

# **The Nails of the Cross:**

## **A Response to the Criticisms of the Film**

By: Director/Producer Simcha Jacobovici

As many people know, my colleagues and I recently made world headlines by claiming that we *may* have identified two of the nails used in Jesus' crucifixion. My documentary film "Nails of the Cross" and coverage of it, generated by a press conference in Jerusalem (April 12, 2011), caused a firestorm of media and especially internet criticism, some of it vicious.

Although I have never responded to *ad hominem* criticisms, I've decided to make an exception this time. My decision is based on two factors: first, most people are confused about the facts of the case. Second, as far as I'm concerned, the tone of the debate has slipped into the pseudo-science of anti-Jewish caricature of 1930's Germany, and I feel it is my duty as a Jew, a journalist and a human being to stand up and expose the culprits.

I will divide my comments into matters of substance and matters of style. First, the substance:

### **The Argument**

The essence of the thesis presented in my film is as follows:

1. In 1990, a tomb was found in east Jerusalem that most – but not all – scholars agree is the burial cave of the High Priest Caiaphas who, according to the Gospels, was implicated (around 30/31 C.E.) in the arrest and crucifixion of Jesus of Nazareth.
2. In the tomb, archaeologists identified 12 ossuaries, or bone boxes, some pottery, a glass perfume bottle, a coin in one of the skulls and *two Roman nails*.
3. According to the Mishna (*Mishna Shabbat 6.10*; see also *J. Talmud Shabbat 6:9, 7c-d, B. Talmud Shabbat, 67a*), people were using nails that had been involved in crucifixion as amulets and for the purpose of magical healings.
4. Since Caiaphas is known to history for one thing and one thing only i.e., his involvement in the crucifixion of Jesus, and since crucifixion nails were regarded as amulets, it seems reasonable to connect the nails found in the Caiaphas tomb with two of the nails used to crucify Jesus.

I think the above, at least as a starting hypothesis, is pretty straightforward. Based on this thesis, I asked the Israel Antiquities Authority (IAA) for access to the “Caiaphas nails.” They informed me that the nails had gone missing. They had not been photographed, measured, drawn or properly documented. Also, to this day, the IAA has no knowledge as to their whereabouts.

As shown in my film, I believe that I have located them.

My thesis, however, is not affected by my claim to have rediscovered the nails in an anthropology laboratory at Tel Aviv University. So let's return to the thesis and the criticisms leveled against it:

1. To my first point i.e., that the tomb in question belonged to the High Priest Caiaphas, there are objections, but there is no real controversy. It's true that some people say that the tomb *may* not have been associated with the notorious High Priest. Of course, no one can say with absolute certainty that it is *his* tomb. There is rarely, if ever, absolute certainty in archaeology. Nonetheless, there is general agreement amongst the experts that the tomb in question did belong to the High Priest mentioned in the Gospels.

For example, Israel Museum curator David Mevorach says on camera that he believes that the "Caiaphas" who was buried in the tomb, and whose ossuary is marked with the inscription "Joseph son of Caiaphas,"<sup>1</sup> is the High Priest of Christian Bible infamy. Mevorach gives several reasons. First, out of some 3,000 ossuaries thus far excavated in Israel, the name "Caiaphas" appears *only* in this tomb. In other words, it is a very, very rare name. Second, there was a very elaborate ossuary found in the tomb. That ossuary is now on display at the Israel Museum where it is presented as Caiaphas' ossuary. It is very ornate, and this is befitting a High Priest. Third, a coin found in the tomb is dated to 42/43 C.E., the reign of Herod Agrippa I, so the tomb is right for both date and location.

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<sup>1</sup> "Yoseph bar Caiapha", in Hebrew.

The recently published *Corpus Inscriptionum Iudaeae/Palaestinae* by Hannah Cotton et al. (*De Gruyter*, 2010) sums up the discussion this way: "... the present ossuary and the entire tomb *could* be associated with Joseph Caiaphas, the High Priest 18-36 C.E. known from Josephus and the New Testament" (p. 483, italics in the original).

The words "the entire tomb" are very significant and I will refer to them later. For now, suffice it to say, that some of the people who are most critical of me with respect to my thesis on the nails are the very *same* people who identified this tomb as the probable, or possible, tomb of the High Priest Caiaphas. For example, Greenhut, the lead archaeologist on this excavation, now publicly fudges the connection between the tomb and Caiaphas. But he had this to say in the official IAA Hebrew report published in 1991: "it is *almost certainly* the name of the family of the High Priest 'Caiaphas,' from whose home the arrested Jesus was transferred to Pontius Pilate" (*Hadashot Archiologiot Tsadi/Zayin [97]*, IAA, 1991, p. 72, emphasis added, my translation). Even Mr. Joe Zias, the former anthropologist at the IAA, and my most intemperate critic, in 1992 stated that this cave "appears to be the tomb of the high priestly family Caiaphas" (*Atiqot* 21, 1992, p. 79).

But maybe Greenhut, Mevorach, Cotton et al. are wrong. Maybe the tomb has nothing to do with the High Priest mentioned in the Gospels. One of the arguments *against* the identification of *this* "Caiaphas clan" with *the* Caiaphas clan is that the priestly or "Sadducee" class, to which the High Priest Caiaphas belonged, did not believe in the afterlife. Consequently, the critics say, the Caiaphas family would not have used tombs

that involved “secondary burial,” since this practice is associated with the afterlife (see *Cotton et. al.* p. 484). An unrelated argument is that it’s simply a mistake to associate names in tombs with well-known characters from history. These arguments do not stand up.

Specifically, the ossuary catalogued in *Cotton et. al.* as #534, which is presently in the Hecht Museum in Haifa undermines *both* of the above objections: First, it clearly belongs to a granddaughter of a High Priest as attested by the Hebrew inscription on the box. This demonstrates that at least some priestly families *did* believe in the afterlife. Second, the High Priest is a man called “Theophilos.” This individual is acknowledged to be the *brother-in-law* of Caiaphas, whom he replaced in the office of the High Priesthood (see D. Barag and D. Flusser in *Israel Exploration Journal* 36, 1986, pp. 39-44 and *Cotton et. al.* pp. 550-51).<sup>2</sup> My point; if the High Priest Theophilos has been positively identified, why not his brother-in-law Caiaphas?

Other objectors point to the relative plainness of the cave and the poor quality of the inscriptions. But if we look at the ossuary of Shimon Boton (#76 in *Cotton et. al.*), we see a plain ossuary found in a plain tomb with a graffiti like inscription that, nonetheless, has been identified with the high priestly family mentioned by Josephus (*Antiquities* 19.297).

Put simply, there are no serious objections to the identification of the Caiaphas tomb with the High Priest of the Gospels, and a majority of scholars support it. In fact, for hundreds

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<sup>2</sup> Could he also be the man to whom Luke dedicates his Gospel (1:3)? We should be open to the possibility that the early Jesus movement had friends in high places.

of thousands, if not millions, of visitors to the Israel Museum, the association between the tomb and the historical Caiaphas has been made by the museum itself.

2. With respect to my second point i.e., my report on the various artifacts found in the tomb; here, too, there is no controversy of any kind. The artifacts are a matter of public record and the report is not contested by anyone. Nor does anyone challenge the fact that the two Roman nails found in the tomb have been lost. In his latest press and internet attacks on me, Mr. Joe Zias not only confirms the disappearance of the nails but - remarkably - takes *responsibility* for the loss by stating that it was he - *and no one else* - who was in charge of them (See Zias, Joe, <http://www.scribd.com/doc/53330573/Zias-Nails>).

3. The third point in my thesis is that the nails in the tomb are important. And here is where the controversy seems to gather momentum. Before pursuing this, let's clarify the facts so far; the idea that the tomb in question belongs to the historical Caiaphas is not mine, it's how the Israel Museum labels the tomb. Also, the idea that Roman nails were found in the tomb is not mine; it's part of the archaeological record. The idea, however, that these *particular* nails are important is indeed mine. And if I'm right, the archaeologists involved lost what might be some of the most important artifacts ever found in tombs of this period. You can see why my thesis might upset them.

In their defense, hiding behind an official statement by the IAA released at my press conference<sup>3</sup>, the archaeologists in question said that nails in Israeli archaeological digs are both “common” and “forgettable.” This statement has been seized upon by my critics and quoted with gusto. In fact, Robert R. Cargill, an ordained minister with a Ph.D., has made up a new rule for excavators that he ascribes to Israeli archaeologists: “...*only* those [nails] of significant size, shape, or those found in peculiar locations are considered significant” (*A Critique of Simcha Jacobovici’s Secrets of Christianity: Nails of the Cross*, May, 2011, Bibleinterp.com, p.3, emphasis added). For brevity, we’ll call this “Cargill’s Law” of archaeology. But let’s examine the IAA statement and Cargill’s Law and see if a single bona fide archaeologist agrees with them.

To begin with, there is *not* a *single* archaeologist, including the ones who excavated the Caiaphas tomb that would not say in an introductory lecture to a first year archaeology class: “In archaeology, *every* find is important. Not only the find but the precise *location* i.e., the context of the find.”

The above is such a truism that I feel funny stating it. Coins, for example, are much more “common” in Jerusalem tombs than nails. But does anyone suggest that when one finds a coin, it should not be meticulously recorded and preserved? Does anyone suggest that it would be alright to *ignore* small coins and *lose* them? In fact, in this very tomb, a “common” coin was found. Not only was it photographed and recorded but, as it turns out, it tells an amazing story. Besides helping to precisely date the tomb, the location of

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<sup>3</sup>[http://www.antiquities.org.il/article\\_Item\\_eng.asp?sec\\_id=25&subj\\_id=240&id=1825&module\\_id=#as](http://www.antiquities.org.il/article_Item_eng.asp?sec_id=25&subj_id=240&id=1825&module_id=#as)

the find was extremely significant. It was discovered *inside* the skull of one of the females buried in the tomb. This is “common” in pagan burials, but practically unheard of in Jewish ones. Pagans used to put a coin under the tongue of the deceased so that the soul of the departed could pay Charon, the boatman in the Hadean underworld, the price necessary to ferry it across the river Styx, and into the pagan equivalent of paradise. The discovery of the coin in the Caiaphas tomb means that the people buried in this tomb were covering their afterlife bases by engaging in pagan practices. If this, indeed, is the tomb of the Jewish High Priest, then the presence of a coin in *any* skull in this tomb is significant. It suggests that this family was Hellenized to a degree never before imagined for a High Priest, and that it was extremely superstitious. More than this, it demonstrates that Roman appointed High Priests were heterodox – not orthodox – and, therefore, more likely to be followers of messianic claimants, especially if these messiah figures were also heterodox, which Jesus might have well been (See Peter Schaeffer, *Jesus in the Talmud*, Princeton University Press, 2007). This evidence fits very nicely with the Gospels where it is stated that at least two members of the Sanhedrin (the high court over which the High Priest Caiaphas presided), namely, Joseph called “of Arimathea” and Nicodemus, were secret followers of Jesus (see *John* 18:18 and *Matthew* 27-60). In any event, whatever implications we draw from the coin, it is clear that though coins are “common” they are not “forgettable.” No one lost the coin.

My critics like to quote Professor Gabriel Barkay when he disagrees with me, but they ignore his statements when he agrees with me. At the press conference on the “Caiaphas Nails,” Barkay said that that there are “no such things as ‘common’ artifacts when it



comes to archaeology.” He said that the failure to properly document the nails and the subsequent loss of the artifacts was “bad archaeology.” I would venture to say that in his heart, Zvi Greenhut agrees with Professor Barkay.

My response to the IAA press release, therefore, is to state that *even* if the nails in question were “common” they could still prove to be significant and should have been properly recorded. For example, at the “burnt house” in the Old City of Jerusalem over *12.5 kilos* of nails were found in a carpentry workshop. Nonetheless, they were all dutifully catalogued by Hilel Geva (See Hilel, Geva, *Jewish Quarter Excavations in the Old City of Jerusalem*, conducted by Nachman Avigad, 1969-1982, Volume IV: *The Burnt House of Area B in Other Studies*, Final Report, 2010, pp. 254-255). But, when it comes to burial caves, the fact is that nails in Jerusalem tombs are *not* common. Quite the opposite. They are rare. Furthermore, a nail *inside* an ossuary is almost without precedent. The IAA statement is simply wrong.

No one has to take my word on this point. Anyone can easily survey the evidence by consulting the Bible of Jewish Funerary practices in the Second Temple Period by Professor Rachel Hachlili (*Jewish Funerary Customs, Practices and Rites in the Second Temple Period*, Brill, 2005). Unlike Greenhut, Zias and others who might downplay the significance of such artifacts, Professor Hachlili does *not* disregard nails found in Second Temple tombs. Quite the contrary, they figure prominently in the tables she provides in her chapter on “Grave Goods” (pp. 401-434).

A cursory look at the tables shows that the *only* place that a relatively large number of nails were found (100), was the western side of Mt. Scopus in tombs excavated by Amos Kloner (1980). However, here there were *no* ossuaries involved i.e., no secondary burial. Put differently, if we look at tombs on the western slope of Mt. Scopus where ossuaries were involved then, according to Hachlili's tables, compared to 301 ossuaries, only 17 nails were found. Compare this to 111 lamps, and 152 unguentaria i.e., vessels such as bottles containing oils or spices used for anointing the body and/or the bones of the deceased.

On the east side of Mt. Scopus, compared to 109 ossuaries, only 2 nails were found! On the Mt. of Olives, 191 ossuaries were found and not a single nail! In fact, in hundreds of tombs containing 1,417 ossuaries, only 39 iron nails were found! Compare this to 600 unguentaria, 433 cups, 191 jugs, 236 glass objects and 114 coins.

Now, if we look at how many nails were found *inside* ossuaries; besides the one found in the Caiaphas tomb, there was only *one*. This single nail, found in the ossuary of a crucified male, was discovered in 1968 in Givat Hamivtar. When discovered, that nail was still embedded in the heel of a man. The crucified heel discovery is our *only* archaeological evidence of crucifixion found *anywhere* in the world. Can any reasonable person, therefore, please explain to me how Mr. Zias and his colleagues looked *inside* a Jerusalem ossuary and, upon seeing a Roman era nail in such a context for only the *second time in history*, concluded that this was a "common" and "forgettable" find – not worthy of documentation or preservation?

As it turns out, when it comes to the Caiaphas tomb, the nails there even meet the criterion set by the “Cargill Law” of archaeology, namely, they were “found in [a] peculiar” location.

In light of all this, we can readily see that the IAA’s “official statement,” as articulated by Dr. Gideon Avni in my film, is somewhat disingenuous. Of course, “nails in archaeological digs in Israel” are “common.” If you find an ancient building site, for example, you will find hundreds, if not thousands, of nails. If you find a boat, for another example, you will find hundreds of nails. But we are not talking about nails at building sites. We are talking about nails in Second Temple Jerusalem tombs. And, as Hachlili clearly records, nails in Second Temple burial tombs are rare, and inside ossuaries they are virtually unheard of!

More than this, as Barkay makes clear; even if Avni was right, he’d be wrong. Meaning, if nails in tombs were common, that wouldn’t change the need to document them and preserve them. In a funerary context, even “common” items might take on a special significance. As Professor Hachlili puts it: “...items of everyday use were placed in the tombs, but in the burial context they might have assumed a funerary significance” (p. 376).

Which brings me to my main point. Namely, nails found in any Second Temple, Jerusalem, Jewish funerary context *may* be related to crucifixion, while nails found *inside* ossuaries were most *probably* used for that purpose.

Shockingly, based on their various statements to the press, press releases and internet blogs, Greenhut, who excavated the Caiaphas tomb, and Zias who now takes responsibility for the nails going missing, seem blissfully unaware of the possible connection between nails found as grave goods and crucifixion. They seem to believe that this is an invented connection made up by me for the purpose of garnering headlines.

The fact is that in *both* pagan *and* Jewish traditions, iron nails in general, and crucifixion nails in particular, seem to be endowed with magical, amuletic properties. This is not my idea. This is a documented fact. For example, in the Rabbinic literature (*Mishna Shabbat 6.10, J. Talmud Shabbat 6:9, 7c-d, B. Talmud Shabbat, 67a*) there is a discussion pertaining to the magical use of crucifixion nails for the purpose of healing. There, the sages say that the nails should *not* be used to heal people because the practice is associated with idolatry. As late as the 11<sup>th</sup> century, however, the Jewish philosopher, Maimonides, on his commentary on this tract, argues that they *can* be used and *even carried on a Sabbath*, in violation of the prohibition of carrying in a public place, if - and only if - the goal is to heal, and the activity is not associated with idolatry. In other words, in the Jewish tradition, crucifixion nails - nails that had been used to crucify someone - seem to have been associated with both healing and magic.

Unlike Zias and co, Hachlili is well aware of the importance of nails in funerary contexts. In her book, she even has a section called "iron nails." There she notes that "iron nails...were found inside and outside several tombs in Jerusalem and Jericho, and seem to have been placed there on *purpose*" (p. 511, emphasis added). But what purpose?

Hachlili offers several options: First, she says, nails may have been used to incise inscriptions. Despite the fact that the Talmud, which is very concerned about these issues, makes no mention of such a practice, this is of course theoretically possible. But with respect to the Caiaphas tomb, it seems highly unlikely that, (as Reich suggested), a nail used for inscribing a name on an ossuary would have been tossed *into* the ossuary after the inscribing was over. Psychologically speaking, this seems improbable – can one really imagine that a son would toss his engraving tool into the coffin of his father? Besides, this kind of behaviour would have defeated the whole *purpose* of secondary burial. Let’s not forget, the entire phenomenon of ossuary use involved a process whereby the dead were being purified. According to the Mishnaic view, the “impurity” of the flesh is greater than the “impurity” of the bones, because flesh decays and gets filled by insects and worms in a way that bones do not (*Mishna Masechet eduyot* 6:3). Secondary burial, therefore, elevated bones from a level of “greater tuma [impurity]” to a level of “lesser tuma.” The idea was to let the flesh decompose and then rebury the “elevated” white bones in an ossuary of their own.

Since iron nails that had been used as tools had already come into contact with death, they were rendered ritually “impure.” It’s highly unlikely and even contradictory, therefore, that a nail would have been thrown into an ossuary or even made its way there by “mistake,” as Barkay has suggested. To do so would have mixed the “tuma” or “impurity” of the nail with the elevated bones of the deceased. It would have defeated the whole purpose of ossuary use.

According to Hachlili, the second reason that nails may have ended up in a tomb involves the whole issue of ritual impurity. If nails had become “impure” i.e., had come into contact with a dead person, they had to be buried. This is possible. But in Jewish tradition this possibility is mitigated by the fact that not every kind of nail that comes into contact with death becomes impure.

In the Mishna (*Masechet Kelim* 11:3;12:4,5), there is a discussion with respect to the types of nails that can become impure. Professors Dan Levene and Beno Rothenberg summarize the discussion in this way: “...there are many different types of nails (MSMRYM) mentioned [in the Mishna]. In many cases [these nails] only function as a constituent part of a whole object, and are therefore deemed unsusceptible to impurity. There are, however, cases where objects termed as nails might be considered proper tools [and, therefore, susceptible]” (*A Metallurgical Gemara: Metals in the Jewish Sources*, AMS, 2007, p. 161).

According to the Mishna, therefore, a door nail in a room where someone died would not end up in a tomb, whereas a nail once used as an engraving tool would not be taken out of a tomb. Put differently, the rules of impurity in rabbinic sources state that any nail that forms *part* of something e.g., a door, a box, a hook for clothes, if it came into contact with death did *not* have to be buried. While any nail used as a tool, once it became impure, had to be buried.<sup>4</sup>

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<sup>4</sup> The Dead Sea Scrolls community, as with many things, was more stringent on this matter. But Jerusalem is not Qumran (See *Damascus Document* (CD) 12:17-18 for more stringent regulations).

What all this means is that it is highly *unlikely* that nails found in Jerusalem tombs are there because they acquired impurity *prior* to the burial. If they are found in a tomb, they are there because they were used for inscribing something or, most probably, because of their function as amulets. Put simply, if you find nails in tombs they're not there because they were used as clothes hooks, or to secure horse shoes. They're probably there because they were regarded as possessing magical or amuletic properties. And, in Jewish tradition, the only nails that were so regarded were crucifixion nails.

Let's now consider the larger context of the Caiaphas tomb.

Clearly, at least some of the people buried in this tomb engaged in pagan magical practices i.e., the woman buried with a coin under her tongue and the people who buried her. But what does this say about the nails? If we do our homework, instead of just shooting from the lip, we notice that the combination of *coins* and *nails* in a tomb indicate one thing only: magical protection in the afterlife. For example, in a 5<sup>th</sup> century B.C.E. grave at Nicea, a dead man was found clutching his coin for Charon *and six nails!* At Olynthus nails were found in rows on either side of the upper part of the body of the deceased. Another magical use of nails was to pierce folded lead plaques inscribed with curses.<sup>5</sup> All in all, nails buried for magical purposes have been found in Greece, Asia Minor, and Cyprus (see *Hachlili*, pp. 511-12). There is no doubt that at least some of these must have been associated with crucifixion (see *Pliny's Natural History* 28:11).

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<sup>5</sup> In this case, although the nails were used for magical purposes, unlike crucifixion nails, these nails in themselves did not acquire magical properties.

Clearly, then, when it comes to the Caiaphas family tomb, the grave goods found there demonstrate that this was a Hellenized family drawing on Jewish *and* pagan magical funerary traditions so as to guarantee peace for the deceased in the afterlife.

In conclusion, to say that nails in second temple Jerusalem tombs are “common” is simply false. To say that they are “forgettable” is patently ignorant. The only reasons that nails were placed in Jewish tombs involved their association with “impurity” or “magic.” A similar practice is found all over the Mediterranean pagan world. Barring an unexplained contamination, the only reason that a nail would be found *inside* an ossuary is because it was still embedded in a bone (as in Givat Hamivtar) and/or because it served as an amulet. Based on the evidence, in the Jewish tradition, the *only* type of nails with amuletic powers are nails that had been used to crucify someone.

So we return to the original proposition. Given that Caiaphas is known to history for one thing only; the arrest, trial and crucifixion of Jesus, is it possible that the nails found in Caiaphas’s tomb were somehow implicated in the crucifixion of Jesus?

Of course, short of an inscribed plaque stating: “these are the nails that were used to crucify ‘Yeshua bar Yosef’” we can never be entirely sure, but is it “scientific” to refuse to ask the question? Is it “scientific” to misquote the facts, ignore the obvious questions, lose the artifacts and then attack anyone who says that the lost items may be related to Jesus?



## **Lost Nails: Found**

We now come to the second part of my investigation i.e., my claim that I located the missing nails in a Tel Aviv University laboratory.

According to Zias, when he cleared out his Jerusalem lab in the early 1990's, he sent *two* "collections" of nails to Tel Aviv University. For his part, Professor Hershkovitz of Tel Aviv University confirms getting *two* boxes of nails from Zias. Zias further claims that *both* these boxes originated from the lab of Dr. Nicu Haas (the late father of physical anthropology in Israel) and, therefore, could not be the missing Caiaphas nails. After all, Haas went into a coma<sup>6</sup> *before* the Caiaphas tomb was discovered. For his part, Professor Hershkovitz says that only *one* box had a note in it – written in Zias' handwriting – stating that the nails came from Haas' lab. The other box made *no* mention of Haas and had *no* paperwork attached to it. Put simply, based on Zias' and Hershkovitz's reports, the nails from the anonymous box could very well be the missing Caiaphas nails. In other words, not only has Zias not refuted my identification of the nails in Hershkovitz's lab with the missing Caiaphas nails but, by providing information that I did not have at the time that I made my film, he has established the missing chain of evidence.

And yet, despite Hershkovitz's report, Zias continues to insist that *both* boxes are from Haas' lab. Why does he ignore the documentation in Professor Hershkovitz's possession? According to Zias, it is because he "remembers" that the unmarked box in Hershkovitz's laboratory is from Haas' lab! So what's the truth?

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<sup>6</sup> He never came out of it and passed away twelve years later.

In these types of situations, we have no choice but to examine the credibility of the witness. And when we look closer at Zias' record of "remembering" controversial artifacts, a credibility issue quickly ensues. Sadly, Zias is like one of those "witnesses," all too familiar to cops and prosecutors, that claims to have "seen" crimes whenever they hit the front pages. For example, when the "James" ossuary made international headlines, Mr. Zias claimed that he "remembered" seeing it *in a shop* in the Old City of Jerusalem. Not only that, he claimed to "remember" that the ossuary had *half* of its present inscription on it, the back end having been added later by a forger. Based on these statements, Mr. Zias was asked to testify in the ongoing trial of collector Oded Golan. Imagine the court's surprise when, after living in Israel for over thirty years, Zias asked to testify in *English*. Under oath, Zias then admitted that he couldn't read the James inscription at all, and that he was relying on a spot translation provided by the Arab shopkeeper in whose store he saw the ossuary - even though the words on the ossuary, "James son of Joseph," are written in a very clear Herodian script that can be read by any school child in Israel. Further, one of the names that Zias couldn't read i.e., "Joseph," is Zias' own first name (See "*Of Ossuaries, Forgeries, Export Licences - and Unprovenanced Curators*" by Dr. Victor Sasson, <http://victorsasson.blogspot.com/2009/05/of-ossuaries-forgeries-export-licences.html>). Whatever the truth of the "James" ossuary debate, Zias entered the fray by stating - decades after the fact - that he "remembered" a specific inscription he could not read on a specific ossuary that he saw in passing in an antiquities shop.

In 2007, Zias once again “remembered” something important. This time it involved the alleged Jesus family tomb in Talpiot, which was the subject of my film *The Lost Tomb of Jesus* and my co-authored book *The Jesus Family Tomb*. Then and now, I claimed that the ossuary that went missing from the Talpiot dig site was the so-called “James” ossuary. I also argued that its presence in the Talpiot tomb had been demonstrated by a scanning electron microscope test that was conducted in the Suffolk Crime Lab (New York), (for the latest corroboration of those findings see A. Rosenfeld, C. Pellegrino, H.R. Feldman and W.E.K. Krumbein, “*The Connection of the James Ossuary to the Talpiot (Jesus Family Tomb) Ossuaries*” on BibleInterp.com). But, then as now, Mr. Zias stepped forward, and “remembered” the ossuary that had gone missing. Originally, he reported to Professor James Tabor that he had no idea what happened to it and that, as with any ossuary, it might have been discarded, misplaced, or put in the courtyard of the IAA’s Rockefeller Museum. Later, he changed his mind. Zias suddenly “remembered” the specific missing ossuary from the Talpiot tomb. He had seen it in the yard of the IAA before it disappeared, he said. He also “remembered” that it was plain and uninscribed. In a foreshadowing of the nails controversy, Zias claimed that the Talpiot ossuary had gone missing because it was “not important” and forgettable.

The irony that Mr. Zias keeps “remembering” *forgettable* artifacts seems to be lost on everyone. In any event, it seems that while I was relying on an electron microscope test, Mr. Zias was relying on a far more sophisticated tool – his “memory.” As with the James ossuary, Mr. Zias can’t produce the missing Talpiot ossuary or any photograph or document pertaining to it.

Now, it's the Caiaphas nails that are the focus of Mr. Zias' memory. Then, as now, he is not embarrassed to admit that some of the artifacts he "remembers" are also artifacts that he lost. The pattern is always the same. Right after any artifact makes international headlines, Zias claims to "remember" that they had been in his possession, and that the truth is different than what the evidence suggests.

For my part, I do not rely on 21-year-old memories to identify the missing Caiaphas nails with the nails at Tel Aviv University. Here are my reasons:

1. They arrived in Professor Hershkovitz's lab just a few years *after* the discovery of the Caiaphas tomb.
2. They are a *matching* pair, and this is the *only* time Professor Hershkovitz got two matching nails from the IAA in Jerusalem.
3. They match Greenhut's recollection of their *size* i.e., 6-8 cm (as related to Ha'aretz).
4. In the early 1990's, Mr. Zias sent nails to Hershkovitz's lab. Professor Hershkovitz confirms getting two boxes of nails from Zias, one with clear documentation and the other without any. The matching nails came from the box without any documentation.
5. Nails that are sent from the IAA to the Tel Aviv University anthropology lab are most probably nails that come from burial contexts. (Other nails are sent to metallurgical labs and/or stored elsewhere).

6. Both Reich and Greenhut reported that one of the Caiaphas nails was found *inside* an ossuary, and that the other was found on the *floor* of one of the niches in the tomb. A preliminary microscope test conducted by Professor Hershkovitz seems to indicate that the matching nails that he received from Zias were found in chemical contexts reflecting these inside/outside conditions.
7. Tellingly, although the two nails have an identifiable marker – namely, they are both bent at their tips – no one has stepped forward (maybe now I'll be jogging some memories) to say that the missing Caiaphas nails were straight. This silence speaks volumes.

But some might say that even if we admit that the nails in Professor Hershkovitz's possession are the missing nails from the Caiaphas tomb, this does not mean that these nails were used, or *could* have been used, in crucifixion. They are too short, says Zias. Besides, he adds, Romans used ropes, not nails, to secure the hands of a crucified person. He then quotes out of date tests on cadavers that purport to show that nails driven into hands cannot support the weight of the body.<sup>7</sup>

With respect to the above, Zias ignores the research of Professor Hershkovitz and others. For example, when it comes to the rope theory, Hershkovitz says that there's no

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<sup>7</sup> Zias is relying on Barbet, P. *Les cinq plaies du Christ*. Second ed. Paris: Procure du Carmel de Action de Graces, 1937 and Barbet, Pierre. *Doctor at Calvary*. New York: P. J. Kennedy & Sons, 1953; New York: Image Books, 1963. Barbet forgot that, on a cross, living human beings behave differently from cadavers.

archaeological evidence or literary tradition to support it.<sup>8</sup> The Gospels themselves explicitly state that Jesus had nails driven through his hands (*John 20:25-29*, see reference to the “nail marks in his hands”).

But are the nails too short? Not for the hands, says Hershkovitz. In fact, if you take your fore finger and thumb and pinch the center of your hand, you can readily see that if you pounded a nail through there, you would need less than a centimeter. Add, say, 4 centimeters of hard wood, and allow for a 1-1 ½ cm bent at the tip and all you need is about 6 ½ centimeters from end to end to nail someone to a cross, and secure the hands with a bend. In such a case, the nail forms a kind of hook that is firmly embedded in the wood and can easily hold the weight of a human body. This is not my theory, it's Professor Hershkovitz's. In fact, before the recent revelations and media attention, Professor Hershkovitz was using these very nails to illustrate “hand nails” when he lectured on crucifixion at scientific conferences and at various universities in Israel and abroad.

Furthermore, there are three physical characteristics that make the “Caiaphas” nails consistent with crucifixion; the heads of the “Caiaphas nails” are identical with the head of the nail found embedded in the Givat Hamivtar heel bone; the body is triangular, not round, exactly like the nail in the heel bone; and, finally, the bent tips of the “Caiaphas nails” are virtually identical to the tip of the Givat Hamivtar nail.

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<sup>8</sup> In general, Hershkovitz states that more than one method was used to crucify people. The types of nails needed varied depending on many factors e.g., the use of a “seat” (sedile), to support the individual being crucified.

At this point, let's review the facts once more. Two nails were found in the "Caiaphas" burial tomb in 1990. At the time, they were part of a collection of less than 39 nails found in Jerusalem tombs, making them a rare find. One of them was found in an ossuary. To this day, this nail is only one of two ever found inside an ossuary, making it a *very* rare find. On the evidence – textual, archaeological, anthropological – it seems that the only reason for such nails to be there is their association with crucifixion. Shortly after the excavation, two matching nails arrived from the IAA office of Joe Zias, who had them in his keeping, to the lab of Professor Israel Hershkovitz at Tel Aviv University. Since they are consistent in size, shape and chemistry with the missing nails, all the circumstantial evidence - taken together - is more than suggestive. It seems that the nails in Professor Hershkovitz's lab are the missing Caiaphas nails, and that these very nails were used to crucify someone.

### **Jesus' Nails?**

We can finally ask the question: if the tomb excavated in 1990 is, indeed, the tomb of Caiaphas, as most scholars believe; and if the nails presently in the anatomy lab of Tel Aviv University are the nails found in that tomb, as all the evidence suggests; given Caiaphas' association with Jesus' crucifixion, is it possible that these are the very nails that were driven through Jesus' hands?

To answer this question we have to re-examine both the story of Caiaphas and the story of his tomb.

With respect to Caiaphas, there are really two questions to be considered; did he have reason to want to keep the nails used to crucify Jesus? And, did he have the opportunity to get his hands on them? The Gospels provide us with answers to both these questions. Let's turn to the first.

When it comes to the depiction of Caiaphas in the Christian Bible, as Professor Helen Bond, who literally wrote the book on him, puts it very clearly in my film; “the depiction of Caiaphas in the Gospels is a ‘caricature’ of a Jewish High Priest.” Clearly, it was designed to demonize the Jews and whitewash the Romans. In the Gospels, blame for Jesus’ crucifixion is transferred from the Romans – who did the deed – to Jesus’ kinfolk i.e., the Jewish people.

In response to Professor Bond, Cargill states, “had Caiaphas...demonstrated the smallest amount of remorse, we can be certain that the New Testament would have mentioned it.” After all, says Cargill, “the New Testament takes every opportunity” to absolve the Roman centurion at the foot of the cross (*Mark* 15:39) and Pontius Pilate (*Matthew* 27:24), who washes his hands of the matter before handing Jesus over to be crucified. That's the point that Dr. Cargill is missing. The Gospels take every opportunity to *whitewash* the Romans and *vilify* the Jews. The centurion who does the deed is absolved. Pilate who orders the crucifixion is absolved. Even his wife is absolved! (*Matthew* 27:19). All this while the Jews are depicted as egging Pilate on and calling down curses on their own heads and, for good measure, on the heads of their children (see *John* 19:6



and *Matthew 27:25*). Given all this, it is clear that any remorse shown by the High Priest would *not* have been mentioned but, rather, obscured.

Nonetheless, I do believe that we can tease the historical truth out of the text. For example, the hand washing attributed by Matthew to Pilate is clearly a *Jewish* hand washing custom. It's not a Roman custom. It is described in Deuteronomy 21:6 where it is performed by someone in a position of power who feels that a man has wrongly died in his jurisdiction, and that he had no way of preventing the death. It is a ritual that a Jewish High Priest might have symbolically resorted to, not a Roman governor. And yet, in the Gospel of Matthew (27:24), this singularly Jewish ritual is transferred to the Roman thug Pontius Pilate. This slight of hand resulted in millennia of anti-Semitism and millions of Jewish dead. But if we restore the hand washing ceremony to its proper historical context, we realize that it was Caiaphas, not Pilate, who washed his hands of Jesus' blood! In other words, in a sense, Dr. Cargill is right; the expression of remorse by the High Priest is, indeed, embedded in the Gospels themselves.

Put differently, the Gospels tell us that there were two individuals largely responsible for Jesus' crucifixion – the Roman governor Pontius Pilate and the Jewish High Priest Caiaphas. They also tell us that one of these two felt bad about the outcome. According to the Gospels, it was the cutthroat prefect Pilate, who we know from Philo, Josephus and other sources as an unrepentant brute, who felt bad about the crucifixion of the Jewish Rabbi called Jesus, and it was the Jewish High Priest Caiaphas who instigated the agonizing death of his fellow Jew. If we accept the story at face value but switch the

character descriptions, we come up with something much more historically plausible. Simply put, the Gospels themselves tell us that one of the two individuals most responsible for Jesus' crucifixion was remorseful. I put my money on Caiaphas, not Pilate. And this seems consistent with the new archaeological evidence.

But there is more. The idea of a remorseful Caiaphas is explicitly presented in a Christian Gospel, albeit one outside the New Testament canon. Historically speaking, why does the Roman Church have a monopoly on the true Caiaphas tradition? In my film, Professor Barrie Wilson points to the *Infancy Gospel of the Savior*, a Syriac book, as evidence of an alternate Christian tradition concerning Caiaphas. But Cargill will have none of it – three times in one paragraph he mentions that this text was preserved in “Arabic.” He even italicizes the word “Arabic.” And he concludes: “Simcha’s theory relies on an apocryphal Arabic volume popular among the Eastern Nestorian sect!” (*Cargill op. cit. p. 7*). In other words, Cargill’s response is to point out that the text is written in Arabic and that it is popular among Eastern Christians. These are its “debilitating problems,” he says. This is theology not history.

I believe that in many instances the Syriac tradition preserves a historically more accurate version of the facts than that preserved in the western Church. In this instance i.e., the case of Caiaphas, we have the Gospels depicting a Jewish High Priest sending one of his own to the cross, and a powerful Roman governor remorsefully washing his hands of the deed. In contrast, in the Syriac tradition, we have a Jewish High Priest regretting the

death of a Jewish messiah. On the face of it, which version seems historically more accurate?

But the *Infancy Gospel* does more. It portrays Caiaphas as a *believer* in Jesus' messianic claims. Is it really impossible that a Jewish High Priest could have been a secret follower of Jesus? Well, the Gospels explicitly tell us that at least two members of the Sanhedrin i.e., Caiaphas' high court, namely, Joseph of Arimathea and Nicodemus, *were* secret followers of Jesus. After the crucifixion, when even Jesus' closest disciples go into hiding, these two colleagues of Caiaphas' step forward to claim Jesus' body and take responsibility for his burial - secret followers no more! According to the Gospels, they worked openly without any opposition from the High Priest. If Caiaphas wanted Jesus dead, why didn't he oppose these two Jesus followers who had now gone public? Furthermore, since Joseph of Arimathea took Jesus from the cross, is it so improbable that he *kept* the nails - as per Jewish and/or pagan magical traditions - when he anointed and washed Jesus' body? In other words, it is the Gospels themselves that place the nails within grasp of Caiaphas by explicitly telling us that Caiaphas' colleagues were in charge of Jesus' burial.

Having said all this, I don't purport to know what was in Caiaphas' head and I don't have solid historical evidence to argue that the "remorseful Caiaphas" is the true Caiaphas of history. My only point was and is that a remorseful Caiaphas – rather than a remorseful Pilate – is more consistent with what we know from history and there is at least one Christian tradition explicitly supporting such a view. Given all this, we have to re-

examine the presence of the nails in the tomb and see whether the archaeology throws any new light on the Caiaphas of history.

## **Two Caiaphas Ossuaries**

In my film, I highlight the fact that there were two ossuaries found in the tomb with the name “Caiaphas” inscribed on them – a fancy, shop made ossuary and a more modest personally decorated ossuary with mystical symbols involving steps, a pillar and arrows pointing heavenward. Some scholars call this kind of pillar a “nefesh.” This is a Hebrew term for a particular kind of burial marker. But I am convinced that the unusual style of the image is more than a grave marker. After all, the pillar became a very well attested symbol of Jewish messianism generally (in Deuteronomy 31:15 God Himself appears as a “pillar” of fire and smoke) and Christian messianism in particular (see for example, 1Ti 3:15, where the church is called “the pillar”). These messianic overtones may have resulted in the Jewish prayer, or rallying cry; “Amod Maschiach” which is found in the Dead Sea Scrolls (e.g., CD 14:19 and CD 12:23). The Hebrew phrase, “Amod Maschiach” means something like “arise Messiah!” It is a kind of rallying cry of faith in the messianic promises of the Hebrew prophets. Since there are no vowels in Hebrew, the word “arise” or “rise” or “stand up” i.e., “Am(o)d” is written in exactly the same way as “Am(u)d” i.e., “pillar.” For this reason, it seems that the “pillar” became the symbol for messianic belief. In other words, the unusually styled pillar on the “modest” Caiaphas ossuary may be more than just casual decoration. It might testify to messianic belief.

What I also pointed out in my film is that the name on the fancy ossuary i.e., “Joseph, *son of Caiaphas*” does not match the Gospels, which simply call the High Priest “Caiaphas.” Nor does it match Josephus who speaks of a “Joseph Caiaphas.” The modest one, however, simply states “Caiaphas,” exactly as in the Gospels. Strangely, it is this ossuary - the one with the inscription that actually matches the Gospels - that’s been in the basement of the Israel Museum. The one that doesn’t match the Gospels has been on display. Another case of “expert” opinion overriding the evidence on the ground.

In any event, as a result of the recent attention the film has given to the “modest” Caiaphas ossuary, it has been moved out of the basement and is now part of the permanent exhibit, joining the more elaborately decorated one. This allows both to finally be seen and compared by everyone. Surely, this is a good thing.

In the film, I also ask whether it is possible that the nail that was found *inside* an ossuary originated from the modest ossuary with the single name “Caiaphas” inscribed on it. The reaction to this suggestion has been derision rather than substance. My critics have raised three main objections:

First, they argue that the ossuary in question is too small to have housed the remains of the High Priest. The length of the ossuary, my critics say, is much too short for the High Priest Caiaphas. My answer is that we simply don’t know the height of the High Priest. In antiquity, people were shorter than today and we have numerous ossuaries e.g., # 213 and #214 in Cotton, which are 46 and 52 cm respectively. In any event, the authoritative

Rahmani catalogue states that “an adult’s ossuary was 42-65 cm long” (p. 6). The Caiaphas ossuary is 50 cm long. Further, Jonathan Price and Haggai Misgav, writing about the modest Caiaphas ossuary, speculate that “the name here may represent the *patriarch* of the family interred in *this* box” (*Cotton et. al.* p. 486, emphasis added). In my film, I was simply following the judgment of the latest and most authoritative source on ossuaries and their inscriptions.

The second objection is that the box couldn’t have belonged to the High Priest Caiaphas because no adult male bones were found in it. Rather, according to Mr. Zias, who did the cataloguing of the bones, the ossuary contained the bones of five individuals ranging from newborn to an adult female. Since there were no adult males, says Mr. Zias, who is echoed on this point by a chorus of theologians and scholars, Caiaphas could not have been buried in this box unless, Zias taunts, “the High Priest transgendered” and was “cross-dressing” (Zias, “*Film Review, Secrets of Christianity: Nails of the Cross – Nothing to go Ga-Ga over*” p. 5). Zias’s derision, however, falls short of the evidence.

The lead archaeologist on the Caiaphas tomb excavation, Zvi Greenhut, reported that when they excavated Caiaphas’ tomb, the archaeologists found a “rectangular pit whose function was to allow those engaged in the task of burial to stand upright.” Next to the “standing pit” they also found “...another shallow pit hewn on the floor of the tomb which served as a repository for bones” (p.1, *Jerusalem Perspective*, 1991). In other words, the lack of male bones in the modest Caiaphas ossuary can be explained by the fact that the bones of the original owner of the ossuary may very well have found their

way into the bone repository. This would not be unusual. In addition, as Kloner and Zissu report, in general, “bones were also found at the inner end of Kochim, having been pushed there when ossuaries were put in or a new primary burial was carried out” (*Jerusalem Necropolis*, p. 11).

So far, with respect to identifying the “modest” Caiaphas box with the patriarch of the tomb, we have two good reasons not to be concerned about the fact that there were no male adult bones in the ossuary i.e., the bone repository and the presence of bones in the Kochim. But, in fact, there is another reason. As all physical anthropologists will attest, differentiating male from female bones is a difficult matter. You can easily get them mixed up. If you don’t have an intact skull or, more importantly, an intact pelvis, there is no way to identify gender with any degree of certainty. The fact is that when it comes to the Caiaphas tomb all we have are Zias’ conclusions, but no forensic report whatsoever.

Nonetheless, lets look at what Zias says in the brief two-page summary that he published. There he states: “preservation of the human skeletal remains was poor...*no* complete crania were available for standard anthropological measurements.” He further states that; “skeletal remains [were] scattered about” and that this “further complicates matters” (*Atiqot* op. cit. pp. 78-79, emphasis added). If this is true, how on earth can Zias be so sure that the adult in the Caiaphas ossuary is a female? He can’t be. In any event, if Zias has a real bone report, he should produce it. The fact is that no report has been published, and it’s not in the IAA excavation file.<sup>9</sup>

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<sup>9</sup> Zias does not tell us on what evidence he based his conclusions, how well preserved the bones were and what anthropological criteria were used for his sex identification. Needless to say, the IAA report does not

Because of the above, it is clear why Jonathan Price and his colleagues don't follow Zias' gender reckoning. In their report, they quote Zias with respect to children and adults but they then pointedly omit the female identification (see *Cotton et. al.* p.487). This seems no accident since their conclusion is that this ossuary might have held the *male* patriarch of the family.

So there are several possibilities here. The bones of a male adult may have found their way into the "bone repository" identified in this tomb (according to Zias there were *three* adult *males* there), or they may have been pushed to the back of a *kokh* (niche), or they may simply have been wrongly identified by Mr. Zias who did not file a proper report on the human remains from the Caiaphas tomb.

In the final analysis, I know for a fact that there was an adult male buried in this ossuary, even without Zias' anthropological report. How do I know? Because it says so on the box.

We are still left with the issue of whether the nail that was found inside the ossuary was found *inside* the modest Caiaphas bone box with its unusual image, or in some other box in the tomb. It would be very helpful to know, but it is not essential to the hypothesis.

The fact is that the coin found in a skull in this particular tomb was *not* in any Caiaphas ossuary, but in the ossuary of a woman called "Miriam, daughter of Shimon." It hardly matters. The coin speaks to the afterlife culture of this tomb and this family. Similarly, if

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contain pictures of the bones, nor does it tell us whether they were taken to the lab for detailed study (including preservation and reconstruction), or if the sex identification was simply arrived at inside the burial cave.



nails of a crucified man were used by generations of this particular clan as amulets, it hardly matters in which ossuary one or two of those nails finally ended up. In any case, I am not responsible for the incomplete record keeping of those who conducted this excavation. What I can say is that the association of these nails with the nails of a crucified individual does not depend on the precise identification of the ossuary in which they were found.

Having said this, the third objection to the idea that one of the nails was found inside the “modest” Caiaphas ossuary involves a strange new twist to the story. After the airing of my film, a 1991 article by archaeologist Zvi Greenhut was referenced by my critics to discredit my report. If anything, it strengthens my argument.

As it turns out, a year after the discovery of the tomb and *before* the official report in “*Atiqot*,” which was based on the archaeological file at the IAA, Zvi Greenhut wrote a small preliminary report on the tomb for *Jerusalem Perspective* (4/4-5, 1991). And what do you know? Not only does Greenhut mention the nail inside the ossuary, but he identifies a specific ossuary, with no inscription, as the one in which it was found - ossuary no. 1. Greenhut says: “Two iron nails were also discovered in the tomb, one in the southern loculus, and the other in ossuary 1” (p. 11). This uninscribed ossuary was adjacent to the highly decorated “Joseph son of Caiaphas” one. I had missed this article because I never imagined that there was information published in *Jerusalem Perspective* that was missing from the IAA file and the official publication of the excavation.

What does all this tell us? First of all, it is clear that Cargill is wrong when he says that the nails were not important in this excavation. Here, Greenhut reports the location of the artifacts, ignoring “Cargill’s Law.” Second, it tells us that Ronny Reich is also dead wrong when he says that the nail in question was used to inscribe an ossuary. After all, according to Greenhut, the nail was found inside an ossuary *without* an inscription.

I will confess, however, that I am not sure what to believe. It seems very odd that here Greenhut reports on both nails, which demonstrates that he was aware of their importance, while *at the same time* not photographing them, measuring them or cataloguing them. Moreover, they then disappear altogether. The *Jerusalem Perspective* article does little for any responsible academic evaluation of the provenance of these nails. Nonetheless, if we accept Greenhut’s anecdotal report, it seems that the nail in question was buried with a member of Caiaphas’ family but not with Caiaphas. As with the coin, perhaps it was buried with a female member of the clan - maybe Caiaphas’ wife or daughter. We simply don’t know. What we have seen, however, is that these nails were probably there because they had been used to crucify someone.

## **The Jesus Nails**

We now come to the final point. If we accept that the nails are important, and that in both Jewish and pagan traditions they are associated with crucifixion and used as amulets for the afterlife; if we accept that this is a tomb of heterodox Jews that are Hellenized and

obsessed with covering their “forever after” bases, this still does not mean that the nails in question were used to crucify Jesus? Or does it?

Let’s start with the Jewish sources. Here we discover something incredible. Working with Eldad Keynan, I’ve come to the conclusion, that the Mishna itself may be preserving a reference to the nails of the cross, and to subsequent knockoffs, which were used for the purpose of healing.

The passage in the Mishna that discusses crucifixion nails and their amuletic/healing powers has been often mistranslated and wrongly cited. In his criticism of me, Cargill quotes Neusner’s translation, which refers to crucifixion as “impaling” and references “nails” in general (*Cargill op. cit.* p. 8). The fact is that, as Eldad Keynan has pointed out, Neusner mistranslates and Cargill, an expert on the Dead Sea Scrolls, should have picked this up. At least he should have noticed that impaling does not require nails. This is what the Hebrew original literally says: “[Jews] are going about carrying the egg of a locust or a fox’s tooth, or the nail of the crucified one, for the purpose of healing, R. Meir said [allowed]. But other sages forbid this even on weekdays because it is considered the conduct of Amorites [i.e., gentiles].” In other words, in the Mishna, the earliest stratum of the Talmud, it’s the nail of “*the crucified one*” that has healing powers, not the nails of any crucified individual.

The Hebrew word that I have translated as “*the crucified one*” is “Ha Zaluv.” In the Talmud it appears some 18 times. It is clear that sometimes it means “*the cross*,” and

sometimes it refers to the person *on* the cross, as in “Ve Zaluv al Ha Zaluv” i.e., “the crucified one on the cross” (*Jerusalem Talmud Masechet Yebmot* 9:7, row 3). In other instances, such as the one in question, which is referring to the healing powers of nails, it can be translated either way.

Since the Hebrew is ambiguous one can translate “a nail of *the* cross” instead of “a nail of *the* crucified one.” And one could assume that “a nail of *the* cross” simply means “a nail of a crucified person.” But the fact is that the Hebrew is unambiguous about the word “the,” and that the other objects on this list i.e., an egg and a tooth, come from living creatures, namely, a locust and a fox. It stands to reason, therefore, that the nail in question would have been associated not with an inanimate object but a human being. Is it possible, therefore, that the rabbis are recording the use of nails associated with Jesus’ crucifixion? Have we discovered a reference to the crucifixion of Jesus that was lost in translation? If so, it shouldn’t surprise us. There are at least two *parallel* stories in the Mishnaic literature explicitly referencing Jesus.

In one Tosefta, for example, we have an incident explicitly involving a healing associated with Jesus, and a warning not to engage in the “conduct of gentiles,” for fear of idolatry. The Tosefta (*Hullim* 2.22-23) relates how Rabbi Eleazor ben Dama gets bit by a poisonous snake. He then wants Jacob from a village called Sachnia, who heals in the name of Jesus, to save him. But before Jacob can do his work, ben Dama’s more famous father-in-law, Rabbi Ishmael ben Elisha, stops him. He rules that, according to Jewish law, it is forbidden. Rabbi Ishmael accepts the fact that Jacob is an effective healer. That

seems to be a given. He argues, however, that ben Dama should prefer to die rather than be healed in the name of Jesus, a practice the sages consider idolatry.

The same thing comes up again in *Masechet Avoda Zara* (2:2, 40d) where Rabbi Yeheshua Levi's grandson chokes on some food. He's then saved by someone who heals the child "in the name of Jesus." Whereupon Rabbi Levi says; "dying was better for him," and the child dies. The Talmud concludes that "...everything may be used to heal, except for idolatry."

Structurally, all three stories follow the *exact* same pattern. First, someone is in need of healing. Second, it is acknowledged that somebody healing in the name of Jesus, or in the name of "*the crucified one*," can help the stricken person. Third, there is a rabbi that permits the healing e.g., Rabbi Meir. Finally, he is overruled by another rabbi, or rabbis, who do not question the efficacy of the healing but associate it with idolatry. In other words, given the parallels, it is clear that "*the crucified one*" in the Mishna, when referring to nails and healing, is none other than Jesus. More than this, as Keynan has suggested, it seems to be the original model on which the ben Dama and Rabbi Levi stories are patterned.<sup>10</sup>

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<sup>10</sup> In their reference to the nail of "*the crucified one*," the rabbis seem to refer to Jesus by a pseudonym. The use of such a pseudonym would not be unprecedented. For example, the Mishna, when referring to the infamous, first century heretic, Rabbi Elisha ben Abuyah calls him "Acher" or "the Other One," refusing to mention his real name. Similarly, it seems that at the time of the magical healing reference, Jesus is not explicitly mentioned by the rabbis, but in the subsequent two episodes - as his following grew - he is referred to explicitly by name.

This analysis, based on a correct translation and a comparison with identical healing passages elsewhere in the Talmudic literature, leads to a further and related insight. We begin with a simple question: since any crucifixion nail would have had the “tuma” i.e., the “impurity” of death attached to it, how could any observant Jew handle it? More than this, no “Cohen” or member of the priestly cast could even be in the same room with such a nail. How then does the Mishna discuss their use as healing amulets? Why do the rabbis ban their use on the basis of idolatry and not impurity?

The answer that Keynan has suggested to me is as powerful as it is explosive. It seems that the rabbis of the Mishna did not associate the “nail of the crucified one” with death! Did they believe in Jesus’ resurrection? We know they didn’t but, even if they did, that would not change the impurity status of the crucifixion nails if Jesus had died on the cross. After all, according to the Gospels, the nails were removed from Jesus’ body *while* he was still dead. In other words, even Judeo-Christians – unless they were more heterodox than we realize – would not have handled *any* nails involved in *anyone’s* crucifixion because such nails would have had the “tuma” of death associated with them. Unless, of course, they didn’t believe that “the crucified one” had died on the cross. It seems that the rabbis are hinting that - absent a body - the nails making the rounds as Jesus related healing amulets were removed from Jesus *while* he was still very much *alive*.

At this time, this subject is too complicated for a comprehensive investigation. For now, suffice it to say, that the Talmud preserves the opinion that Jesus related healings – which

included the use of crucifixion nails – did not involve “tuma” and were effective, but had to be shunned because they were regarded as idolatrous.<sup>11</sup>

In sum, the rabbinic traditions demonstrate that for hundreds of years after Jesus’ crucifixion, there were Jews who were still healing in his name. If we put the reference to the nail “of *the* crucified one” in the context of the Ben Dama story and the Rabbi Levi story, it seems that some of the followers of Jesus were using nails “of the crucified one” as healing aids, while other Jews were continuing to associate the practice with idolatry. Simply put, based on the Jewish sources, if we find a nail in Caiaphas’s tomb – especially in an ossuary - we have no reason to associate it with anything but crucifixion and with anyone but Jesus.

If we turn to the Gospels and the Book of Acts the same story unfolds i.e., that Jesus’ disciples, as well as Paul, were healing in Jesus’ name. In later centuries, the common practice of building churches to house holy relics such as slivers of wood from the “true cross” and nails allegedly from the crucifixion continued the tradition of healing using Jesus related artifacts. The crucifixion nails found in the Caiaphas tomb should, therefore, be seen as part of this entire Greco-Roman, Jewish, and subsequently Christian fascination with the magical and the superstitious - more specifically, the notion of amuletic objects and healing in Jesus’ name.

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<sup>11</sup> The association of Jesus’ healings with idolatry are recorded in the Gospels themselves e.g., when Jesus is confronted by his critics who claim that he is healing in the name of “Ba’al Zebub” i.e., the “Lord of the Flies,” an idol connected with paganism (see Mark 3:22; Matthew 12:24-27; Luke 11:15, 18-19. See also Matthew 10:25, where Jesus is accused of healing in the name of “Ba’al Zebub.” Interestingly, this is the same pagan god that King Ahazia turned to (2 Kings 1:2-3, 6, 16) when he was admonished by the prophet Elijah. Meaning, even in Jesus’ time, his critics were acknowledging his healing powers, but attributing them to specific magical pagan rites already condemned by the prophets.

But some might insist that even if we accept all this, the nails found in the Caiaphas tomb may still have belonged to someone other than Jesus. Besides Jesus, maybe Caiaphas was associated with other people's crucifixion. I think not. The Talmud says that any Jewish high court that sent one person in 70 years to their death was called a "murderous court" i.e., a "hanging court" (*Mishna Makot, 1:10 J. Talmud Makot, 1:8, 30d B. Talmud Makot, 7a*). This indicates that in this period the death penalty was a rare event. Consequently, we have no reason to imagine that Caiaphas' court was turning Jews over to the Romans on a regular basis. The fact is that Caiaphas is not associated with the death of anyone other than Jesus. Simply put, there is no need to invent an anonymous crucified individual when we already know that Caiaphas was somehow associated with the crucifixion of Jesus of Nazareth.

In summary, what can we conclude? The *fact* is that most scholars agree that the Caiaphas tomb has been identified and excavated. Furthermore, it is a *fact* and a matter of public record that two nails were found in that tomb. It is also a *fact* that at the time of their disappearance, two nails in an unmarked package were sent by Joe Zias to the anatomy lab of Tel Aviv University. It is also a *fact* that for some 20 years, Professor Israel Hershkovitz, who is in charge of that lab, has been using these very nails to illustrate his lectures on crucifixion. Furthermore, it is a *fact* that crucifixion nails – in both Jewish and pagan traditions – were deemed to have amuletic powers and have been found in burial contexts. Finally, it is a *fact* that according to the Gospels, Caiaphas had the opportunity to get the nails that were used to crucify Jesus. Perhaps he even had the motivation.



## **Epilogue**

A final note: of course, it is perfectly legitimate for anyone to disagree with me. I do bring a very different sensibility to the search for the historical Jesus. But I don't think that should be a problem for anyone. It is as a result of respectful debates that we get closer to the truth. But the low level of ugly aspersions and nasty sarcastic rhetoric directed at me should not pass for a reasonable or proper academic discussion. I mention here the most blatant examples.

Writing for BibleInterp.com, Dr. Cargill from UCLA has this to say, "Simcha Jacobovici's claim...is speculation wrapped in hearsay, couched in conspiracy, masquerading as science, ensconced in sensationalism, slathered with misinformation and topped with a colorful hat....the show was produced and aired during Easter week to prey on the hopes and beliefs of the faithful in anticipation of making lots of money for Simcha Jacobovici and the History Channel" (p. 13).

In Romania, where most of my family was murdered during the Holocaust, talking about a Jew "with a colorful hat" preying "on the hopes and beliefs of the [Christian] faithful" during "Easter week" for the purpose of "making lots of money" was not called scholarship - it was called anti-Semitism. But, today, this is Cargill's idea of a proper academic "critique." If he's sorry, he should apologize and remove the offensive language.

When Professor Tabor decried this sort of nasty rhetoric among his colleagues and noted its anti-Semitic overtones, Pastor Jim West (Quartz Hill School of Theology) attacked Tabor for “playing the anti-Semitism card.” From West’s perspective, it was not Cargill who was in the wrong when he charged me with preying on the faithful at Easter time for the purpose of “religious profiteering”, it was Tabor who was wrong for criticizing the ad hominem tone of Cargill’s caricature. Tabor’s letter was withdrawn in less than a day. Cargill’s comments are still posted. But Cargill is not alone.

This is what Joe Zias, former curator at the IAA has to say: First, he calls Caiaphas “\$imcha’s Jew for Jesus,” writing the “S” in my name as a dollar sign. He then follows by calling me various names, including “idiot,” and ends with this; “Simcha is a master at manipulating the public and exploiting the media, at times inventing, distorting, embellishing, falsifying, exploiting the Holocaust and occasionally telling the truth...he has totally invented an absurd and totally dishonest Easter scenario, pimped it to the media, a film to be shown and money riding on it.” Is this scholarship? Can anyone read this and feel that there is scholarly substance to this rant? Is it really acceptable to write my name with dollar signs accusing me of, in Zias’ words, “pimping the Bible,” and “exploiting the Holocaust” for the purpose of creating a “totally dishonest Easter scenario” and “making lots of money?”<sup>12</sup>

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<sup>12</sup> Zias does not limit his vicious attacks to me. Among others, he has personally attacked and ridiculed Professor James Tabor, Dr. Shimon Gibson, Professor Rami Arav, Professor Richard Freund, Hershel Shanks, editor of *Biblical Archaeology Review* (BAR), and anyone he views as part of the “BAR crowd”. But not only this, he also publicly attacks dead colleagues, including the late Professor Nicu Haas and archaeologist Yosef Gat. This has caused tremendous pain to their widows. Strangely, instead of being marginalized as a result of this unseemly behaviour, Zias is quoted widely by my critics. Lately, he has taken to virtually stalking some academics by haranguing their departments, publishers and supporters. Perhaps he has finally gone too far (on Zias, see “*Of Ossuaries, Forgeries, Export Licences - and*

All this is not new. For years, the late Dr. John Strugnell was the editor-in-chief of the Dead Sea Scrolls project and a Professor at Harvard University. For all those years, everyone knew that he was an anti-Semite. He made no secret of his views. Nonetheless, the academic world tolerated it and warned anyone and everyone who might have stood up to him not to “play the anti-Semitic card.” It was only when Strugnell flaunted his anti-Semitism in an interview with journalist Avi Katzman in *Ha'aretz* (“Chief Dead Sea Scroll Editor Denounces Judaism, Israel; Claims He’s Seen Four More Scrolls Found by Bedouin,” November 9, 1990) that he was fired from his Dead Sea Scrolls position, but not from Harvard. This was pre-internet and only 45 years after the Holocaust. Today, as can be seen by a cursory perusal of the so-called criticism leveled at me, he would get away with it.

The fact is that if anyone dares to point to Jesus related archaeology that does not fit with Christian theology, he is isolated, marginalized and/or demonized. When the legendary professor Eleazar Sukenik, who identified the Dead Sea Scrolls, pointed to two ossuaries discovered at Talpiot - yes, Talpiot! - that were marked with charcoal crosses and statements of lament for Jesus (see *Cotton et. al. ossuaries #479 and 480, pp. 501-2*), he was attacked as having lost his mind. Only a few weeks ago, I was present in a room full of scholars when a well-known professor from a well known university accused the late Professor Sukenik of having invented the Jesus connection for the purpose of “making money” because “his wife needed a refrigerator.”

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*Unprovenanced Curators*” by Dr. Victor Sasson, <http://victorsasson.blogspot.com/2009/05/of-ossuaries-forges-export-licences.html>).

When the leading New Testament scholar of his day, Professor Morton Smith of Columbia, found a fragment of a non-canonical Gospel called “Secret Mark,” he was accused of forging the document. He went to his grave fighting this slander and only last month York University in Toronto hosted a conference where the question being debated was: “Morton Smith a forger?”<sup>13</sup> The list goes on and on.

It doesn't matter if you are Christian or Jewish, an academic or a journalist, if you point to the wrong kind of archaeology, a network of theologians and pseudo academics move quickly to slander and delegitimize you.

Basically, there is at present a strange convergence between various theological, academic and personal agendas. As stated, in the front ranks of this problem is an army of theologically motivated Christian academics. Surprisingly, they are aided and abetted in this enterprise by a host of Israeli archaeologists. The reason being that, culturally, the Israelis are the result of first and second generation Zionist education. Meaning, they dig to unearth Jewish, not “Christian”, history. This is understandable but it should not lead us to deny the archaeological evidence that might relate to those Jews who followed Jesus in the first century. The sad fact is, however, that most (not all) Israeli archaeologists know virtually nothing about Christianity generally, and Judeo-Christianity in particular. They have no idea of the Jesus movement as a Jewish phenomenon that might have left behind an archaeological record.

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<sup>13</sup> Morton Smith was first accused of forgery by theologian/Professor Quentin Quesnell in the *Catholic Biblical Quarterly* 37 (1975). Smith defended himself against these libelous statements, and the matter was put to rest until Stephen Carlton, Benedictine Oblate/Professor Peter Jeffrey and theologian/Professor Francis Watson recently revived the old charges.

To illustrate the above; since the building boom in Jerusalem in the 1980's, hundreds of tombs and thousands of ossuaries have been uncovered. But since Israeli archaeologists regard "Christian archaeology" as beginning no earlier than the 3<sup>rd</sup> century, by definition, they contend that there is nothing to find - and they find nothing. So, for example, when a first century ossuary is found in Jerusalem with a clear cross on it (see *Cotton et. al.* ossuary #263 p. 289) i.e., a cross that cannot be dismissed as a "stone mason's mark," the assessment is this: "the cross is *obviously* a later addition" (my emphasis). I am not convinced this is so "obvious". What's obvious is that all first century Judeo-Christian archaeology is made to disappear by ignoring it, marginalizing those that point it out (e.g., Bagatti, Goodenough, Figueras) or pushing the date into a safer era.

In this atmosphere, when I point out evidence related to the early Jesus movement, the knee-jerk reaction is to deny and decry. When you throw into this mix a clearly troubled individual, with no affiliation to any academic institution, you have the pre-conditions for what sociologists call a "mobilization of bias."

With respect to the response to my film, this bias has crossed over into libel, slander, and incitement. For a while, there was even a website called "Beat the Snot out of Simcha." To date, I never responded. But the Shylock caricatures, Holocaust references, dollar signs and lies had to be confronted.

For the record, I am not an archaeologist, nor am I an academic. I'm proud of being a filmmaker and an investigative journalist, living and working in a free society. I have

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been honored by my peers with any number of prestigious film awards as anyone who bothers to check my credentials would know. For my work in “film and archaeology,” I have recently won the Special Jury Prize from the Archaeological Film Festival of Brussels, Royal Museum of Art and History.

I’m honoured that on June 13, 2011, my film “Nails of the Cross” kicked off a six part series on the birth of Christianity on Israel’s IBA Network. Each prime time broadcast is followed by a discussion involving some of Israel’s top academics. This is the first time a series on Christianity is being aired on a mainstream Israeli channel.

I want to thank Professor James Tabor for giving me an opportunity to post my response on his site.