

“ The Trial of Jesus—A Legal Monstrosity”

J. M. Powell

“Many remarkable trials have characterized the judicial history of mankind.” But we have come to discuss the most celebrated trial—if it may be called a trial—in the history of criminal law. The question before me is: whether Jesus of Nazareth was duly tried and executed for breaking the law, or was murdered under the pretense of legal process.

The trial of Jesus was twofold—Hebrew and Roman, or ecclesiastical and civil. The Hebrew trial took place before Caiaphas, Annas, and the great Sanhedrin. The Roman trial was held before Pontius Pilate, procurator of Judea, and Herod Antipas, tetrarch of Galilee.

The events that immediately preceded the arrest of Jesus are well known to all of us. About eleven o’clock on Thursday evening Jesus and eleven of his apostles left the scene of the last Supper and made their way to the Garden of Gethsemane. Meanwhile, in the temple, Judas and the priests had finished plans for the betrayal. Around midnight Jesus was taken into custody and was led away to be tried and finally executed.

He was taken first to Annas. (John 18: 13.) But this part of the proceedings was, strictly speaking, quite informal and arbitrary; for Annas held no official position. Yet he had tremendous influence and prestige, and in the Sanhedrin no man’s opinion carried more weight. Some twenty years before he had been high priest, a title which he still received by courtesy. Annas asked Jesus about his disciples and doctrine. The reply that Jesus made was pointed and somewhat caustic. At this, one of the officers, standing near by, struck Jesus with his hand. Then the Master sternly rebuked the wrongdoer. “Christ,” says Luther, “forbids self-defense with the hands, but not with the tongue.” Foiled in his attempted examination of Jesus, Annas sends him bound to Caiaphas.

Caiaphas was the son-in-law of Annas, and was high priest. In addition to this, he was the head of the Sanhedrin. This was the man who was the accredited guardian of the soul of the nation. To him was permitted the glorious privilege of entering once each year into the holy of holies. Yet this was the man who condemned the Son of God. It were better had he never been born. History provides no more startling illustration of the truth that the best religious opportunities in the world and the most promising environment will not within themselves guarantee a man’s salvation. “Then I saw,” says John Bunyan in closing his book, “that there was a way to hell, even from the gates of heaven.”

News of the arrest of Jesus had brought many members of the Sanhedrin to the house of the high priest. However, according to its own constitution, the Sanhedrin could not legally be convened before the hour of sunrise; but Caiaphas and the rest were impatient and desired to proceed with the examination of the prisoner. Then all that would be left for the meeting after sunrise would be the ratification of the proceedings of the night before.

During this night phase of the Jewish trial, Caiaphas and the whole council sought false witness against Jesus that they might condemn him to death. Witnesses were called in, but their statements did not agree. At last Caiaphas, in exasperation, rose from his couch and cried: “Art thou the Christ, the Son of the Blessed?” Jesus answered: “I am: and ye shall see the Son of man sitting at the right hand of Power, and coming with the clouds of heaven.” Upon hearing this, the high priest rent his clothing, and saith: “What further need have we of witnesses? Ye have heard the blasphemy: what think ye?” Upon this the vote of the court was taken, and Jesus was condemned to death *unanimously* (Matt. 26: 66)—the

charge being blasphemy. Then some began to spit on him, and to cover his face, and to buffet him, and say unto him, Prophecy.” And the officers received him with blows of their hands. Even the members of this court took part in this unholy display of cruelty. That Jesus lived through this and other such indignities is testimony to his manhood and vitality. In some pictures Christ is represented as an effeminate individual—pale-faced, thin, and delicate. Such pictures are libels on the manhood of the Lord. Jesus was a *man!* Strong, red-blooded, virile—not coarse, but rugged and square-shouldered.

It was shortly after this that Simon Peter thrice denied the Lord. He had done that which he said he would never do. Just here we are reminded of Paul’s injunction: “Let him that thinketh he standeth take heed lest he fall.” (I Cor. 10:12)

To all intent and purpose the Jewish trial was over. Let *us* note the respects in which the Hebrew trial was illegal. The best legal minds of our day have listed at least five major illegalities and scores of minor illegalities. We shall mention at this time the major ones.

1. *The arrest of Jesus was illegal.*

- (a) Because it took place at night in violation of Hebrew law.
- (b) It was effected through the agency of a traitor and an informer.
- (c) Because it was not for the purpose of reaching a righteous judgment. The rights of Jesus were not considered at all—“in his humiliation his judgment was taken away.”

2. *The examination before Annas and Caiaphas was illegal.*

- (a) It was conducted at night.
- (b) No judge or magistrate, sitting alone could interrogate an accused person or sit in judgment upon his legal rights. (Deut. 19:16f.)

3. *The indictment against Jesus was illegal.*

- (a) It was vague, twofold, and indefinite. (*Mark 14: 57; Deut. 19:15.*)
- (b) The charge was presented by two witnesses who testified simultaneously—a flagrant violation of all law and custom.

4. *The proceedings against Jesus were illegal.*

- (a) The integrity of the witnesses was not established before their testimony was heard. (Deut. 19: 18, 19.)
- (b) The witnesses, though known to be false, were not punished as provided by Hebrew law. (Deut. 19: 18, 19.)
- (c) During the proceedings Jesus was deliberately struck in the face and treated as a criminal. It is a fundamental axiom of all law, save the Roman, that a prisoner is considered innocent until found guilty.

5. *The condemnation of Jesus was illegal.*

(a) The verdict of the Sanhedrin was unanimous for his death. (Mark 14: 64.) It is pointed out that this fact marks a peculiar point of difference between our law and the Jewish law. In our courts a man who is condemned unanimously is thought guilty. It was not so in the Hebrew courts. There the judges were expected to be defenders of the accused; and if the vote of condemnation was unanimous, it was taken for granted that the judges had been derelict in duty, and consequently the accused was at once released.

(b) Because Christ's condemnation was founded upon his uncorroborated confession, Jesus was compelled to be witness against himself. Caiaphas had said to Jesus: "I adjure thee by the living God, that thou tell us whether thou art the Christ, the Son of God." The answer from Jesus was simply: "I am." It was upon this testimony that Jesus was convicted and condemned, and all this in spite of the fundamental maxim of Jewish jurisprudence: "No man convicts himself." And Moses had long before declared that "at the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established." (Deut. 19:15.)

(c) The defense was not heard. There were two parts to every trial—the accusation and the defense. (Deut. 13:14.) But there was in the trial of Jesus no pretense of a defense.

(d) The crowning illegality of the condemnation was the haste with which it was completed. It was in the night that the case was hurried through. There was a law to the effect that in capital offenses sentence could not be pronounced until one day after the trial. Thirty-four hours had to elapse between the trial and the pronouncement of the sentence. There was another law to the effect that such cases could not be heard on the day immediately preceding a Sabbath or one of the great festival days. Both these laws were willfully broken. The accusers of Christ flung principle to the winds and tore justice to shreds. Such was the Hebrew trial—fraudulent from beginning to end! Next, the Roman trial.

BIBLIOGRAPHY

Chandler, Walter M.: "The Trial of Jesus."

Branch, Frances Harold: "The Trial of Jesus."

“THE TRIAL OF JESUS—A LEGAL MONSTROSITY”

J. M. Powell

Part two

When Caiaphas and his infamous satellites had done their nefarious work, Jesus was marched off to the Roman governor for the second stage of the trial. Pontius Pilate, who had been procurator for some six years, had high political ambitions. He wanted to rise and be heard of at Rome. Moreover, he knew that he must somehow get along with the Jews and their pestiferous religious leaders. The chief priests knew the governor’s weakness and adroitly played upon it. Like many another man since that time, Pilate compromised with dishonor for the sake of his own personal comfort and political future.

As the punctilious Jews, who held Jesus captive, approached the house of the procurator, they remained on the steps, not daring to go in, because it was the Passover, and they would have been defiled had they entered the house of a Gentile. It is one of the ironies of history that men so fearful of ceremonial defilement should think nothing of laying murderous hands upon the Son of God.

Pilate, in response to their clamorous appeals, appeared on the steps. He began, as was perfectly right, by demanding a definite statement of the charge. (John 18: 29.) Here the priests found themselves in a serious difficulty. It would not do to say that Jesus was a blasphemer. This was a purely religious matter, and would have no weight at all with irreligious Pilate. So the Jews replied evasively: “If he were not a malefactor, we would not have delivered him up to thee.”

Naturally this did not satisfy, and he pressed for future information. Here the Jews added yet another illegality to all that had gone before—they dropped the original charge of blasphemy and substituted for it a charge of treason—a charge that Pilate would listen to. The mob spoke up and said: “We found this man perverting our nation, and forbidding to give tribute to Caesar, and saying that he himself is Christ a king.”

This was a deliberate lie. At no time had Jesus forbidden to pay tribute to Caesar. On the contrary, he had told the people to render to Caesar the things that were Caesar’s. Jesus, therefore, stood before the Roman governor charged, not with blasphemy, but with treason against the Roman state. The priests knew that the charge was a mere pretense, but the pretense had to be made or Pilate would not assume jurisdiction over the case. The chief priests knew that only Pilate had the power to execute Jesus. Hence, they were willing to do or say anything to influence him. And they did not rest until they saw Jesus hanging on the cross.

Pilate, having heard the charge of treason, desired to examine Jesus in private. Questions concerning Christ’s kingship, kingdom, and truth were discussed. Pilate, being convinced of the innocence of Jesus, went forth to declare his verdict: “I find no fault in this man.” And further he said in effect: “The charge you have brought against him is without foundation. He has done nothing worthy of death.” But this verdict of “not guilty” inflamed the passions of the bloodthirsty Jews. Luke tells us that “they were the more urgent, saying, He stirreth up the people, teaching throughout all Judaea, and beginning from Galilee even unto this place.” And now for the first time fear and uncertainty began to mark Pilate’s demeanor. He saw trouble ahead, and became anxious to be rid of this difficult case altogether. In his efforts to evade responsibility Pilate had recourse to three expedients. Now watch this cheap politician perform.

The first expedient was to send Jesus to Herod. After all, he argued, Jesus was a Galilean, and, therefore, subject of Herod’s jurisdiction. And by a stroke of good fortune Herod was in Jerusalem at the time.

Let us pause for a moment to consider this man Herod, before whom Jesus was now led to be tried. The pages of sacred history mention the name of no more shallow, contemptible character than this petty princeling, this dissolute Sadducee. There was scarcely a mark of respectability about him. He was a typical Oriental prince, whose chief aim in life was the gratification of the flesh. He was nothing more than the slave of a wicked and lewd woman. He was cruel, crafty, and worthless. The only contemptuous word which Jesus is recorded to have spoken had reference to this ruler. Some Pharisees had come to Jesus saying that Herod was out to get him. Jesus said to them: "Go and say to that fox, Behold, I cast out demons and perform cures to-day and to-morrow, and the third day I am perfect." (Luke 13:31, 32.) It was a clever move on the part of Pilate to send Jesus to Herod, but it did not work out as he had hoped; for in a short time the prisoner was returned to Pilate.

The second expedient that Pilate tried concerned a custom—a custom to release unto the people at each Passover feast a prisoner. Luke tells us the governor was under obligation to do so. (Luke 23: 17.) It so happened that a very notable prisoner, Barabbas by name, was in custody at the time. Now, Barabbas was an insurrectionist, a robber, and a murderer. Pilate felt sure that when the people were granted the privilege of choosing between Barabbas and Jesus, Jesus would be released and Barabbas executed. Before the people Pilate stood and said: "Whom will ye that I release unto you? Barabbas, or Jesus who is called Christ?" But the people clamored for the release of Barabbas and the crucifixion of Jesus. "While he [Pilate] was sitting on the judgment-seat, his wife sent unto him, saying, have thou nothing to do with that righteous man; for I have suffered many things this day in a dream because of him."

All the while the chief priests and elders were stirring up the people and poisoning their minds against Jesus. Again and again Pilate raises the question as to who is to be released—Barabbas or Jesus. Each time the angry mob cried out for the release of Barabbas and the crucifixion of Jesus.

The third and last expedient that Pilate tried was a dastardly one. He proposed that as he could find no fault in Jesus, he would scourge him and release him. (Luke 23:16.) Carrying out the program which he proposed, Pilate had Jesus removed from the Praetorium to the place of scourging and inflicted that punishment upon him. Pilate believed that when the people viewed the scourged Jesus they would have pity upon him and release him.

The record tells us that "Pilate went out again, and saith unto them, Behold, I bring him out to you, that ye may know that I find no crime in him. Jesus therefore came out, wearing the crown of thorns and the purple garment. And Pilate saith unto them, Behold, the man!"

But the angry mob continued to cry out: "Crucify him, crucify him!" Thus Pilate's expectation came to naught, for none of the Jewish rulers ever wavered in their demand for crucifixion. And finally the Jews cried out: "If thou release this man, thou art not Caesar's friend." It was enough. These words did the work. Pilate called for a bowl of water and washed his hands before the multitude, saying: "I am innocent of the blood of this righteous man; see ye to it."

Why did he stand thus washing his hands when he should have been exercising them? Pilate, blood does not come off so easily!

Then we read that Pilate delivered Jesus unto them to be crucified.

Just here I want to amplify a scene in the trial of Christ that will shame noble men and women as long as the world stands. Christ, trembling from the terrific punishment, is to be subjected to further indignation. "He is a king, is he!" cried some ruffian in the crowd. "Well, I'll make a king of him." And reaching down into a

pile of castoff clothing near by, he drew forth an old purple robe. Approaching Christ, he throws it around his shoulders. "He is a king, is he!" cried another. "Well, I'll make a king of him." And he fetches an old broken reed and places it in the trembling hands of the Master, while still another miserable fellow presses down upon that holy brow a crown of Palestinian thorns, stinging needlelike, poisonous. There he stood—the Son of God. Look at him! Your Savior and mine! Now the Son of God goes forth to die.

What a trial! In a few short hours Jesus was arrested, taken before the Sanhedrin and found guilty of blasphemy; then taken before Pilate, charged with treason, and acquitted; then taken before Herod on the same charge, and again acquitted. Still the Jews thirsted for his blood. There is a fundamental law which says that no one shall be tried twice for the same offense. Jesus had been tried four times—once condemned and three times acquitted. Then he was crucified—not for the crime for which he had been convicted, but for the crime for which he had three times been acquitted.

This was the trial of Jesus—the greatest monstrosity in the annals of legal history.

BIBLIOGRAPHY

Chandler, Walter M., "The Trial of Jesus."

Branch, Francis Harold, "The Trial of Jesus."