is not just a process of examining the evidence and accepting something as a fact of history, but in committing one's whole being to Christ.

Now that is the most important statement I've made all night, but my time is up.