

The Criminal-Illegal Trial of Jesus

The Bible does not give the actual date of the birth, trial or execution of Jesus. However, history does record that "*on a Sunday morning, about April 4th, A.D. 30, Jesus of Nazareth's ministry was completed upon this earth.*"

The purpose of this discourse on the criminal and illegal trial of Jesus is to handle the defendant as if the Galilean were but a human being. I want to make it clear that I am viewing the trial in a *legal* sense only without any intent to reflect upon Christ's divinity.

Every human being must believe in fair treatment toward his fellow men, and that if a man is accused of a crime, he should receive a fair and impartial trial at the hands of whatever tribunal his case is submitted to.

There have been some noted criminal trials which have occurred within our life time, however, none can be compared with this trial - and this trial occurred within a ***twenty-four hour period.***

In all criminal cases, every defendant charged with a crime is presumed to be innocent until he is proven guilty, and this presumption of innocence must continue throughout the whole trial. He is also entitled to every reasonable doubt, and if such reasonable doubt of guilt exists in the mind and conscience of the court, then the court must construe such doubt in the favor of the defendant - and acquit him!

In submitting this case, I place confidence in your honor, integrity and unbiased judgment. I will then leave the case absolutely to your fair and impartial consideration, and permit you to retire and consider the same and prepare your verdict as to whether Jesus of Nazareth received a fair and impartial trial? ***Was Jesus guilty or not guilty?***

The Sanhedrin was the High Court of Justice, the Supreme tribunal of the Jews, and was known to number seventy-one members. They sat as judges in the Hebrew trial of Jesus with legislative, executive and judicial powers. They constituted the national parliament. It was this court that condemned our Savior on a charge of blasphemy against Jehovah. He was tried by this tribunal under the Mosaic Code

The highest, or supreme court, was this Great Sanhedrin, from which there was no appeal. Its authority was supreme in all matters - civil, criminal, political, social and religious. Since Jesus was tried for a capital offense, this was the court by which He was tried.

In Israel, at the time of Christ, the Mosaic Code was the fundamental and basic written law, but there was also the Talmud containing the ancient traditions and Rabbinic interpretations. The contents of the Talmud were never proclaimed to the world by the state but they were simply a mass of traditions and commentary transmitted orally through many centuries before being finally reduced to writing.

The Talmud, translated into English, comprises some 400 average size volumes.

It was the provision of the Sanhedrin, the Supreme tribunal, under the Mosaic Code

that formed the basis of this trial.

The charge brought against the defendant, before the court of the Sanhedrin, was "*blasphemy against Jehovah.*"

The *criminal* indictment brought against the defendant before Pilate and Herod, was "*treason against the government of Rome.*"

Let's analyze and determine whether either the charge or indictment was properly made or well taken, against the defendant, before these courts of Judaical justice.

FIRST POINT

"The Jewish law prohibited any part of legal proceedings by night. (Dupin in, "Jesus Devant Caiapha et Pilate.")

Even before Jesus' trial began the law was broken because His arrest was illegal. The Jewish law prohibited any part of a legal proceeding in capital offenses to take place at night, and Jesus was arrested at night.

"A capital offense must be tried during the day and suspended at night" (Mishna in "Sanhedrin" Vol.1)

*"Criminal cases can be acted upon by the various courts **during the day time only.**" (Mendelsohn in "Criminal Jurisprudence of Ancient Hebrews" p. 112).*

SECOND POINT

Jesus before Caiaphas was illegal because the Law stated, "*Be not a sole judge, for there is no sole judge but One.*" (Mishna, in "Pirke Aboth" IV 8)

"An accused man must never be subjected to private or secret examination, let in his perplexity, he furnish damaging testimony against himself." (Salvado in, "Institutions de Moise" pp. 365-366). The high priest's private examination of Jesus was illegal.

That Jesus was privately examined before His regular trial by the Sanhedrin is clear. Whether the examiner was Annas or Caiaphas is not certainly known. John alone records the private interrogation, testifying: "*The high priest then asked Jesus of His disciples and of His doctrine.*" This interrogation, by whom- ever, was illegal because it took place at night and was by a sole judge.

THIRD POINT

The indictment against Jesus was illegal because the Law stated, "*The entire criminal procedure of the Mosaic Code rest upon four rules: certainty in the indictment; publicity in the discussion; full freedom granted to the accused; and assurance against all danger of errors of testimony*" (Salvador in, "Institutions de Moise" p.365) "*The Sanhedrin could not originate charges; it could only investigate those brought before it*" (Edersheim in, "Life and times of

Jesus the Messiah" Vol. I. p.309)

"The only prosecutors were the witnesses in the crime. The witnesses constituted the charge. There was no formal indictment until these witnesses spoke in the public assembly. When they spoke, and the evidence of two agreed together, it formed the legal charge, libel, or indictment." (Mendelsohn in *"The Criminal Jurisprudence of the Ancient Hebrews,"* p.110)

The form of the indictment was illegal. Under Hebrew justice there was no grand jury. Leading witnesses presented charges. In addition to naming a specific crime, the indictment must allege the precise acts of the accused which constitute the specific crime. Was this rule observed in framing Jesus' indictment? Gospel records do not disclose the fact.

FOURTH POINT

The Law stated, *"The Sanhedrin was to set from the close of the morning sacrifice to the time of the evening sacrifice."* (Talmud, Jerus, Sanhedrin - Vol. I, p. 19)

"No session of the court could take place before the offering of the morning sacrifice." (M.M. Lemann in *"Jesus Before the Sanhedrin."* p. 109)

"The morning sacrifice is offered at the dawn of day. The Sanhedrin is not to assembly until the hour after that time." (Mishna, in *"Talmud, of the Perpetual Sacrifice."* Chapter III)

The Sanhedrin Convened before the offering of the morning sacrifice, therefore illegal.

FIFTH POINT

The proceedings were conducted on the day preceding a Jewish Sabbath, also on the First Day of the Feast of Unleavened Bread and the Eve of the Passover, therefore it was illegal.

The Law stated, *"Court must not be held on the Sabbath, or any holy day."* (Betza, chapter Vol. II).

"They shall not judge on the eve of the Sabbath, nor on that of any festival" (Mishna, Sanhedrin IV. 1.)

"No court of justice in Israel was permitted to hold sessions on the Sabbath or any of the seven Biblical holidays. In cases of capital crime, no trial could be commenced on Friday or the day previous to any holiday, because it was not lawful either to adjourn such cases longer than over night, or to continue them on the Sabbath or holiday." (Rabbi Wise in *"Martyrdom of Jesus"* p.67)

The trial was illegal because it was held on a day forbidden by the law, that is a feast day and the day before the Sabbath.

SIXTH POINT

The trial of Jesus was illegal because it was concluded within one day. Just think of a

trial in a capital case, from beginning to end, lasting less than twenty-four hours, and taking place at an hour of the night and day contrary to law. And further, consider the fact that it was at an hour in the morning at which only the Sanhedrin rabble mob was found. Jesus had multitudes of friends among the common people who, if they had known of the trial, would have been present to protest and storm the court in His favor and defense. However, Jesus was not even permitted a lawyer to defend Him.

The Law stated, "*A criminal case resulting in the acquittal of the accused may terminate the same day on which it began. But if a sentence of death is to be pronounced, it cannot be conducted before the following day.*" (Mishna in "Sanhedrin" IV. 1.)

The trial of Jesus was illegal because it was begun and concluded in one day. Before the finding of guilty could be decreed "*a night had to intervene between the trial and the decree,*" during which the judges could sleep, fast, meditate and pray. Yet the Gospels record clearly discloses that Jesus was arrested, tried and executed within a single day.

SEVENTH POINT

The Condemnation of Jesus was illegal because the verdict of the Sanhedrin was unanimous.

The Law stated, "*A simultaneous and unanimous verdict of guilt rendered on the day of the trial has the effect of an acquittal.*" (Mendelsohn in "*Criminal Juris- prudence of the Ancient Hebrews*" p. 141).

"If none of the judges defend the culprit, i.e. all pronounce him guilty, having no defender in the court, the verdict guilty was invalid and the sentence of death could not be executed." (Rabbi Wise in "*Martyrdom of Jesus*" p. 74)

EIGHTH POINT

The condemnation sentence was pronounced against Jesus by the Sanhedrin and was founded upon His uncorroborated confession.

The Law stated, "*No one can bring an accusation against himself. Should a man make confession of guilt before a legally constituted tribunal, such confession is not to be said against him unless properly attested by two witnesses.*" (Maimonides in "Sanhedrin" IV p.2).

"No attempt can be made to lead a man on to self-incrimination. Moreover, a voluntary confession on his part is not admitted in evidence, and therefore, not competent to convict him, unless a legal number of witnesses minutely corroborate his self-accusation." (Mendelsohn in "*Criminal Jurisprudence of the Ancient Hebrews*" p.133).

Jesus was convicted and condemned to death on legally inadmissible evidence. It was at first sought to condemn Him to death on legally inadmissible evidence, on the charge of sedition, "*but their witness agreed not altogether*" (Mark 14:56). But, instead of releasing Jesus, the judges, in total disregard of the law, turned to the accused and asked, "*Answereth thou nothing? what is it these witness against thee? But He held His peace and said nothing*" (Mark

14:60). By remaining silent Jesus was invoking the right against self-incrimination. Caiaphas insisted that Jesus incriminate Himself.

Thus, it is seen that it was not upon the testimony of two competent witnesses, agreeing in all essential details, as the law required, was Jesus condemned to death.

Jesus was accused of blasphemy, not sedition, as the latter charge had been dropped. As to the charge of blasphemy, it was the duty of the court to seek out the truth or falsity of the charge.

At the beginning of the trial before the Sanhedrin Jesus was charged with sedition which was soon abandoned. The trial proceeded on the charge of blasphemy. Then, before Pilate, blasphemy was dropped and a third charge was made: "*high treason.*"

The Sanhedrin had little confidence that their so-called trial on blasphemy would be affirmed by one who administered the great and high developed system of Roman justice. To be certain that Jesus would be done away with, they substituted the charge of high treason against Caesar, the most serious crime known to the Roman law and one over which the Romans had exclusive jurisdiction.

A single verse in St. Luke contains the indictment: "*We found this fellow perverting the nation, and forbidding to give tribute to Caesar, saying that He Himself is Christ a King*" (Luke 23:2).

The Jews had not intended to get involved in all this Roman law and thus lose jurisdiction over their prize prisoner. They had hoped to secure a summary endorsement of their own judgment without a new trial by the governor. When the prisoner was first brought before Pilate, Pilate asked: "*What accusation bring ye against this man?*" (John 18:29). The evasive answer was given, "*If He were not a malefactor, we would not have delivered Him up to thee*" (John 18:30). Pilate did not take the hint.

The substance of Pilate's reply to the Jews was this, "*I have asked for a specific charge against the man. You have given me an equivocal answer. I imply the crime is against your own laws. If so, you try Him. I do not wish to meddle*" (John 18:31).

The Jews, thus thwarted, formulated the new charge of treason. Pilate beckoned Jesus into the palace where the trial took place. Pilate asked, "*Art thou King of the Jews?*"

"*Jesus answered him, sayest thou this thing of thyself, or did others tell it thee of Me?*" (John 18:34).

Pilate did not clarify his question, so Jesus gave a true answer to both of its possible meanings.

He replied, "*My kingdom is not of this world: if My kingdom were of this world, then would My servants fight, that I should not be delivered to the Jews; but not is My kingdom not from hence.*" (John 18:36).

Pilate regarded Jesus as a harmless religious fanatic, from whom Caesar had nothing to fear. He went to the rabble and pronounced a verdict of "not guilty, *I find in Him no fault at all.*"

Suffice it to say that the record of the night trial discloses two distinct charges:

(1) the charge of sedition - the threat to destroy the Temple and thus to seduce the people from their ancient allegiance, and (2) the charge of blasphemy preferred by Caiaphas. When the false witnesses failed to agree, their contradictory testimony was rejected and the charge of sedition was abandoned.

Pilate had tried and acquitted Jesus. This was a proper trial in conformity with the Roman law, however, instead of setting Him free, we know the familiar story of His release to the Jews who crucified Him. This, in spite of one illegal trial and a second legal trial in which He was found innocent!

NINTH POINT

The sentence of condemnation was pronounced in "*a place*" forbidden by law.

The law states, "*After leaving the hall Gazith no sentence of death can be passed upon anyone soever*" (Talmud, Idolatry, Chapter 1, Vol.8).

"A sentence of death can be pronounced only so long as the Sanhedrin holds its sessions in the appointed place" (Maimonides in "*Sanhedrin*" XIV).

In the trial of capital cases, the Great Sanhedrin was required to meet in an appointed of the National Temple of Jerusalem, known as the Hall of Hewn Stones. Outside of this hall no capital trial could be conducted and no capital sentence could be pronounced in obedience to the Mosaic injunction found in Deuteronomy.

TENTH POINT

The Sanhedrin Members were legally disqualified to try Jesus because the law stated, "*There must not be on the judicial bench either a relation, or a particular friend, or an enemy of either the accused or the accuser*" (Mendelsohn in "*Criminal Jurisprudence of the Ancient Hebrews*" p. 108).

"Nor under any circumstances was a man known to be at enmity with the accused person permitted to occupy a position among his judges" (Benny in "*Criminal Code of the Jesus*" p. 37).

That the members of the Sanhedrin were prejudiced against Jesus and that they sat at the trial with vindictiveness in their hearts is evident, because Jesus interfered with the money-making schemes of the Jewish syndicate in the Temple, as recorded in the Gospels.

The Sanhedrin was against Jesus because He publicly exposed their hypocrisy to the people and desired to abolish the illegal taxes which the Sanhedrin imposed upon the people. Was that not enough to prejudice that body in advance to the extent that they could not give Him a fair and impartial trial?

These judges who tried Jesus were not selected with the highest considerations of choice by men and, therefore, were not true ministers of justice and their decisions did not mete out substantial justice to all.

The trial of Jesus consists in the prejudice of the Sanhedrin toward the accused. The Hebrew law required absolute freedom from all interest in the result of the trial, and the entire absence of all prejudice against the accused. Yet Jesus was surrounded by hostile judges, already determined upon His death. Notwithstanding this vital disqualification, the trial of Jesus proceeded before this scant and hostile and unlawfully convened quorum of the Sanhedrin.

ELEVENTH POINT

The condemnation of Jesus was illegal because the merits of the defense were not considered. The law stated, "*The primary object of the Hebrew judicial system was to render the conviction of an innocent person impossible. All the ingenuity of the Jewish legislator was directed to the attainment of this end*" (Benny in "*Criminal Code of the Jews*" p. 56).

Jesus should have been allowed to prove the truth as His defense. The judges of the Sanhedrin are not to be condemned because they misunderstood His defense ***but because they denied Him all defense!***

At a fair trial in full daylight, it is believed that a host of witnesses friendly to Jesus could have been called before His judges, and their testimony would have established an exact fulfillment of ancient Messianic prophecy in His birth, life, arrest and trial.

The only possible verdict they could have legally rendered would have been, "***Not Guilty!***"

THE PREJUDICE OF THE SANHEDRIN

History and documents are available for a study of the moral characters of the judges who sat in judgment at the trial of Jesus of Nazareth. We will draw from the valuable writings of Josephus, the historian, and the Talmud, to enable us to form an opinion of the moral tone of the whole assembly.

For nearly a century a detestable abuse prevailed. The high priesthood, which for fifteen centuries had been preserved in the same family, according to the divine command, had at the time of Christ's trial become an object of commercial speculation. This sacred office was given to the one who offered the most money for it. As M. Derembourg remarks, "*A few priestly, aristocratic, powerful, and vain families, who cared for neither the dignity nor the interest of the altar, quarreled with each other for this appointment.*"

Josephus, the historian, speaking of those desiring the priesthood, states, "*They struggled together they did it by casting reproachful words against one another, and by throwing stones also. There was nobody to reprove them, but these disorders were done after a licentious manner, as if it had no government over it.*" And, it was these men who were the chief judges of Christ!

The Talmud, going even farther, says, "*What a plague this is to the family; cursed by their hissing of vipers. They are high priests themselves, their sons are treasurers, their sons - in-law are commanders, and their servants strike the people with staves.*"

Chandler says, "*In the face of such low morality, is it possible to restrain one's indignation against those who sat at the trial of Christ as members of the chamber of priests? The majority of the priests belonged to the Pharisaic order, the members of which sect made religion subservient to their personal ambition, and in order to rule over the people - they used religion as a tool to effect this purpose!*"

Can we be astonished at the murderous hatred which these false and ambitious men conceived for Christ? It was He words, sharper than a sword, which exposed their hypocrisy and displayed their corrupt interior.

I have in my files the names of each of the members of the Sanhedrin with historical and documentary facts on their moral characters. I cannot now take the time to list all seventy-one of these judges. I can only believe that anyone after reading the character of the men that caused the crucifixion of Jesus, will admit Christ could not have received a fair and impartial trial before that council.

The record shows that the men who composed the Sanhedrin were demoralized, ambitious and scheming priests, who were mostly Pharisees, believing themselves to be both infallible and imperishable.

The Sanhedrin did not have jurisdiction to put Christ to death. The purpose of taking Jesus before Pilate was to confirm their sentence. Jesus was brought before Pilate from the Sanhedrin charged with blasphemy and treason against Caesar, exalted ruler of Rome. They had no interest in bringing Him to justice, but sought to protect their own corruptness and unfounded religious views.

PONTIUS PILATE

The apocryphal acts of Pontius Pilate are found everywhere in literature, sacred and secular. His records, legal acts and religious faith are very important factors in determining the merits of the Roman trial.

Both Josephus and Philo have handed down a very ugly picture of this sixth Roman procurator of Judea. Philo charges him with "*corruptibility, violence, robberies, ill-treatment of the people, grievances, continuous executions without even the form of a trial, endless and intolerable cruelties.*"

Dr. Ellicott says, "*He was self-seeking and cowardly; able to perceive what was right, but without moral strength to follow it out.*"

HEROD

After the Court of the Sanhedrin finished their job, they ordered Jesus to be sent to Pilate in order to have him affirm their judgment, but Pilate, the contemptible coward, fearing to

do his duty and release Him, sent Him to Herod. In the early morning Jesus, being guarded by Roman soldiers and surrounded by a jeering, scoffing, raging multitude of Jews, was conducted to the place of the Maccabees, on the slope of Zion, the official residence of Herod.

Herod Antipus, Tetrarch of Galilee, was the man before whom Jesus was now led to be judged. The pages of sacred history mention the name of no more shallow and contemptible character than this petty prince whose chief aim in life was the gratification of his passions.

Herod opened the examination of Jesus by interrogating Him at length. Jesus treated his insolent questions with contemptuous scorn and withering silence.

It is also very probable that Jesus knew His legal rights, and that He did not believe that Herod, sitting at Jerusalem, a place outside his province, was judicially empowered to examine Him. Therefore, He was not legally compelled to answer.

Luke 23:11 states, "*And Herod with his men of war set Him at nought, and mocked Him, and arrayed Him in a gorgeous robe, and sent Him again to Pilate.*"

Christ's trial was a farce by modern standards of justice. It was illegal also by the law of that day and place. Jesus' arrest was illegal and so was His examination.

In the trial of any case three facts are involved (1) the findings of fact, (2) the determination of applicable law, and (3) the application of that law to the established facts.

There is not a line of authentic history in the literature of the world, sacred or secular, dealing originally and authorita- tively with the facts and circumstances of the trial and crucifixion of Christ, except the Gospels.

The whole trial of Christ was illegal. His arrest was illegal on the grounds that no proof was offered of any offense. He was also arested without a warrant and was mistreated during the arrest. The trial was at night. Night trials were contrary to their own laws. Instead of seeking the truth, they sought false witnesses. They had Him condemned in their own minds before He was arrested.

Friend, what if you were emplanled on the jury to listen and carefully evaluate the evidence given, what decision would you come to?

I ask you, "*What will you do with Jesus?*"