

# "WHERE NO ONE HAD YET BEEN LAID" The Shame of Jesus' Burial

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Recent studies have posed provocative questions about Jesus' burial, as a steady stream of books and articles has increasingly raised the possibility that the body of Jesus might have been disposed of in shame and dishonor. [1] While some scholars still hold that Jesus was buried with dignity, it is now quite common to read assertions to the contrary. Raymond E. Brown, for example, has argued that Jesus was buried in a tomb reserved for criminals, and John Dominic Crossan has concluded that no one really knew what became of the body--it may have been thrown out to be eaten by dogs. [2] The problems surrounding Jesus' burial are extremely difficult, for reasons which are all too familiar to scholars of the historical Jesus: the event took place long ago, the sources are scarce, and most of the textual evidence is heavily shaded in Christian ideologies. All the same, in my judgement it is possible to reach a very high degree of historical confidence about the burial of Jesus. He was, after all, a Palestinian Jew crucified by Romans, and quite a lot is known about Jewish and Roman practices regarding the dead. In addition, anthropologists and sociologists have thoroughly analyzed the ways in which societies and cultures treat the remains of the dead. Accordingly, this chapter will draw upon evidence from archeology

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1. J. Blinzler, "Die Grablegung Jesu in historischer Sicht," in E. Dhanis (ed.), *Resurrexit* (Vatican City: Editrice Vaticana, 1974) 56-107; F. M. Braun, "La sepulture de Jesus," *RB* 45 (1936) 34-52, 184-200, 346-63; A. Buchler, "L'enterrement des criminels d' apres le Talmud et le Midrasch," *REJ* 46 (1903) 74-88; H. Cousin, "Sepulture criminelle et sepulture prophetique," *RB* 81 (1974) 375-93; D. Daube, *The New Testament and Rabbinic Judaism*. (London: Athlone, 1956), 310-11; E. Dhanis, "L'ensevelissement de Jesus et la visite au tombeau dans l'evangile de saint Marc (xv, 40--xvi, 8)," *Greg* 39 (1958) 367-410.
  2. R. E. Brown, "The Burial of Jesus (Mark 15:42-47)," *CBQ* 50 (1988) 233-45; idem, *The Death of the Messiah* (New York: Doubleday, 1994) 1201-1317; J. D. Crossan, *The Historical Jesus* (San Francisco: Harper, 1991) 391-94; idem, *Who Killed Jesus?* (San Francisco: HarperCollins, 1995) 160-88.

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and literature, along with theory from anthropology and sociology, to argue that Jesus was indeed buried in disgrace in a criminals' tomb. Based on what we know of Roman practice and Jewish custom, one or more members of the Sanhedrin must have obtained the body of Jesus from Pilate and arranged for a dishonorable interment. From an early date the Christian tradition tried to conceal this unpleasant fact, but the best evidence clearly shows that Jesus was buried in shame.

## I

Jesus was crucified by Romans, and at the time of his death his body was in the hands of Romans, so any historical investigation of his burial must begin with the Romans. What would Pilate and the soldiers guarding the cross, who were in charge of the body of Jesus, have been most likely to do with it? There is a distinct possibility that they might have done nothing at all with the body, but simply left it hanging on the cross. As Martin Hengel has observed, the Romans used crucifixion not only as a punishment but also as a deterrent, and while the punitive effect of crucifixion may have ended when the victim died, the deterrent effect did not have to. [3] The impact of crucifixion could go on for days at a

time, as the body of one who had crossed the purposes of Rome was left hanging in public view, rotting in the sun, with birds pecking away at it.

Several Roman writers mention that condemned criminals could be denied a decent burial, and that victims of crucifixion in particular could be left on their crosses for days at a time. Suetonius, for example, writes that when Augustus avenged the murder of Julius Caesar, he not only took the lives of Brutus and his supporters but also denied them customary rites of burial. One victim who pleaded for a decent burial was told, "The carrion-birds will soon take care of that" (Suetonius, *Augustus* 13.1-2). Later, in 31 CE, when Tiberius moved against Sejanus and his supporters, some of them committed suicide rather than be executed, "because people sentenced to death forfeited their property and were forbidden burial" (Tacitus, *Annals* 6.29). Also from the first century is Petronius' amusing (to Romans, at least) story about a soldier who was assigned to guard some crosses "in order to prevent anyone from taking a body down for burial" (Petronius, *Satyricon* 111). The unfortunate soldier loses one

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3. M. Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (Philadelphia: Fortress, 1977) 86-88.

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of the bodies, however, when he diverts his attention from the crosses in order to pursue an amorous interlude with a widow. While he is thus distracted, parents of one of the victims take the body down and bury it. The story is full of bawdy themes--it is from the *Satyricon*, after all--but two incidental details suggest the seriousness with which Romans could take the matter of guarding crucifixion victims: the soldier guards the crosses for three nights, and he fears for his life when the theft is discovered. Finally, Horace mentions that a slave who is innocent of murder need not fear "hanging on a cross to feed crows" (Horace, *Epistles* 1.16.48).

In each of these cases the central issue appears to be an assertion of power, and specifically *Roman* power. In typical Roman fashion, opponents and enemies are not merely subdued but utterly vanquished and even made an example of. Certainly the limp, putrefying body of a crucifixion victim would have displayed the might of Rome in viscerally graphic fashion. Something else was also at work in these practices, however, something which had to do with the Roman social order. Ordinarily, death is an event which disrupts the functioning social order, for the death of any particular individual tears away a member of a social member of a social network and forces the network to reconstitute itself. Death rituals--i.e., burial customs and rites of mourning--are social processes which heal the wounds which death inflicts on the social group. [4] By burying the dead and mourning their absence, members of a society affirm that someone significant has been lost. When the Romans did not permit the burial of crucifixion victims, then, they were doing more than merely showing off the power of Rome: they were also declaring that the deaths of these victims were not a loss to Roman society. Far from it, the deaths of condemned criminals actually served to strengthen and preserve Rome, protecting and defending the social order of the Empire.

Certainly there were times when Roman officials in Judea behaved like their counterparts in the rest of the Empire. When Varus, for example, the Roman legate of Syria, moved into Judea in 4 BCE to quell civil unrest after the death of Herod the Great, he reportedly crucified two thousand of those who participated in the uprising in and around Jerusalem (*Ant.* 17.10.10 295). Later, as the First Jewish War was breaking out in 66 CE, the Roman procurator Gessius Florus is said to have ordered indiscriminate crucifixions,

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4. R. Hertz, *Death and the Right Hand* (New York: Free Press, 1960).

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including among his victims even some citizens of equestrian rank (*J. W.* 2.14.9 306-307). And in 70 CE the Roman general Titus is reported to have crucified hundreds of Jewish captives around the walls of Jerusalem, in the hope "that the spectacle might perhaps induce the Jews to surrender" (*J. W.* 5.11.1 450). Josephus does not specifically state that bodies were left hanging on crosses in these cases, but that would be entirely consistent with the general purpose of these crucifixions. It is likely, then, that on at least three

occasions Roman authorities in Judea left victims of crucifixion hanging on crosses in just the way described by Petronius and Horace.

These actions, however, are certainly not typical of the way Romans usually behaved in Judea. These mass crucifixions, it turns out, all come from times of acute crisis, when Roman military officers were being called in to stabilize situations which had gotten out of control. Varus and Titus, for example, were putting down armed rebellions, and even before Florus' action in 66, the legate of Syria (Cestius Gallus at the time) had already become involved with the escalating troubles in Judea (*J. W.* 2.14.3 280-283). Throughout most of the first century, by contrast, and especially at the time of Jesus' death, Judea was not in open revolt against Rome and was not under control of Roman generals commanding legions of soldiers. [5] It was instead administered by a prefect who had only a small contingent of troops at his disposal. Certainly the prefect could mobilize those forces to suppress potential rebellion, as Theudas and "The Egyptian" discovered (*J. W.* 2.13.4-5 258-263; *Ant.* 20.5.1 97-99; 20.8.6 167-172; Acts 5:36), but such events were brief, intermittent, and did not involve mass crucifixions. Most of the time, in other words, the city walls of Jerusalem were not ringed by hundreds of crosses. At the time of Jesus, in fact, the situation was peaceful enough that events in and around Jerusalem were not always under the direct control of the Roman prefect. Pilate did not reside in Jerusalem, but at Caesarea on the coast in a palace built by Herod the Great, and he came to Jerusalem only on special occasions, such as Passover. A small Roman force was stationed in the city in the fortress Antonia, but the routine day-to-day government of Jerusalem was largely in Jewish hands, specifically the High Priest and the

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5. E. P. Sanders, *The Historical Figure of Jesus* (New York: Penguin, 1993) 15-32; F. Millar, *The Roman Near East 31 BC - AD 337* (Cambridge: Harvard University Press, 1993) 43-56.

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council, who were accountable to Pilate for the maintenance of public order. Pilate himself was accountable to the legate of Syria, and it was in the interest of all concerned to avoid disruption of the status quo. It would be a mistake, then, to conclude that episodes like those involving Varus, Florus, and Titus are typical of the situation surrounding Jesus' burial. They were military commanders putting their foot down--*hard*--on open rebellion against Rome. Pilate was a bureaucrat trying to keep the wheels of government running smoothly.

Roman prefects like Pilate, in fact, often allowed crucifixion victims to be buried. Cicero, for example, mentions a governor in Sicily who released bodies to family members in return for a fee (*In Verrem* 2.5.45), and Philo writes that on the eve of Roman holidays in Egypt, crucified bodies were taken down and given to their families, "because it was thought well to give them burial and allow them ordinary rites" (*In Flaccum* 10.83-84). In addition, as Crossan has pointed out, the famous case of Yehohanan, the crucified man whose skeletal remains were found in a family tomb at Giv'at ha-Mivtar, proves that a Roman governor in Jerusalem had released the body of a crucifixion victim for burial. [6] Finally, the Gospels'

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6. Crossan, *Who Killed Jesus?*, 167-68. For the archaeology, cf. V. Tzaferis, "Jewish Tombs at and near Giv'at ha-Mivtar, Jerusalem," *IEJ* 20 (1970) 18-32. For two differing analyses of the skeletal remains--and two different reconstructions of the Roman method of crucifixion--cf. N. Haas, "Anthropological Observations on the Skeletal Remains from Giv'at ha-Mivtar," *IEJ* 20 (1970) 38-59; and J. Zias and E. Sekeles, "The Crucified Man from Giv'at ha-Mivtar: A Reappraisal," *IEJ* 35 (1985) 22-27. Crossan, however, completely misunderstands the significance of this find when he writes, "With all those thousands of people crucified around Jerusalem in the first century alone, we have so far found only a single crucified skeleton... Was burial, then, the exception rather than the rule?" (168). The archaeological report plainly states that it was only an accident which caused Yehohanan's remains to be preserved in such a way as to identify him as a crucifixion victim. Only the nail through his ankle provided evidence of crucifixion. And why was the nail still in Yehohanan's ankle? Because the soldiers who had crucified him could not extract it from the cross. When the nail had been driven in, it had struck a knot in the wood, bending back the point of the nail. As any carpenter (or fisherman) knows, it is almost impossible to extract a nail with a point that has been bent back like the barb of a hook. Thus if there had not been a knot strategically located in the wood of Yehohanan's cross, the soldiers would have easily pulled the nail out of the cross. It never would have been buried with Yehohanan, and we would never have known that he had been crucified. It is not surprising, in other words, that we have found the remains of only one crucifixion victim: it is surprising that we have identified even one. Crossan's inference on p. 168 is quite misguided.

assertion that Pilate "used to release for them one prisoner for whom they asked" (Mark 15:6 par.) is also relevant here, for it shows that during the first century CE one could plausibly tell stories of Roman judicial clemency, especially around religious holidays. Thus the fate of Jesus' body in Roman hands should not be regarded as automatic. The occasion of Jesus' death was a Jewish holiday, and Pilate was not in the process of suppressing a revolt, but rather simply trying to protect public order.

On balance, then, the Romans involved with the death of Jesus naturally would have expected that the body would remain on the cross, unless Pilate ordered otherwise. It was something of a commonplace in the Empire that victims of crucifixion would become food for carrion-birds, unless the clemency of a governor intervened. Certainly Rome had its reasons for leaving its victims on public display. This fact can help to explain an interesting detail in Mark's account of the burial of Jesus: Mark 15:43 says that Joseph of Arimathea "dared" ...to approach Pilate and request the body of Jesus. Why "dared?" Because such a request would indeed have been daring in light of the fact that victims often remained hanging on crosses as symbols of Roman will. [7] On the other hand, a request by a Jewish leader for the body of Jesus would not have been out of place, either, since Roman prefects--including at least one that we know of in first-century Jerusalem--did allow the burial of crucifixion victims. In the case of Jesus, such an allowance was likely, since Jesus was not caught up in a mass crucifixion, and his death did not come at a time of revolt against Rome. The Jewish leaders of Jesus' day generally cooperated with Pilate in preserving public order in Jerusalem, and the occasion of Jesus' death was a Jewish religious holiday. It may have taken a little nerve, then, but someone like Joseph of Arimathea could have reasonably expected that Pilate would grant his request for the body of Jesus.

## II

But would a member of the council have approached Pilate about the body of Jesus? Or would the Jewish leaders of the first-century

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7. Brown, *The Death of the Messiah*, 1216-17.

Jerusalem have been content to let Pilate do whatever he wanted with the body? The evidence indicates that they would *not* have wanted the body of Jesus to be left hanging on the cross. Based on what we know of Jewish culture, they would have preferred for Jesus to be buried, and promptly. Jewish burial practices in the days of Jesus are well-known: hundreds of tombs have been excavated, and many texts--from Josephus, the Mishnah, and the tractate *Semahot* [8]--explicitly discuss the care of the dead. Indeed, archaeological and literary evidence presents a remarkably complete picture, and the following portrait of a typical Jewish funeral is based on the combined witness of texts and tombs. [9]

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8. The tractate *Semahot* (lit. "rejoicings," certainly a euphemistic title) dates from the third century CE and is an earlier form of the Talmudic tractate *Ebel Rabbati*. For this date and a discussion of the evidence, see D. Zlotnick, trans., *The Tractate "Mourning" (Semahot)* (New York: Yale University Press, 1966).

9. Comment is called for here on current scholarly suspicions regarding the value (or lack thereof) of the Mishnah as a historical source for the world of Jesus. Of course one cannot naively assume that this third-century text preserves reliable information about first-century Jewish life. In many cases it demonstrably does not. *On the specific topic of burial practices, however*, there is strong evidence in favor of using the Mishnah. First, at points where it can be checked against the archaeological evidence the Mishnah has already been shown to be accurate. *m. B. Bat.* 6:8, for example, records a rabbinic discussion about the ideal dimensions for burial niches, and the dimensions given in the Mishnaic text correspond closely to the actual dimensions of so-called "loculus" niches typically found in first-century Jewish tombs in Palestine. *m. B. Bat.* 2:9 stipulates that tombs should be located at least fifty cubits outside of a town or city, and archaeology confirms that this practice was typically followed both in first-century Jerusalem and at Qumran. Second, it is an anthropological commonplace that burial practices change very slowly (see below). Theological ideas

about death and the afterlife are typically vague and fluid, but burial practices and customs have a weight and mass all their own. From this point of view, there would be nothing particularly remarkable about a third-century text which accurately preserved information about burial customs from two centuries earlier. For these reasons I do not hesitate to make critical use of the Mishnah--along with the tractate *Semahot*--in conjunction with other sources of evidence on this specific topic. Cf. B. R. McCane, *Jews, Christians, and Burial in Roman Palestine* (Ph.D. diss., Duke University, 1992); P. Figueras, *Decorated Jewish Ossuaries* (Leiden: Brill, 1985); D. Goldenberg, *Halakhah in Josephus and in Tannaitic Literature: A Comparative Study* (Ph.D. diss., Dropsie University, 1978); R. Hachlili, *Ancient Jewish Art and Archaeology in the Land of Israel* (Leiden: Brill, 1988); S. Klein, *Tod und Begrabnis in Palastina zur Zeit der Tannaiten* (Berlin: Itzowski, 1908); E. M. Meyers, *Jewish Ossuaries: Reburial and Rebirth* (Rome: Pontifical Biblical Institute, 1971); L. Y. Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," BA 44 (1981) 43-45; S. Safrai, "Home and Family," in S. Safrai and M. Stern (eds.), *The Jewish People in the First Century* (2 vols., CRINT 1.1-2; Assen: Van Gorcum; Philadelphia: Fortress, 1976) 2.773-87.

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The Jews of Early Roman Palestine had a long tradition of prompt burial of the dead. Most funerals took place as soon as possible after death, and almost always on the same day. [10] As soon as death occurred, preparations began: the eyes of the deceased were closed, the corpse was washed with perfumes and ointments, its bodily orifices were stopped, and strips of cloth were wrapped tightly around the body--binding the jaw closed, holding the hand to the sides, and tying the feet together. [11] Thus prepared, the corpse was placed on a bier or in a coffin and carried out of town in a procession to the family tomb, usually a small rock-cut cave entered through a narrow opening that could be covered with a stone. [12] Upon arriving at the tomb, eulogies were spoken and the corpse was placed inside, either in a niche or on a shelf, along with items of jewelry or other personal effects of the deceased. [13] Expressions of condolence continued as the procession returned to the family home,

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 10. *m. Sanh.* 6:5; *Sem.* 1.5. Cf. also Mark 5:38 par., where funerary preparations have already begun after Jairus' daughter has died earlier that day.

11. *m. Sanh.* 23:5; *Sem.* 1.2-5; 12.10. One prominent rabbi, Rabban Gamaliel, is said to have disapproved of overly ostentatious preparations for burial, and to have ordered his body to be wrapped in flax rather than linen (*b. Ketub.* 86a; *b. Mo'ed Qat.* 27b). Brown appears to misunderstand the point of this gesture when he writes that "a change in burial style is reported to have been introduced" by Gamaliel (*The Death of the Messiah*, 1243). Gamaliel did not, however, introduce any change in Jewish burial practices: his body was wrapped in cloth like any other Jewish corpse. What Gamaliel changed was the degree of ostentation, by insisting on plain simple flax rather than fine linen. Such sentiments are rather common in the anthropology of death ritual. In the ancient world, Solon, Plato, Cicero are all said to have urged limitations on funerary display (Plutarch, *Sol.* 21.5; Cicero, *de Leg.* 2.23.59; 2.24.60).

12. *m. B. Bat.* 2:9; cf. also A. Kloner, *The Necropolis of Jerusalem* (Ph.D. diss., Hebrew University, 1980) [Hebrew].

13. *Sem.* 8.2-7. Two kinds of burial niches typically characterize Jewish tombs in Roman Palestine: (1) the *kokh* or *loculus*, a deep narrow slot in the wall of the tomb, and (2) the *arcosolium*, a broad arch-shaped recess along the wall of the tomb. A typical *loculus* cave can have 5-8 niches (cf. L. Y. Rahmani, "A Jewish Tomb on Shahin Hill, Jerusalem," IEJ 8 [1958] 101-105), while a typical *arcosolium* cave has only three (cf. idem, "The Mahanayim Tomb," *Atiqot* 3 [1961] 91-120).

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and friends and relatives dispersed. The funeral was thus conducted without delay, and in most cases the body had been interred by sunset on the day of death. Once in a while a Jewish funeral might even be a little too hasty: the rabbis told stories of people who had been mistakenly buried before they were actually dead. [14]

This preference for promptness was only heightened in the case of crucifixion victims, for the Torah specifically commanded that those who had been "hung on a tree" should be buried at sunset. Deuteronomy 21:22-33 reads: "if a man has committed a crime punishable by death and he is put to death, and you hang him on a tree, his body shall not remain all night upon the tree, but you shall bury him the same day." Victims of execution could be left hanging in public view, then, but only for a short period of time. In the book of Joshua, the king of Ai is killed, hanged, and then buried at sunset (Josh 8:29), as are the five kings who oppose the Israelites (Josh 10:27). The apocryphal book of Tobit tells of a hero who risked life and limb to bury execution victims at sunset of the day of death (Tob 1:16; 2:4), and Jewish writings from first-century Palestine confirm the ongoing vitality of this ancient cultural norm. The Temple Scroll from Qumran, for example, quotes Deut 21:22-33, and Josephus says that the Jews in Jerusalem

were "so careful about funeral rites that even malefactors who have been sentenced to crucifixion were taken down and buried before sunset" (*J. W.* 4.5.2 317). These norms continued to have currency long after the time of Jesus: *m. Sanh.* 6:4 quotes Deut 21:22-23 verbatim and notes that Jews did not customarily leave bodies of executed criminals hanging past sunset on the day of death. Jews in Palestine, in other words, had long regarded prompt burial as the normal and decent way to treat the dead. The Jewish leaders in first-century Jerusalem would have thought of it as only natural and right to take Jesus' body down from the cross at sunset.

They would not have thought it natural and right, however, to bury Jesus like most other Jews. For there was also a long-standing

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14. *Sem.* 8.1: "One may go out to the cemetery for three days to inspect the dead for a sign of life, without fear that this smacks of heathen practice. For it happened that a man was inspected after three days, and he went on to live twenty-five years; still another went on to have five children and died later." Such anecdotal accounts are more likely than rabbinic prescriptions to reflect the realities of everyday life--and death.

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Jewish tradition that some bodies ought to be buried differently from others. Some Jews were buried in shame and dishonor, because they were guilty of crimes which made them undeserving of a decent burial. The evidence for the practice of dishonorable burial begins in the Hebrew Bible. In 1 Kgs 13:21-22, for example, a prophet who disobeys the command of the LORD is denounced and told, "Your body shall not go into the tomb of your fathers." Later, in Jer 22:18-19 it is the king himself (in this case, Jehoiakim, son of Josiah) who is so threatened: "They shall not lament for him... With the burial of an ass shall he be buried, dragged and cast forth beyond the gates of Jerusalem." Granted, these texts evince only the beginnings of an outline of dishonorable burial by suggesting that there might be offenders who would not be buried in their family tombs, and that there might be deaths for which Israel would not mourn; but this early evidence is reinforced in later periods. Josephus, for example, records a version of the biblical story of Achan (Joshua 7) and his account ends with the statement that Achan was "straightway put to death and at nightfall was given the ignominious...burial proper to the condemned" (*Ant.* 5.1.14 44). Josephus does not specify what "ignominious burial" was--apparently he can safely assume that his readers will know and understand. The Mishnah is much more specific. *m. Sanh.* 6:6 says that criminals condemned by a Jewish court were not interred "in the burial place of their fathers," but in a separate places kept by the court specifically for that purpose. Rites of mourning were not observed for these criminals, either. Family members were supposed to keep their grieving to themselves:

The kinsmen came and greeted the judges and the witnesses as if to say, "We have nothing against you in our hearts, for you have judged the judgement of truth." And they used not to make open lamentation, but they went mourning, for mourning has its place in the heart (*m. Sanh.* 6:6).

Talmudic texts likewise argue that mourning should not be observed for those condemned by a Jewish court (*Sem.* 2.6). Even though these sources do not always spell out in full the exact details of dishonorable burial, certain elements do recur, and enough for us to reach at least one conclusion. From the Hebrew Bible through the rabbinic literature, dishonorable Jewish burial meant two things: burial away from the family tomb, and burial without rites of mourning.

Before proceeding any further, there is a point to be noted here

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about burial practices--not just Jewish burial practices, but burial practices in general. The point is this: they change very slowly. For centuries on end Israelites and Jews had been burying their dead promptly, and burying their dishonored dead in shame, and these customs did not change much over time. Burial practices are in fact among the most traditional and conservative aspects of human cultures, and they are especially so in unsecularized societies. When a society is still embedded in religion--i.e. when religious beliefs still serve as the foundation for social institutions and customs--burial practices function as ritual vehicles for social and cultural cohesion in the face of death. As such, they change very slowly. It is important to note the significance of this fact for the burial of Jesus. [15] Traditions of prompt burial, and of dishonorable burial, would have exerted a powerful influence on the Jewish leaders of first-century

Jerusalem. These customs had been handed down for generations and were invested with the aura of sacred authority. The Jewish leaders were devoutly religious. To imagine that they could have disregarded these traditions, out of indifference or inconvenience, is to misunderstand burial customs in a fundamental way. Worse yet, it is to project post-modern secularized ways of thinking back into an era where they do not belong.

The element of shame in Jewish dishonorable burial is most vividly evident in the specific differences between burial in shame and burial with honor. Honorable burial emphasized precisely what shameful burial left out: the family tomb, and mourning. Burial by family groups in subterranean chambers was the consistent pattern, not just among Israelites and Jews but throughout the ancient near east. The practice of secondary burial (i.e. the reburial of bones after the flesh of the body has decayed) was especially prevalent, going back as far as the Middle Bronze Age (c. 2000-1500 BCE), when circular underground chambers were used and the bones of family members were typically gathered into a pile on one side of the tomb. [16] Similar practices persisted through the Late Bronze Age (c.

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15. For the sociology and anthropology of death ritual, see P. Metcalf and R. Huntington, *Celebrations of Death: The Anthropology of Mortuary Ritual* (2<sup>nd</sup> ed., Cambridge: Cambridge University Press, 1991); M. Bloch and J. Pary (eds.), *Death and the Regeneration of Life* (New York: Cambridge University Press, 1982); R. Chapman, I. Kinnes, and K. Randsborg (eds.), *The Archaeology of Death* (Cambridge: Cambridge University Press, 1981).

16. S. Campbell and A. Green (eds.), *The Archaeology of Death in the Ancient Near East* (New York: Oxford University Press, 1994).

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1500-1200 BCE). [17] Later, during Iron Age II (esp. c. 800-700 BCE), benches were carved around the walls of the burial chamber, about waist-high. [18] Bodies were laid on these benches, and when decomposition of the flesh was complete, the bones were moved into repositories beneath the benches. Over time, these repositories came to hold the bones of family members long dead, so that the bones of the deceased rested with those of the forebears. The recurrent biblical idiom, "to be gathered to one's people/fathers" (Gen. 25:8 etc.), vividly depicts this ancient Israelite burial practice. It also gives voice to the Israelite preference for burial in a family tomb.

Secondary burial in family tombs was still being practiced at the time of Jesus. True, the "bench" tomb had been replaced by the "loculus" tomb, in which bodies were placed not on benches but in loculus niches (i.e. deep narrow slots carved into the wall of the tomb). Repositories had also been replaced by "ossuaries" (i.e. limestone boxes), but the basic ancient pattern still held true: bones of family members were reburied together in the underground tombs. Archaeological evidence demonstrates that secondary burial in loculus tombs was by far the dominant burial practice among first-century Jews in and around Jerusalem, and inscriptions show that most of these tombs were used by family groups. In the "Goliath" tomb from Jericho, inscriptions enabled the excavators to reconstruct three generations of the family tree. [19] The famous "Caiaphas" tomb demonstrates that the family of the High Priest followed these customs: in that loculus tomb there were 16 ossuaries, one of which was inscribed with the name "Joseph Caiaphas." [20] Secondary burial is discussed at length in the Mishnah and Talmudim, and the tractate *Semahot* is almost entirely devoted to the topic. Here too there is a strong emphasis on ties of kinship and family: *Semahot* 12.9, for example, holds a son responsible for the reburial of his father's

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17. R. Gonen, *Burial Patterns and Cultural Diversity in Late Bronze Age Canaan* (ASOR Dissertation Series 7; Winona Lake: Eisenbrauns, 1992).

18. E. Bloch-Smith, *Judahite Burial Practices and Beliefs about the Dead* (JSOTSup 123; Sheffield: JSOT Press, 1992).

19. R. Hachlili, "The Goliath Family in Jericho: Funerary Inscriptions from a First Century AD Jewish Monumental Tomb," *BASOR* 235 (1979) 31-65; idem and P. Smith, "The Genealogy of the Goliath Family," *BASOR* 235 (1979) 67-70.

20. Z. Greenhut, "The Caiaphas Tomb in North Talpiyot, Jerusalem," *Atiqot* 21 (1992) 63-71.

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bones. Archaeological corroboration of the rabbinic sources is found in the second and third-century catacombs at Beth She'arim, where secondary burial is frequent and where inscriptions show that individual burial chambers were purchased and used by family groups. [21]

The element of mourning which was included in honorable burial also emphasized ties of kinship and family, and here too the traditions reach far back into Israelite history. Jacob was said to have rent his garments and put on sackcloth after being told that Joseph had died (Gen 37:34), Bathsheba first "made lamentation for her husband" before becoming David's wife (2 Sam 11:26-27). Sometimes a specific length of time is mentioned: the people of Israel mourn the death of Aaron for thirty days (Num. 20:29), and Job sits with his comforters for seven days and seven nights (Job 2:12-13). References to the length of time spent in mourning also appear in Jewish literature from the first century, as for example when Josephus writes that Archelaus "kept seven days of mourning for his father" (*J. W.* 2.1.1 1), and Mary and Martha are said to have been mourning their brother Lazarus for four days before Jesus arrives (John 11:17-19). The rabbinic literature supplies details of a more highly developed ritual. Here the period of mourning unfolds in two stages: first a seven-day period of intense grieving..., when family members "stay away from work, sitting at home upon low couches, heads covered, receiving the condolences of relatives and friends." [22] and then a thirty-day period of less severe mourning..., during which family members still did not leave town, cut their hair, or attend social gatherings. The rabbinic literature strongly emphasizes family ties: the longest period of mourning--an entire year--is said to occur when a son mourns for his parents (*Sem.* 9.15).

These customs of honorable burial expose an important feature of the Jewish culture of Roman Palestine. When they tended to their dead in this way, Jews were doing more than simply disposing of a body and dealing with their grief; they were also making a symbolic statement about their most basic cultural norms and values.

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21. M. Schwabe and B. Lifshitz, *Beth She'arim, Vol. II: The Greek Inscriptions* (New Brunswick: Rutgers University Press, 1974) 223.

22. L. Y. Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part One," *BA* 44 (1981) 175.

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Anthropologists have found that death rituals typically feature symbolic representations of the most cherished values in a culture, because "the issue of death throws into relief the most important cultural values by which people live their lives and evaluate their experiences." [23] For Jews, one of those values was the importance of belonging to an extended family group. The foundational narrative for Jewish culture was a story about a man whose descendants were to be more numerous than the stars in the sky, and respect for the family was enshrined in the moral charter of Judaism: "honor your father and mother." Jews in Jesus' day typically lived in extended family groups, and routinely identified themselves in legal documents, inscriptions, and literature as "X, son (or daughter) of Y." At life's end, they thought it best to be buried with their nearest kin. To be buried away from the family tomb--by design, not by fate--was to be cast adrift from these cultural patterns, and dislodged from a place in the family. To be unmourned by one's nearest relatives was to be effaced from the cultural landscape. It was worse than unfortunate; it was a shame.

How does all of this affect the burial of Jesus? To begin, it is certain that the Jewish leaders did not want the body of Jesus left hanging on the cross. Instead they wanted it to be taken down and buried before sunset on the day of his death. They would not have placed the body in a family tomb, nor would they have felt any obligation to mourn, but failure to bury Jesus would have been an offense against everything decent and good. At the season of Passover such sensibilities would only have been heightened. Thus it is to be expected that someone from the council approached Pilate about the body of Jesus. It is not necessary to assume that most, or even many, of the council members were involved in the events which led to Jesus' death. Nor is it necessary to suppose that any of the council members had any secret allegiance to Jesus. It is only necessary to recognize that at least a few of them were involved in the proceedings against Jesus, and that they were devout Jews. In that situation, Jewish religious cultural norms would have prompted them to see that Jesus was buried in shame at sunset on the day of his death. And to do that, someone had to approach Pilate about the body of Jesus.

Jewish burial customs, in fact, can explain a detail in the Gospels

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23. Metcalf and Huntington, *Celebrations of Death*, 25.

which has puzzled some interpreters: why does Joseph of Arimathea bury only the body of Jesus? Why doesn't he also bury the others crucified with Jesus? [24] Jewish traditions of dishonorable burial can make sense of this turn of events in the story, because burial in shame was relevant only to those criminals who had been condemned by the action of some Jewish (or Israelite) authority. Dishonorable burial was reserved for those who had been condemned by *the people of Israel*. *Semahot* 2.9, in fact specifically exempts those that die at the hands of other authorities. Mark's narrative conforms to this tradition. Since at least a few of the Jewish leaders had been involved in the condemnation of Jesus, they had an obligation to bury him in shame. But they were not necessarily responsible for Pilate's other victims.

### III

In describing the burial of Jesus, John 19:39 says, "Nicodemus, who had at first come to Jesus by night, also came, bringing a mixture of myrrh and aloes, weighing about a hundred pounds." This brief sentence showcases the kind of problems which bedevil the Christian accounts of Jesus' burial. In a word, the Christian stories are shot through with theology. Nicodemus, for example, is not mentioned in any other Christian story about the burial, but he figures prominently in the Gospel of John, both in the burial story and in his late-night conversation with Jesus in chapter 3. His appearance in the burial narrative has been linked to a specific theological agenda in the Fourth Gospel: he represents those who believe but do not openly declare their faith in Jesus. [24] In addition, the reference to "a hundred pounds" of spices is also problematic. That much myrrh and aloes would "fill a considerable space in the tomb and smother the corpse under a mound." [26] This exorbitant quantity of spices, however can also be linked to a theological interest, since ancient texts often depict extravagant preparations for the burials of important people. In both of these cases, John has added details which advance a theological purpose, and that in a nutshell is the basic historical problem with the burial narratives.

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24. Crossan, *Who Killed Jesus?*, 173.

25. R. A. Culpepper, *Anatomy of the Fourth Gospel* (Philadelphia: Fortress, 1983) 136.

26. Brown, *The Death of the Messiah*, 1260.

These texts stand at the intersection between the death of Jesus and his resurrection, and as such they are thickly woven with expressions of early Christian theology.

It is tempting to try to solve this problem in one of two ways. First, it is possible to try to identify a pre-Gospel tradition which underlies and precedes the written Gospels, and which can then be used to bypass the difficulties of the written Gospel narratives. Brown offers just such a reconstruction in his magisterial work, *The Death of the Messiah*. The results are often persuasive, as for example when Brown argues that the pre-Gospel tradition probably included the designation that Jesus was buried on "the day of preparation." [27] Yet reservations about such conclusions will always persist, since any effort to recover a pre-Gospel tradition is inevitably beset by intractable theoretical problems. We simply do not know enough about oral tradition in general, or about the pre-Gospel burial tradition in particular, to speak with confidence in this area. In the absence of any external confirmation it is practically impossible for us to know what preceded the burial narrative in the Gospel of Mark.

It is also tempting to go to the opposite extreme and conclude that the Christian accounts of Jesus' burial contain no historically useful information at all. John Dominic Crossan argues for this view in *Who Killed Jesus?* Setting the burial texts against the background of early Jewish and Christian polemics, Crossan asserts that the Gospels tell us absolutely nothing reliable about the fate of Jesus' body: "The burial stories are hope and hyperbole expanded into apologetics and polemics." [28] Certainly there are elements in the burial narratives which express Christian hope--Nicodemus, for one--and there are elements which obviously derive from Christian apologetics--the guard at the tomb, for another. Be that as it may, *Who Killed Jesus?* still reads like an exercise in throwing the baby out with the bath water. Even if everything in all the burial narratives has been constructed entirely from Christian theology and apologetics, these texts could still be instructive. It is precisely by looking closely at the ways in which Christian theology has

shaped these stories--what has been changed, what has been emphasized, and (most especially) what has been presupposed and even tacitly admitted--that we can turn up

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27. Brown, *The Death of the Messiah*, 1238-41.

28. Crossan, *Who Killed Jesus?*, 188.

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a revealing clue about the historical circumstances of Jesus' burial.

I refer, of course, to the well-known fact that the Gospels embellish and glamorize the burial of Jesus. Many scholars have already commented on this tendency in the Gospels. [29] Because he held such a prominent place in the worship of early Christians, their stories naturally seek to refine, polish and beautify the circumstances of his interment. A few bottles of ointment might suffice for washing an ordinary corpse, but for Jesus, no less than one hundred pounds will do. Examples of this sort can be repeated several times over. It is not necessary to rehearse in detail the studies which have already covered this material thoroughly and well; it will suffice merely to summarize their conclusions. Virtually all studies agree that as the tradition develops, every detail in the story is enhanced and improved upon. Mark begins the written tradition by saying that on Friday evening, Joseph of Arimathea, a respected member of the Council, requested the body of Jesus from Pilate, wrapped it in linen and sealed it in a rock-cut tomb. Never again would the story be told so simply. Joseph of Arimathea becomes a "good and righteous man" who did not consent to the action against Jesus (Luke 23:51), and then evolves into a secret disciple of Jesus (Matt 27:57; John 19:38). The "rock-cut" tomb in Mark becomes a "new" tomb (Matt 27:60), "where no one had yet been laid" (Luke 23:53). John not only combines those descriptions--the tomb is both "new" and "where no one had yet been laid" (John 19:41)--but also adds that the tomb was located in a garden. In Mark Joseph wraps the body in linen--nothing more--but subsequent Gospels describe the linen as "clean" (Matt 27:59) and claim that the body was bathed in vast quantities of perfume (John 19:39). By the time of the Gospel of Peter, during the mid-second century CE, Christians were going so far as to assert that Jesus had been sumptuously buried in the family tomb of one of Jerusalem's most powerful and wealthy families. The tendency of this tradition is unmistakable, and Crossan is right to describe it as

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29. See, inter alia, Blinzler, "Die Grablegung Jesu," 74; Brown, "The Burial of Jesus," 242-43; Crossan, *The Historical Jesus*, 393-94; Daube, *The New Testament and Rabbinic Judaism*, 311; R. Pesch, *Das Markusevangelium* (HTKNT 2.1-2; 2 vols., Freiburg: Herder, 1977) 2.516; J. A. Fitzmyer, *The Gospel according to Luke* (AB 28 and 28A; Garden City: Doubleday, 1981) 2.1523-25. R. Schnackenburg, *Das Johannesevangelium* (HTKNT 4.1-3; 3 vols., Freiburg: Herder, 1965-75) 2.346.

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"damage control." [30]

In view of this clear tendency, one characteristic of the burial narratives stands out as strikingly significant: *the canonical Gospels depict Jesus' burial as shameful*. Even though they take obvious steps to dignify the burial of Jesus, these documents still depict a burial which a Jew in Roman Palestine would have recognized as dishonorable. For in every Gospel up to the *Gospel of Peter*, Jesus is not buried in a family tomb, and he is not mourned. This fact is both surprising and revealing. It is surprising because it shows that even with all their embellishments and improvements, there was a limit beyond which the early stages of the tradition would not go. Brown, for example, has demonstrated that the burial described in the Gospel of Mark is a dishonorable burial at the hands of a Torah-observant council member. [31] In keeping with Jewish custom, Joseph of Arimathea buries the body at sunset, probably in a tomb reserved for criminals. What has been shown for Mark holds true for the other canonical burial narratives as well. The story is steadily improved upon, but the two defining marks of shame continue and persist: no family tomb, and no mourning. A detail added by Matthew, Luke, and John is particularly revealing in this regard. The tomb of Jesus, they all say, is new, "where not one had yet been laid" (Matt 27:60; Luke 23:3; John 19:43). Many scholars have noted that this description lends dignity to Jesus' burial, because it clearly differentiates his resting place from a criminals' burial place like the ones mentioned in the Mishnah. But as both David Daube and Josef Blinzler have pointed out, a new tomb would still be a shameful place of interment. [32] In fact a new tomb, never before used by sinner or saint, would be the only culturally acceptable alternative to a criminal's burial place, for it would be the only other way to preserve the boundary of shame which

separated Jesus from his people. By putting him alone in a new tomb, Matthew, Luke, and John do not deny the shame of Jesus' burial; they merely spare him the disgrace of being placed in a criminals' tomb. A residue of shame still clings to him as an executed convict.

Rites of mourning are absent from these narratives as well. When

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30. Crossan, *The Historical Jesus*, 394.

31 Brown, "The Burial of Jesus."

32. Blinzler, "Die Grablegung Jesu," 101-102; Daube, *The New Testament and Rabbinic Judaism*, 311.

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Jesus dies, no one sits...[grieving]...: a few women merely note the location of the tomb, and later visit it after the Sabbath. They go there, however, not to mourn, but merely to anoint the body or "to see the tomb." The omission of mourning from the canonical Gospels is significant because in other contexts in all four of these Gospels have clear depictions of the initial stages of mourning for the dead. Resuscitation stories like the raising of Jairus' daughter (Mark 5:21-43 par.), for example, or the Lazarus narrative (John 11:1-44) include explicit depictions of typical Jewish rituals of mourning. Indeed, in each of these stories the portrayal of mourning actually serves to heighten the narrative impact of the miracle by establishing that the unfortunate victim is truly dead, beyond all human help. Clearly these writers knew how to depict mourning for the dead and were willing to do so when it would advance the point of their story. What a shame that they did not put any such depictions in their stories of Jesus' burial.

Contradictions against Jewish practices of dishonorable burial first appear in the *Gospel of Peter*, which both places Jesus in a family tomb and depicts specific acts of mourning. According to *GPet.* 6.22, for example, Joseph of Arimathea washes the body of Jesus, wraps it in linen and places it in "his own tomb"--nothing about newness here--which was called "Joseph's Garden." Later, women come to the tomb with the stated intention of performing the customary rites of mourning for the dead (...*Gpet.* 12.52). True, the Jews are said to have prevented such mourning on the day of Jesus' crucifixion, but the women resolutely intend to do so after the Sabbath (...*GPet.* 12.53). They determine not to confine their grieving to the privacy of their own hearts: they will do "what ought to be done" (...*Gpet.* 12.54). With these depictions the tradition of Jesus' burial has turned a corner, crossing the boundaries of Jewish custom and making the burial of Jesus honorable.

In the early stages of the written tradition, then, culturally appropriate efforts were made to dignify the burial of Jesus. To that end, the canonical Gospels tell stories about a member of the Sanhedrin named Joseph of Arimathea, a new tomb, clean linen, and large amounts of perfume. Specific mention of either a criminals' burial place or rites of mourning is, however, discreetly avoided. Not until the *Gospel of Peter* were these stories embellished to the point that they denied what an earlier generation of Christians had tacitly

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admitted: Jesus had been buried in shame.

This analysis is consistent with a fact which can all too easily get lost in the confusing shuffle of the burial narratives: the people who first told this story were Jews from first-century Palestine. The earliest layers of the Gospel tradition originated in first-century Palestine--certainly Matthew and possibly also Mark and John were written there--and as such these early stories of Jesus' burial were necessarily shaped by the burial practices of that place and time, customs which belonged to the contemporary social system and the prevailing cultural landscape. The earliest Christians lived and died by these customs, most of the time rather unreflectively, and their narratives inevitably presupposed them. From a distance of twenty centuries we can now imagine all kinds of reasons why their stories might have taken the shape they did. There are, for example, possible answers in literary criticism: perhaps the shameful burial completes the ongoing conflict between Jesus and the Jewish leaders in Matthew, or maybe it is Mark's final statement on the cost of discipleship. On the other hand, an ideological explanation will be more plausible to some: perhaps women *did* mourn the death of Jesus, but male Gospel writers, suspicious of what might happen if women began meeting in groups, expunged them from the written record. Frankly, all sorts of possibilities suggest themselves, none of which played any role at all in first-century Palestine. In that place and time,

the answer was not so complicated. A story about the honorable burial of a criminal condemned by Jewish authorities was simply not plausible. Everyone knew it did not work that way.

Certainly the early Christians in Palestine who first told the story of Jesus' burial knew it, for when it came to matters of death and burial, they appear to have been ordinary typical Jews. Their narratives clearly display a thorough familiarity with most of the Jewish burial practices of first-century Palestine. They knew, for example, that bodies were customarily promptly on the day of death, after being washed with ointment and wrapped in linen. They knew that the dead were customarily buried in underground tombs, and that they were mourned by their nearest relatives. And by the subtle ways in which they dignified the burial of Jesus without crossing the boundaries of Jewish custom, the texts show that the earliest Christians also knew that condemned criminals were not buried with their families and were not mourned. It is reasonable to conclude, in other words, that the early Christians in Palestine buried

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their dead no differently from other Jews in that place and time. [33]

#### IV

E. P. Sanders, in attempting to reconstruct the course of events at Jesus' trial, has pointed out that probably no single individual was in a position to know fully the exact course of events that night. [34] The point is well taken and should serve as a reminder that a degree of uncertainty will always inhere in any effort to reconstruct what happened at the death and burial of Jesus. It was, after all, almost two thousand years ago. John Dominic Crossan, of course, takes scepticism a good deal further and argues that "*nobody knew what had happened to Jesus' body...* With regard to the body of Jesus, by Easter Sunday morning, those who cared did not know, and those who knew did not care." [35] There are reasons to agree with this sobering assessment, at least in part. Certainly few--if any--of Jesus' followers directly witnessed his death and burial, and the glamorized Christian stories of his interment cannot be trusted to describe *wie es eigentlich war*. Yet there are good reasons to stop short of complete scepticism about the fate of Jesus' body. Indeed, the evidence from Roman, Jewish, and Christian sources all coheres around a single conclusion: Jesus was buried in shame. Someone from the Council approached Pilate about the body and put it in an underground tomb reserved for Jewish criminals.

The evidence has shown that even though Roman authorities like Pilate might sometimes have left crucifixion victims hanging, they often allowed bodies to be buried. Such allowances, in fact, were all the more likely during a religious holiday, or when the crucifixion was not part of a mass operation to suppress an open and armed revolt, or when the request for the body came from a person who was cooperative with Rome. The evidence has further shown that the Jewish leaders who participated in the proceedings against Jesus had strong religious and cultural motives for seeking to bury him in shame. Such motives came not from any secret allegiance to Jesus, but from observance of traditional law and custom. Finally, the

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33. The absence of distinctively Christian funerary archaeology in Roman Palestine further reinforces this conclusion. For the details of the archaeological and literary evidence, cf. McCane, "Jews, Christians, and Burial in Roman Palestine."

34. E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress, 1985) 300.

35. Crossan, *The Historical Jesus*, 394 (his emphasis).

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evidence has also shown that the early followers of Jesus described his burial in terms which were dishonorable. They dignified it as much as possible but did not deny its shame.

On the basis of the evidence, then, the following scenario emerges as a likely course of events for the deposition of Jesus' body: late on the day of his death, one or more of the Jewish leaders in Jerusalem--later personified by Christian tradition as Joseph of Arimathea--requested custody of the body for purposes of dishonorable burial. These leaders, having collaborated with the Romans in the condemnation of Jesus, had both the means and the motive to bury him in shame: means, in their access to Pilate, and motive, in Jewish law and custom. Pilate did not hesitate to grant dishonorable burial to one of their condemned criminals. Only the most rudimentary burial preparations were administered--the body was wrapped and

taken directly to the tomb, without a funeral procession, eulogies, or the deposition of any personal effects. By sunset on the day of his death, the body of Jesus lay within a burial cave reserved for criminals condemned by Jewish courts. No one mourned.

The shame of Jesus' burial is not only consistent with the best evidence, but can also help to account for an historical fact which has long been puzzling to historians of early Christianity: why did the primitive church not venerate the tomb of Jesus? Joachim Jeremias, for one, thought it inconceivable (*undenkbar*) that the primitive community would have let the grave of Jesus sink into oblivion. [36] Yet the earliest hints of Christian veneration of Jesus' tomb do not surface until the early fourth century CE. [37] It is a striking fact--and not at all unthinkable--that the tomb of Jesus was not venerated until it was no longer remembered as a place of shame. [38]

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36. J. Jeremias, *Heilegraber in Jesu Umwelt* (Göttingen: Vandenhoeck & Ruprecht, 1958) 145

37. Eusebius, *Vita Constantini* 3.25-32.

38. I am grateful to my colleague at the Sepphoris Regional Project, Jonathan L. Reed, and to my colleagues at Converse College, Robert J. Hauck and Melissa Walker, all of whom read an earlier version of this article and offered constructive criticisms.