

TRIAL OF CHRIST

by Frank Powell

Powell's detailed reconstruction and legal analysis of Christ's trial before Jewish and Roman authorities, examining pre-trial events, Hebrew trial proceedings under Jewish law, the Roman trial before Pilate, and subsequent Christian persecution with historical context.

8 Chapters

Table of Contents

1. 00 Trial of Christ
2. 00c Contents
3. 00i Introduction
4. 00s Source
5. 01 PRE-TRIAL DAYS JESUS OF NAZARETH
6. 02 HEBREW TRIAL RECONSTRUCTION OF EVENTS
7. 03 THE ROMAN TRIAL RECONSTRUCTION OF EVENTS
8. 04 THE SEQUEL PERSECUTION OF CHRISTIANS

00 Trial of Christ

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00c Contents

INTRODUCTION

CHAPTER PRE-TRIAL DAYS Birth of Jesus — Early days of Jesus — The eighteen years' blank — Baptism by John — Josephus' reference to Jesus — Jewish Messianic hopes — The Jewish Terrorists — Simon the Zealot — Barabbas — Theudas — Judas of Galilee — John the Baptist — Jesus' Mission to the Jews — And to the Gentiles — Mixed reception — Nicodemus — Judas Maccabeus — Jews ask for "a sign" — The Miracles — The Roman Procurators — Execution of James, brother of Jesus — Office of High Priest — The Scribes — The Pharisees — The Sadducees-Jewish Law Courts — The Greater Sanhedrin — The Lesser Sanhedrin.

CHAPTER THE HEBREW TRIAL Reconstruction of events — The Arrest — "Not at the Feast Day" — Judas Iscariot — Warrant for Arrest? — Arrest by private citizens — Power to issue a summons? — Trial of Herod of Galilee — What officials arrested Jesus? — The Jewish Proceedings — The Rulers' Plan — Annas ex-High Priest — Caiaphas — Jesus before the Greater Sanhedrin — The Oral Law — Trial by Night — Arrangement of Court — Qualification of Judges to try Capital Cases — Procedure Preferring the Charge — Proving and Admonishing Witnesses — Penalty for False Evidence — The Death Penalties — Execution of Sentence of Stoning — Hanging — The Evidence — Search for Witnesses — Two Witnesses in particular — The Case Breaks Down — The Illegal Questioning of Jesus — The Great Admission — He hath Spoken Blasphemy — Rules for Trial of Blasphemy — Same not Observed — The Defense that was not made — The Procedure that was not followed — Rules for Consideration of Verdict — End of Illegal Trial and Condemnation — The Grand Consultation-The Decision — Summing Up.

CHAPTER THE ROMAN TRIAL Reconstruction of Events — Roman Procurators — Pontius Pilate — Caesar's Effigies in Jerusalem — The Aquaduct — Galileans Killed in Temple — Massacre of Samaritans — Pilate recalled to Rome — Legal Procedure in Rome and Provinces — The Praetorium — Jesus Before Pilate — What Accusation? — The Charges — Roman Religious and Witchcraft Laws — Treason — Sedition — Tribute — The Interrogation — The Defense — The Interrupted Verdict — The Remission to Herod — Jesus before Herod — The Mocking — Pilate Resumes the Trial — The Second Acquittal — Barabbas — Pilate's Wife — The Washing of Hands — The Third Acquittal — The Jewish Curse — Destruction of Jerusalem A.D. 70 — The Appeal of Titus — The Scourging — Behold the Man — The Son of God — Pilate Reenters the Praetorium — Fiat Justitia Ruat Coelum — Pilate back on the Forum — Crucify Him — Pilate Yields — The Trial Ends.

CHAPTER THE SEQUEL Persecution of Christians — Paul in Rome — Fire of Rome, A.D. — A.D. 30-70 — Albinus — Florus — The Jewish War — Certius Gallus — Vespasian — Battle of Jerusalem — Jerusalem — Jewish inspiration — Jewish Tradition — "Literal" and "Spiritual" interpretations — Extent of Promised Land — The Prophetic Plan — The Balfour Declaration — Jewish Determination — Birth of a Nation — A Re-Trial? — The Trial Continues.

00i Introduction

INTRODUCTION SOME QUESTIONS ARISING THE TRIALS RAISE SOME INTERESTING QUESTIONS. WAS the arrest legal? Did the Romans take part in the arrest? Was Jesus arrested on a warrant? Was there a formal Jewish trial? Before what Jewish tribunals did Jesus appear? Who was the presiding Judge? What was the true nature of the proceedings before the Hebrew tribunals? What was the system of law in force? Was the proper legal procedure observed? Was the charge properly laid? Of what offense was Jesus “convicted” by the Hebrew tribunal? Why was the charge changed before Pilate? Why did the Jews not execute Jesus? What defense, if any, did Jesus make before the Hebrew tribunals? And before Pilate? Why did the Jews refer the case to Pilate? What were Pilate’s functions? What was Pilate’s view of the case? Had Herod power to try the case? Did Pilate know that the Jews had previously “tried” Jesus?

Why did Pilate condemn to death One he declared to be innocent? The uncertainty of the state of the national laws at the time, the passage of nearly two thousand years, and the scantiness of the material available make it impossible to answer these questions dogmatically; but such material as we have makes the study one of absorbing interest and we may hope to perceive at least a glimmer of the truth of what happened in those far-off days.

00s Source

SOURCES OF INFORMATION The sources of information about the two trials of Jesus are the four Gospels and some references thereto in the Acts of the Apostles.

There are two kinds of law — the law of God and the law of the State. The Jewish State was in theory a theocracy, therefore the law of God was also the law of the State. But at the beginning of the Christian era the Sanhedrin of Judges, which was charged with the duty of administering that law, was divided against itself as to what constituted the law of God; therefore the law of the State was in doubt. This division amongst the judges arose from the fact that they were divided into two opposing religious sects; some of them were Pharisees and some Sadducees. The Pharisees contended that the “Written Law” together with the “Oral Law” comprised the law of God; the Sadducees maintained that the Written Law alone was of divine origin. At the time of Jesus the Sadducees were in the ascendant in the Sanhedrin. The “Chief Justice” — the High Priest — was a Sadducee and he dominated the Court. But the Pharisees were the popular party and the Sadducees were by no means able to ignore their demands. Josephus makes a pronouncement of considerable importance when he says: “They (the Sadducees) are able to do almost nothing of themselves; for when they become magistrates, unwillingly and by force sometimes they addict themselves to the notions of the Pharisees, because the multitude would not otherwise bear them.” This confused state of affairs provides us with a major problem in our study, for it makes it a matter of no little difficulty to form an opinion about the system of law in force and applied in the Sanhedrin in c . A.D. 30, the year in which the trial of Jesus probably took place. It would seem that what happened in practice was that both sects acknowledged and enforced the Written Law; that to it the Pharisees sought to add the Oral Law; and that the Sadducees agreed to enforce the Oral Law only on occasions when they thought a refusal on their part would incense popular feeling. As for the Scribes who, *inter alia* , advised the Court on points of law and procedure, they might be either Pharisees or Sadducees. With a tribunal so divided against itself, there must have been more than the usual difficulties in obtaining a clear ruling upon a disputed point. The Written Law, which, broadly speaking, corresponds with English Statute law, was contained in the Pentateuch. In c . A.D. 200, the Oral Law, corresponding roughly with English Common Law — described by Blackstone as “the ancient unwritten law of this kingdom” — was embodied in the Mishnah . “The Oral Law consisted of ‘the traditions of the elders’ — rules of Jewish life and religion which in the course of centuries had come to possess a validity and sanctity equal to that of the Written Law and which, as the Oral Law, were deemed, equally with the Written Law, to be of divine origin, and therefore consonant with and, for the most part, deducible from the Written Law” (Mishnah , Aboth 1. n . 2). The Mishnah was compiled by Rabbi Judah the Patriarch. “The Rabbi did not aim at promulgating the Mishnah as an authoritative, definitive legal code, a final summary of Jewish law. It was simply a compilation of the Oral Law as it was taught in the many Rabbinical Schools of his time. His “prominence in the community, his reputation in the field of the Rabbinical law. served almost immediately to win universal recognition for his Mishnah as the only complete and balanced statement of the Oral Law.

It displaced all others and became the final authority for legal decisions” (Mishnah , Intro., p. 22). The chief value of the Mishnah in this study is that apart from the disputed Oral Law, it quotes much of the Written Law and contains rules of evidence and procedure, some of which were necessary in the administration of either system of law and about which there was probably no disagreement between the Pharisees and Sadducees. As to the twenty-two books of the Old Testament (now sub-divided into thirty-nine), including as they do the Pentateuch, Josephus, writing about A.D. 100, is an authority for the statement that by general agreement those books constituted the sacred books of the Jews of his day (Contra Apion 1. 8). The general acceptance of their canonicity preceded any decision of the schools, though such a decision was probably made at the Council of Jamnia, c . A.D. 90.

It is outside the scope of this study to discuss why we should accept the authority of the Gospels or the Bible generally, but we share the traditional Christian belief that there is weighty historical and other evidence to justify a belief beyond reasonable doubt that the writers of the Gospels had personal knowledge and information of the matters about which they wrote; that their original writings were read and treasured in the Apostolic Churches; that when the original writings disappeared, authentic copies continued in use; that the greater part of the New Testament was in writing before the fall of Jerusalem in A.D. 70 and that the remainder came into existence soon after that event; that at the beginning of the fourth century the majority, and before its close, all of the Churches had accepted the canon of the New Testament as we have it to-day; and, finally, that in A.D. 397 the Third Council of Carthage ordered that “beside the canonical Scriptures nothing be read in the Church under the title of the divine Scriptures” (see New Bible Handbook).

Another valuable source of information is the Works of Josephus.

Josephus (A.D. 37-103), the Jewish historian, general and statesman, was of a high priestly royal family, and claimed to be the most learned man of his time in Jewish lore. He was a Pharisee. His “Works” contain a useful collection of “case” law, that is to say, reports of cases tried in the Jewish Courts, and these cases contain interesting information concerning the law, practice and procedure in those Courts. Probably no historian knew more about Pilate, or the manner and customs of the Pharisees and Sadducees, than he.

There is a considerable difference of opinion as to whether or not the proceedings before the Sanhedrin constituted a formal legal trial and whether or not the Mishnah rules were observed. Klausner says that there was no full legal trial by the Sanhedrin but only a preliminary judicial investigation; that the Mishnah rules were not observed and that those rules are at variance with the system in vogue in the time of Jesus (see hereafter). Lord Shaw states a precisely opposite view (at pp. 8, 11 and of his book): “Jesus Christ underwent a double trial. Two great and independent systems of criminal jurisprudence were called into play to determine His fate.” Referring to the Sanhedrin of Judges, Lord Shaw says: “It contained apparently the leaders of both the Pharisaic and Sadducean castes. It was moved by traditions which it was bound to respect and which constituted the body of the law. In later years these were consolidated in the Talmud. But the Mishnah, or central body of the Talmud, includes those traditions which were admittedly in force as law when the Christian era began.”

It is important to bear in mind that whatever the true nature of the proceedings before the Sanhedrin, that Court purported to convict Jesus of blasphemy, and blasphemy was an offense

created by the agreed Written Law and not by the disputed Oral Law. Our study leads to the conclusion that the Jewish proceedings, whatever their true character, were overshadowed and dominated by the fact that before they commenced, the members of the Tribunal pre-determined the result, namely, the death of the Accused. Such a prejudging of a case would be fatal to the validity of a trial under any system of jurisprudence. In view of this astounding fact, why were there any "proceedings" at all? It would seem that the Rulers of the Jews desired above all else that the claim of Jesus of Nazareth to be the Messiah should be rejected with every outward show of judicial authority and in a manner most calculated to carry conviction to and secure the support of all shades of Jewish religious and political opinion; that to ensure this result, the Pharisaic and Sadducean Judges sank their differences and staged a "trial," which was in fact and in intent a mere colorable pretense of a lawfully convened and formally conducted trial, at which they purported to observe not only the agreed Written Law but such of the rules of the Oral Law as did not interfere with their united and unlawful pre-trial determination to put Jesus to death. If this be the true view, there was no genuine Jewish "Trial" or "Investigation." We also come to the conclusion that it was the Greater Sanhedrin which met during the night and purported to try Jesus, and that the meeting which was held "when the morning was come" was that of a much larger body, a grand Consultative Assembly, which took the decision to bring Jesus before Pilate and thus place the odium for His death upon the Roman Power. The case purported to be made against Jesus before the Sanhedrin was in substance that He was a false prophet; that He was a sorcerer; that He was teaching a new religion; that He was inciting the people to worship God contrary to the law of Moses; that He was undermining the national religious institutions; that He falsely claimed to be the long-promised Messiah; that He falsely claimed to be "the Son of God," that is, one in a unique relationship to Jehovah; that all this was insulting to the Deity, and, therefore, was the crime of constructive blasphemy. When before the Sanhedrin Jesus put forward no detailed defense. No doubt there were many reasons for this, but He mentioned one: "If I tell you, ye will not believe." When Jesus appeared before Pilate, the charge of "blasphemy" was abandoned and one of "high treason" against Caesar substituted. Contrary to a widely-held view, we see no reason to suppose that Pilate regarded himself as reviewing a decision previously arrived at in another Court. To the charge of high treason, Jesus entered a plea known to English lawyers as "Confession and Avoidance." He confessed that He claimed to be a King, but "avoided," that is, denied, the innuendoes implied by His accusers; that is to say, He denied that He claimed to be the sort of King alleged, namely, a King who was a rival to Caesar. Jesus explained to Pilate that His Kingdom was "not of this world." The Roman Judge was convinced by the explanation and defense and formally declared Jesus to be not guilty of the charges laid against Him. Before the amazing Roman trial concluded, the Judge envisaged the possibility that he himself might be accused of treason to his Emperor, and to avoid such impeachment, and to prolong his term of office, he condemned to death the Accused he declared to be innocent. But the respite Pilate gained was short-lived. In A.D. 36 he was recalled to Rome to answer the joint accusations of Samaritans and Jews.

01 PRE-TRIAL DAYS JESUS OF NAZARETH

CHAPTER - PRE-TRIAL DAYS JESUS OF NAZARETH, MESSIAH OF THE JEWS AND SAVIOR OF THE WORLD, was born in the closing days of the reign of the tyrant Herod “the Great.”

Herod died in the year of Rome 750 and that year corresponds to the year 4 B.C. It follows, therefore, that Jesus was probably born in the year 4 or B.C. This confused chronology makes it difficult to fix the year of His trial with certainty, and that year is variously stated to be A.D. 29, 30 or 33.

Joseph and Mary fled with Jesus into Egypt to escape the massacre of the infants of Bethany ordered by Herod. Dean Farrar thinks that about twenty-seven infants were involved in the massacre. On their return after Herod’s death they settled in Nazareth in Galilee, of which Joseph and Mary were natives. Here, apparently, Jesus was brought up to Joseph’s trade of carpenter, was “subject to His parents,” and “advanced in wisdom and stature, and in favor with God and man.” At the age of twelve He was taken by His parents to Jerusalem, where He held a discussion with the learned Rabbis, “both hearing them and asking them questions.” “And all that heard Him were astonished at His understanding and His answers.” It is not known whether or not any of these Rabbis took part in His trial some twenty years later. Of the next eighteen years of His life we know nothing. We learn from Luke 3:1-38 that Jesus was about thirty years old when He was baptized by John the Baptist. After a period of severe temptation, testing and preparation in the wilderness, He commenced His public ministry. Various estimates have been given of the length of this ministry, the general view being that it lasted for three years at least, covering three, if not four, Passovers. Josephus makes only a brief reference to the trial of Jesus by Pilate and says nothing about a trial before the Sanhedrim Thus: “Now, there was about this time” (i .e . the time of Pilate, A.D. 26-36), “Jesus, a wise man, if it be lawful to call Him a man, for He was a doer of wonderful works, a teacher of such men as receive the truth with pleasure.

He drew over to Him both many of the Jews, and many of the Gentiles.

He was the Christ. And when Pilate, at the suggestion of the principal men amongst us, had condemned Him to the Cross, those that loved Him at the first did not forsake Him; for He appeared to them alive again at the third day; as the divine prophets had foretold these and ten thousand other wonderful things concerning Him. And the tribe of Christians, so named after Him, are not extinct at this day” (Ant. 18. 3, 3). (This quotation from Josephus is generally regarded by historians as containing Christian interpolations.)

JEWISH MESSIANIC HOPES After the death of Herod and the distribution of his kingdom among his sister and sons, the Jews made more than one attempt to persuade the Emperor to remove this Idumean monarchy and allow a return of the High Priestly State under the direct control of the Romans. The first attempt failed, and the Emperor confirmed Herod’s distribution of the kingdom; but in A.D. 6, he granted a joint petition of Jews and Samaritans that Judaea should be formed into a Roman province. Archelaus, Ethnarch of Judaea, one of Herod’s sons, was banished to Gaul,

and his departure was followed by the arrival of the first Roman Procurator. THE TERRORISTS The Petitions to Rome had not been made out of any love for the Romans but as the best way of preserving peace among the contending factions of Jews. The common people, for their part, detested the Roman yoke and looked with suspicion upon the friendship of their Rulers, most of whom were Sadducees, with the Roman authorities. In particular the Zealots, with their left wing the Assassins, the Jewish terrorists of those days, regarded their rulers, to use a modern term, as "Quislings." The policy of the Zealots was complete and open enmity to the Occupying Power. They appear to have originated as followers of a man called Judas, whose father had been killed by Herod, and they were strongest in Galilee. They refused to pay tribute to Caesar, regarded it as a religious duty to kill Romans, and Jews whom they knew to have Roman sympathies, and were ready to support any prophet or self-styled Messiah who proclaimed the imminent coming of God and the establishment of His Kingdom. The Assassins were even more extreme, and regarded marriage with a Gentile as a crime that merited death, and later went to the length of murdering the High Priest, whom they suspected of pro-Roman sympathies. (See Schofield, p. 292.)

Simon, one of the disciples of Jesus, was a Zealot; and it is probable that Barabbas, in custody for making insurrection against the Romans, who figured in the trial of Jesus before Pilate, was a terrorist who in the course of his sedition and insurrection had murdered a Roman and was on that account popular with his fellow countrymen. "The age which saw the Birth of the Messiah was quivering with expectation" (Pressense). Notwithstanding the differences which existed between the various Jewish sects and parties, all, save the Sadducees, were united in the hope that the long-promised Messiah would soon appear and deliver Israel from foreign domination. The Sadducees regarded the Messianic idea as politically dangerous, but did not go so far as to deny it, for they acknowledged the authority of the Scriptures. The Pharisees, on the other hand, who represented the bulk of the people, "believed in the coming of the Messiah with all their hearts, and made it a political and spiritual ideal" (Klausner). Many were ready to cry, "Lo, here: lo, there."

THEUDAS Various impostors arose, such as Theudas, of whom Josephus says: "Now it came to pass, while Fadus was procurator of Judea [A.D. 44-46] that a certain charlatan, whose name was Theudas, persuaded a great part of the people to take their effects with them, and follow him to the River Jordan, for he told them he was a prophet, and that he would, by his own command, divide the river and afford them an easy passage over it; and many were deluded by his words. However, Fadus did not permit them to make any advantage of his wild attempt, but sent a troop of horsemen out against them, who, falling upon them unexpectedly slew many of them, and took many of them alive. They also took Theudas alive, and cut off his head, and carried it to Jerusalem" (Ant. 20, 5, 1).

JUDAS OF GALILEE "After this man rose up Judas of Galilee in the days of the taxing, and drew away much people after him; he also perished; and all, even as many as obeyed him, were dispersed" (Acts 5:37).

JOHN THE BAPTIST The advent of John the Baptist, proclaiming "The Kingdom of Heaven is at hand," created a great sensation. "Then went out to him Jerusalem, and all Judea, and all the region round about Jordan" (Matthew 3:5).

Many thought that possibly John himself was the long-promised Messiah, for they "mused in their hearts whether he were the Christ, or not" (Luke 3:15). The Rulers of the Jews also were gravely

perturbed and sent emissaries to question him as to his identity and mission. "The Jews sent priests and Levites from Jerusalem to ask him, Who art thou? And he confessed, and denied not, but confessed, I am not the Christ. And they asked him, What then? Art thou Elias? And he saith, I am not. Art thou that prophet? And he answered No. Then said they unto him, Who art thou? That we may give an answer to them that sent us. What sayest thou of thyself? He said, I am the voice of one crying in the wilderness, make straight the way of the Lord, as saith the prophet Esaias. And they which were sent were of the Pharisees. The next day John seeth Jesus coming unto him, and saith, Behold the Lamb of God, which taketh away the sin of the world. This is he of whom I said, After me cometh a man who was preferred before me: for he was before me" (John 1:19-24; John 1:29-30).

Later on, after the murder of John, Jesus asked His disciples "Whom do men say that I the Son of Man am? And they said, Some say that thou art John the Baptist: some Elias [i.e. Elijah]; and others Jeremias, or one of the prophets" (Matthew 16:13-14). It is interesting to note that Jesus said to His disciples concerning John the Baptist, "If ye will receive it, this is Elias, which was for to come" (Matthew 11:14).

MISSION TO THE JEWS At the beginning of His public ministry, Jesus appears to have confined His Mission to the Jews. "I am not sent but unto the lost sheep of the house of Israel" (Matthew 15:24). When Jesus sent His disciples forth to preach and to teach, He charged them: "Go not into the way of the Gentiles, and into any city of the Samaritans enter ye not; but go rather to the lost sheep of the house of Israel" (Matthew 10:5-6).

MISSION TO THE GENTILES The question whether or no Jesus had a Mission to the Gentiles as well as to Israel was a thorny one; it caused much discussion, and, when the Gentiles accepted Jesus, controversy arose as to whether they became Jews or remained Gentiles. In Acts 21:1-40 and Acts 22:1-30, we read that when Paul was rescued from the Jews by the chief Roman captain and was given permission to address them from the stairs of the castle, they heard him in silence until he mentioned that Jesus had sent him to the Gentiles; when he mentioned that fact pandemonium broke out, and they shouted, "Away with such a fellow from the earth, for it is not fit that he should live."

Again, when "the apostles and brethren that were in Judea heard that the Gentiles had also received the word of God. they that were of the circumcision contended with" Peter on the subject, and he was hard put to it to convince them that believing Gentiles as well as Jews had received the gift of the Holy Ghost (see Acts 11:1-18). Jewish national pride is truly expressed in the Talmud: "Each Israelite is worth more before God than all the people who have been or shall be" (Gfrorer, 1. page. 214).

MIXED RECEPTION Many found some of the utterances of Jesus to be "hard sayings." He had a mixed reception. In His own country and amongst His own kith and kin He received but little honor. When He taught in their synagogues they said: "Whence hath this man this wisdom, and these mighty works? Is not this the carpenter's son? Is not his mother called Mary? And his brethren. and his sisters, are they not all with us?. Whence then hath this man all these things? And they were offended in him" (Matthew 13:54-57). "How is it then that he saith, I came down from heaven?. From that time many of His disciples went back, and walked no more with him" (John 6:42; John 6:66).

But, little by little, Jesus increased His hold over the people, and they said, “When Christ cometh, will he do more miracles than these which this man hath done?” (John 7:31). The Scribes and Pharisees taught that Jesus was a sorcerer, and did their utmost to discredit and defame Him. Any who confessed that Jesus was the Christ was put out of the synagogue; all such in Jerusalem were excommunicated.

NICODEMUS But Nicodemus, a Ruler of the Jews, expressed the view of many when he said to Jesus: “Rabbi, we know that thou art a teacher come from God: for no man can do these miracles that thou doest, except God be with him” (John 3:2). “Among the chief rulers also many believed on him; but because of the Pharisees they did not confess him, lest they should be put out of the synagogue: For they loved the praise of men more than the praise of God” (John 12:42-43).

Some would “take Him by force, to make him a king” (John 6:15); others “took up stones to cast at him” (John 8:59). His life was often threatened. Yet they could not but be impressed by the miracles performed before their eyes and they constantly sought for some great and overwhelming sign as proof of His Messiahship. When Jesus told them that that sign would be His resurrection from the dead (Matthew 12:39-40) they failed to grasp His meaning. Jesus was to them the Man of Mystery.

LAZARUS The climax in the ministry of Jesus was reached when He raised Lazarus from the dead. This miracle had an electrifying effect upon the population, just as it decided the Pharisees and Sadducees to close their ranks and make common cause against Jesus to put Him to death. It was the immediate cause of the enthusiastic Palm Sunday crowds only five days before His arrest: “For this cause the people also met him, for that they heard that he had done this miracle. The Pharisees therefore said among themselves, Perceive ye how ye prevail nothing? behold, the world is gone after him” (John 12:18-19). THE MIRACLES In view of what modern critics say about the miracles of Jesus, it may be emphasized that not only the believers in Jesus but His enemies also accepted the fact of the miracles. The great issue in those days was not whether or not the miracles were performed, but by what power they were performed. The believing Jews, such as Nicodemus, were satisfied that Jesus performed the miracles by the power of God (John 3:2); while the unbelieving Pharisees contended that Jesus was in league with Beelzebub — a Satanic agency (Matthew 12:24). Jesus was now “mighty in deed and word before God and all the people” (Luke 24:19). The coming Passover would surely see the realization of all their hopes and they would witness some stupendous act of divine intervention which would rout their enemies for ever and restore the Kingdom to Israel. So it was that towards the end of Christ’s ministry, the whole of Jewry was in a state of expectancy and suspense, a condition which was increased to fever-heat by the raising of Lazarus. At any moment there might be a political or religious explosion which would lead to a sanguinary conflict with the Occupying Power, such as in fact occurred a few years later in A.D. 70, when Jerusalem and the Temple were destroyed and the Jews were scattered with great loss of life; since which time they have been wanderers on the face of the earth, but always with their faces turned towards Jerusalem. The times of the great Jewish Festivals — when Jerusalem was the magnet for thousands of pilgrims, the population probably being increased to some three million souls — were occasions of special danger and called for extra vigilance on the part of the Procurator and his legions. (There was in fact a grave riot at the first Feast of the Passover after the death of Herod the Great, in which three thousand Jews were killed) (Ant. 17. 9).

Therefore, it was the custom of the Procurators, at the time of the Feasts, to leave their headquarters at Caesarea on the coast, about sixty miles from Jerusalem, and reinforce the Roman garrison of six thousand troops stationed in the fortress of Antonia adjoining the Temple. It was for this reason that Pilate was in Jerusalem at the time when Jesus was arrested.

Pilate had under his command an army of some thirty-five thousand troops, consisting of the 5th, the 10th and the 15th legions and auxiliaries, with which to maintain law and order in Judea. THE ROMAN PROCURATORS The removal of Archelaus from Judea in A.D. 6 was followed by the arrival of the first Roman Procurator. The Procurators were paid a fixed stipend from the Imperial treasury. The Procurator was the direct representative of Caesar and responsible to the Emperor for the good government of the Province, notwithstanding that his superior officer was the Imperial Legate of Syria. He was Governor, Administrator and Judge. The High Priest was his nominee and answerable to him for the good behavior of the Jews. The Procurator had the custody of the High Priest's vestments and could and did depose the High Priests at will. Throughout the regime of the Procurators, the Jews continued to be governed by their own Rulers; and the Jewish Courts, the Sanhedrins, continued to function, but always subject to the overriding authority of the Procurator, who deprived those Courts of the power to put any man to death. The Jewish Courts might convict a Jew of a capital offense, and in one case only they might try and convict a Roman; but it was unlawful for the Jewish Court to give effect to the conviction — the case had to be remitted to the Procurator for ratification or otherwise of the conviction. This state of the law was well known to the Jews, as they frankly admitted when accusing Jesus before Pilate: "It is not lawful for us to put any man to death" (John 18:31). But the High Priest and the Sanhedrin did not always observe this law and sometimes exceeded the jurisdiction permitted to them. The inevitable result was the deposition of the High Priest and the appointment of another. Owing to the frequency with which the Procurators changed the High Priests there were several ex-High Priests alive at the same time. But while no ex-High Priest, vis-à-vis the Romans, could represent the Jewish nation, an ex-High Priest performed many other functions of no concern to the Romans. Moreover, whatever the Romans might do, the Jews regarded a High Priest as appointed for life. Annas, the father-in-law of Caiaphas, before whom Jesus first appeared after His arrest in Gethsemane, was the most notable example of a High Priest deposed by the Romans who continued to exercise much power in Jewry after his deposition.

Many a Roman Procurator lost his reputation in Palestine. The Jews were a turbulent race and constantly presented petitions to the Emperor complaining of some act or other of a Procurator. The first Procurator, Coponius, was in office four years; the second, Ambivius, three years; the third, Rufus, one year. The fourth, Gratus, was in office for eleven years, during which time several High Priests were deposed, their tenure of office being about two years each. The fifth Procurator was Pontius Pilate, who held the position from A.D. 26 to 36, during the whole of which time Caiaphas retained office as High Priest, a significant fact showing how cleverly he walked the political tight-rope.

Caiaphas was in office at the time Pilate arrived in Palestine and remained in office until shortly after Vitellius, Legate of Syria, ordered Pilate to return to Rome to report to the Emperor. After Pilate's departure, Vitellius deposed Caiaphas from the High Priesthood. Caiaphas was succeeded by his brother-in-law, Jonathan.

One interesting and much-debated question which has a bearing on the arrest and trial of Jesus is whether or not the Procurators permitted the High Priests to summon the Sanhedrin without their consent. The account given by Josephus of the trial and execution of James, the brother of Jesus, in A.D. 62, suggests that such consent was necessary.

Josephus (Ant. 20. 9. 1) says: "And now Caesar, upon hearing of the death of Festus, sent Albinus into Judaea, as Procurator. Ananus (the newly-appointed High Priest and son of Annas) was a bold man in his temper and very insolent. he thought he had now a proper opportunity to exercise his authority. Festus was now dead, and Albinus was but upon the road; so he assembled the Sanhedrin of Judges, and brought before them the brother of Jesus, who was called Christ, whose name was James, and some others. And when he had formed an accusation against them as breakers of the law he delivered them to be stoned; but as for those who seemed the most equitable of the citizens, and such as were most uneasy at the breach of the laws, they disliked what was done. They also sent to the king (Agrippa) desiring him to send to Ananus, that he should act so no more, for that what he had already done was not to be justified; nay, some of them went also to meet Albinus, as he was upon his journey from Alexandria, and informed him THAT IT WAS NOT LAWFUL FOR ANANUS TO ASSEMBLE ASANHEDRIN WITHOUT HIS CONSENT. Whereupon Albinus complied with what they said, and wrote in anger to Ananus, and threatened that he would bring him to punishment for what he had done; on which King Agrippa took the High Priesthood from him, when he had ruled but three months, and made Jesus, the son of Daimmeus, High Priest." But it may be that the action of Ananus in summoning the Sanhedrin without the consent of the Procurator was unlawful only because at that time the Procurator, i .e . he who personified the Roman Law, was not resident in the country, Festus being dead and his successor not having yet arrived. Or it may be that the true view is that of Schurer, who says: "All that is meant by the statement of Josephus is, that the High Priest had no right to hold a court of SUPREME JURISDICTION in the absence and without the consent of the Procurator" (Schurer, p. 189). In any case, the action of the High Priest and Sanhedrin in carrying out a sentence of death passed by them was obviously unlawful. THE RULERS OF THE JEWS THE HIGH PRIEST The most important man in all Jewry was the High Priest. He was the ecclesiastical, administrative, political and judicial head of the Jewish State.

During the Roman occupation, just as the Procurator represented the Roman State, so the High Priest represented the Jewish State. The High Priest was the nominee of the Procurator and was responsible to him for the good order and discipline of the Jews. Of the High Priests in general, Josephus says (Ant. 20:10): "History informs us that Aaron, the brother of Moses, officiated to God as a High Priest, and that, after his death, his sons succeeded him immediately; and that this dignity hath been continued down from them all to their posterity. Whence it is the custom of our country, that no one should take the high priesthood of God, but he who is the blood of Aaron, while everyone that is of another stock, though he were king, can never obtain that high priesthood." The High Priest was also supreme Judge in Israel. "As Moses first presided over the seventy elders, so did the High Priest thereafter preside over the Greater Sanhedrin" (Numbers 1:6; Mishnah , Sanhedrin 1. 6; Ant . 4. 8. 14). No one in Israel was allowed to disobey the orders of the High Priest.

Schurer says (p.181): "In a document of so early a date as the national decree declaring the combined office of High Priest and Sovereign to be vested by right of inheritance in the family of

Simon the Maccabean, it was ordained that nobody was to be allowed to contradict his (Simon's) orders, or to convene an assembly in any part of the country without his knowledge or consent." "In the time of Christ it may be held as certain. that the office of President (of the Sanhedrin) was always occupied by the High Priest for the time being, and that, too, in virtue of his being such" (Schurer, p. 184). These statements are helpful in clearing up the difficulty of deciding whether it was Annas or Caiaphas who presided over the trial of Jesus and in considering whether or not the High Priest had inherent power to issue a warrant for the arrest of Jesus.

Throughout the public ministry of Jesus the High Priest was a Sadducee. THE SCRIBES The Scribes were specialists in religious law. In the time of Jesus most of them were Sadducees. They were the zealous guardians of that law and the real teachers of the people. They were also the legal advisers of the Sanhedrin and acted as clerks of the court. They recorded the proceedings; they sat one at each end of the semicircle of judges; one recorded the arguments in favor of acquittal of the accused, and the other the arguments in favor of conviction. Some Rabbis held that there should be three Scribes in court—the third to record both sets of arguments.

They required of their pupils the most absolute reverence, surpassing even the honor felt for parents. "Let thine esteem for thy friend border upon thy respect for thy teacher, and respect for thy teacher on reverence for God" (Mishnah , Aboth. 4. 12). "Respect for a teacher should exceed respect for a father, for both father and son owe respect to a teacher" (Mishnah , Kerithoth. 6. 9). They claimed first place in order of precedence. "They love the uppermost rooms at feasts, and the chief seats in the synagogues, And greetings in the markets, and to be called of men, Rabbi, Rabbi" (Matthew 23:6-7).

It was part of the duty of the Scribes to think out moot points of law upon which the Judges of the Sanhedrin might sharpen their legal wits. The holding of "moots" for the discussion of "nice" points of law has been a favorite pastime of lawyers of all times. To this day "moots" are held in the Inns of Court in London. The Scribes, together with some of the Pharisees, "strained out gnats and swallowed camels." They grasped at the shadow and lost the substance of the law. They were all for forms and ceremonies; the letter of the law was more important to them than its spirit. They "omitted the weightier matters of the law, judgment, mercy and faith" (Matthew 23:23). Jesus was careful to uphold the authority of their office, while condemning the way in which they discharged their duties. Said He: "The Scribes and the Pharisees sit in Moses' seat: All therefore whatsoever they bid you observe, that observe and do; but do not ye after their works: for they say, and do not" (Matthew 23:2-3). THE PHARISEES The Pharisees, i .e . the Separatists, became a distinctive sect in the second century B.C., in the days of Antiochus Epiphanes. They claimed a superiority, both in knowledge and in observance of the law of Moses.

They were the popular and democratic party, and held a position of great influence and authority among their fellows. Their fundamental principle was tradition. They were the custodians of the oral explanations of the Written Law; these explanations, handed down from generation to generation, became tradition. This law of tradition the Pharisees held to have been first delivered to Moses at Sinai; and then to have been gradually completed by decrees of prophets and wise men, and the decisions of lawful authorities in the course of succeeding years. The Pharisees taught absolute obedience to these traditions; but in doing so had reduced themselves to a condition of spiritual slavery and some had become heartless formalists and hypocrites. De

Pressense (p. 99), dealing with the movement of thought in Palestine before the Birth of Christ, says: "From the time of Ezra, and the extinction of the spirit of prophecy, the doctor or rabbi became the foremost personage of the Judaism of the decline. A complete summary of his doctrine is given in the famous precept — ' SET A HEDGE ABOUT THE LAW AND MAKE MANY DISCIPLES' (Talmud , Pirke Aboth. p. 483). 'Tradition is the check of the law,' say the rabbis again. Nothing could be better adapted than such a maxim to exalt their own importance. This revolution is completely achieved in the time of Herod. The doctor boldly claims his place on the highest seat of the hierarchy, and above the prophet. The pride of the scribe rises to such a point that it concludes by seeing in heaven only a school of rabbis; and God Himself appears to be clothed with the rabbinical insignia. (Gfrorer, 1. p. 278). Soon tradition is unhesitatingly placed above Scripture. The rabbi declares that there is danger in reading freely the sacred books, because the disciples may be led to place greater confidence in them than in the words of his master. The Talmud is to be read twice as much as the Bible. Honoring the master is the same thing as honoring God. (Gfrorer, 1. pp. 150, 151). "To increase their reputation, the rabbis gave their instructions gratuitously: on this account it was that each of them was to learn a trade. "At five years of age,' says the Talmud, 'the sacred studies should be commenced; at ten, the youth should devote himself to tradition; at thirteen, he should know and fulfill the commandments of the Lord; at fifteen he should perfect his studies.' "The disciple who had passed the first degree of learning took his seat at the foot of the doctrinal chair, and had the right to speak. It was needful to pass the third degree of initiation to become a rabbi. The memory had to be singularly exercised to retain the medley of Pharisaic traditions which were not fixed in writing. The disciple promised not to change one iota of that which was transmitted to him, under pain of being untrue to God Himself, and of drawing down the malediction of the chosen people. 'He who gives explanations, not in conformity with tradition, should have no part in the future world, even though he have well understood the law, and done many good works.' Nothing can give a just idea of the complicated puerility of such teaching, weaving, as it does, very spiders' webs in the vacuum of thought. Subtlety which knew no bounds was the reigning genius. It spent itself in the most absurd use of the allegorical, and turned the plainest texts into enigmatical ciphers."

Referring to the Pharisees' devotion to tradition, Jesus said: "Ye have made the commandment of God of none effect by your tradition, teaching for doctrines the commandments of men" (Matthew 15:1-9), and of the Pharisaic formalists themselves He observed' they "trusted in themselves that they were righteous, and despised others" (Luke 18:9).

They thanked God they were not as other men. Amid such pedantic formalists, Jesus grew up "as a root out of a dry ground" (Isaiah 53:2).

Dean Milman (History of Jews, Book 10) says: "The generous and selfdevoted Assideans degenerated into the haughty, tyrannical and censorious Pharisees." They lived an austere life. Josephus likens them to the Stoics.

He also says (Ant. 28. 1. 3.): "They live meanly and despise delicacies in diet and they follow the government of reason. When they determine that all things are done by fate, they do not take away the freedom from men of acting as they think fit, since their notion is that it hath pleased God that events should be decided in part by the council of fate, in part by such as man will accede thereunto, acting therein virtuously or viciously. They also believe that souls have an immortal

vigor in them, and that under the earth there will be rewards or punishments, according as they have lived virtuously or viciously in this life; and the latter are to be detained in an everlasting prison, but that the former shall have power to revive and live again.”

It is interesting to recall that when Archelaus was appointed Ethnarch of Judea on the death of his father, Herod “the Great,” and “all the people of the Jews gave assurance of their goodwill to Caesar, and to the King’s (Archelaus’) government, these very men” (i.e. the Pharisees) “did not swear, being above six thousand” (Ant. 17. 2. 4). “The Pharisees represented the bulk of the people; they did not allow belief in the Messiah to evaporate into a species of visionaries far removed from practical possibilities; yet they believed in it with all their heart and made it a political and a spiritual ideal” (Klausner, p. 201).

THE SADDUCEES The Sadducees were the wealthy political aristocrats of the Jewish people. In the time of Jesus, the Temple and all local government was in the hands of the Sadducean-Boethusean priests; hence “the Chief Priests and the Scribes and the Elders mentioned in the Gospels were almost entirely Sadducees” (Klauser, p. 334). But although they were in office and in power and opposed to the Pharisees in many ways, they were obliged by public opinion to have regard to the “notions” of the Pharisees; “otherwise,” says Josephus, “the multitude would not otherwise bear them.” (Ant. 18. 1. 4.) The Sadducees dominated the Sanhedrin. They derived great wealth from the business side of the Temple services, involving as it did the sale of cattle and birds for the sacrifices and the changing of money from Roman to Jewish currency. The Sadducees must have been particularly incensed when, on the Monday before His arrest, Jesus drove the money-lenders and cattle dealers from the Temple, saying: “My house shall be called the house of prayer; but ye have made it a den of thieves” (Matthew 21:13). The Sadducees did not share the Pharisees’ enthusiasm for the Messianic idea, “but did not go so far as to deny it” (Klauser, p. 201). The Pharisees were by nature more lenient in all that concerned punishments (Ant. 13. 10. 6), and “the Sadducees were the harshest of all the Jews in their judgments” (Ant. 20. 9. 1). The Sadducees were not as implacably opposed to the Roman occupation as were the majority of their fellowcountrymen, and no doubt by their cooperation with the Romans won many favors for the Jews (Acts 24:2). They denied the binding authority of any oral additions to the Written Law; they also held that there was no resurrection and no rewards or punishments after death; they did not believe in the existence of angels or spirits, while the Pharisees confessed both (Acts 23:8). The doctrines of the Sadducees made no appeal to the mass of the people and were accepted among the few, most of whom were members of the official and wealthy classes.

THE CONSPIRACY The cleansing of the Temple was a direct challenge to the authority of the Sadducees, and the raising of Lazarus from the dead was the “last straw” so far as they were concerned, as it was an event which struck at the very roots of their denial of any resurrection. Therefore, they determined to put to death not only Jesus but Lazarus as well “because that by reason of him many of the Jews went away, and believed on Jesus” (John 12:10-11). So they joined hands with the Pharisees and made common cause with them against Jesus, their fear being that unless they put Him to death “all men would believe on Him,” and there would probably be an insurrection against the Romans, in which case the latter would “destroy their place and nation,” and they would lose all. Therefore, from the time of the raising of Lazarus, the conspiracy against Jesus was in full swing, with the Sadducees taking the lead.

JEWISH COURTS The Jewish communities were governed by their local Sanhedrins. A city with one hundred and twenty men resident therein was entitled to its own Sanhedrin (Mishnah , Sanhedrin 1. 6).

According to the Mishnah, there were three Courts of Law in Jerusalem: the Greater Sanhedrin, the Lesser Sanhedrin and an Inferior Court. The Sanhedrin was not primarily or principally a legal assembly; it combined many functions, ecclesiastical, administrative and legal. As to the Courts at Jerusalem, one held its sittings at the entrance to the Temple Mount; another at the entrance to the Court of the Temple, and the third in the square chamber. The practice was that "They (the local Court in search of guidance) used to come first to the Court that was at the gate of the Temple Mount, and the one would say: 'In this way have I expounded and in that way have my fellows expounded; in this way have I taught and in that way have my fellows taught.' If they (of that Court) had heard a tradition, they told it to them; otherwise they betook themselves to them of the Court that was at the gate of the Temple Court, and the one would say (repeating the former statement). If they (of that Court) had heard a tradition, they told it to them; otherwise they both came in to the Great Court that was in the Chamber of Hewn Stone, whence the law goes forth to all Israel" (Mishnah , Sanhedrin 2. 2). The Greater Sanhedrin, the Court of One-and-seventy Judges, was the Supreme Court of Appeal; it also sat as a Court of First Instance. "A tribe, a false prophet, or a High Priest may not be tried save by the Court of One-and-Seventy; they may not send forth the people to a battle waged of free choice save by the decision of the Court of One-and-seventy; they may not add to the city, or to the Courts of the Temple.; they may not set up Sanhedrins for the several tribes.; they may not proclaim any city to be an Apostate City save by the decision of the Court of One-and-seventy. "(Mishnah . Sanhedrin 1. 5). The Lesser Sanhedrin, the Court of Three-and-twenty Judges, tried cases (other than the above) concerning offenses punishable by death (Mishnah , Sanhedrin. 1. 4). The Inferior Court of three Judges tried cases concerning property, theft or personal injury and the like (Mishnah , Sanhedrin. 1, 2).

RETRIAL OF CASES As to the retrial of cases, the Mishnah (Eduroth 1. 5) provides: "A Court cannot annul the opinion of another Court unless it exceeds it both in wisdom and in numbers; if it exceeded it in wisdom but not in number, or in number but not in wisdom, it cannot annul its opinion; but only if it exceeds it both in wisdom and in number."

QUALIFICATIONS OF JUDGES It would seem that, excluding the Courts at Jerusalem, the Judges of the Sanhedrins were not necessarily lawyers; they were worthy citizens of high repute. They relied for guidance about the law and procedure upon the professional lawyers (the Scribes), who were the Clerks of the Courts; just as lay justices in English Magistrates' courts are advised by their professional clerks. "If they erred the Scribes kept them in remembrance" (Mishnah , Sanhedrin. 5. 5).

CONVENING OF COURT In addition to meeting of their own volition, the Sanhedrin could be compelled to assemble on the order of the Procurator (Ant. 20. 9. 1).

JURISDICTION The jurisdiction of the Greater Sanhedrin was, in the time of Christ, confined to Judea; but there was a sense in which it enjoyed a larger jurisdiction by consent of Jewish communities living beyond the Judean borders (Schurer, p. 185). For example, we know from Acts 9:1-43 that the High Priest armed Saul of Tarsus with letters to Damascus to the synagogues, that if he found any of the Christian way of life he could arrest them and bring them bound to Jerusalem

for trial. In view of the fact that so many people think of the Sanhedrin as a purely Ecclesiastical Court, the following extract from Schurer (p. 185) is interesting: "There could not possibly be a more erroneous way of defining the extent of its jurisdiction as regards the kinds of causes with which it was competent to deal than to say that it was the spiritual or theological tribunal in contradistinction to the civil judicatories of the Romans. On the contrary, it would be more correct to say that it formed, in contrast to the foreign authority of Rome, that supreme native Court which here, as almost everywhere else, the Romans had allowed to continue as before, only imposing certain conditions with regard to competency. To this tribunal, then, belonged all those judicial matters and all those measures of an administrative character which either could not be competently dealt with by the inferior local courts or which the Roman Procurator had not specially reserved for himself."

There was apparently only one case in which, if a Roman committed an offense, the Sanhedrin could try the Roman. That was if a person who was not a Jew passed the barrier at the Temple in Jerusalem, beyond which only Jews could go, and thus intrude into the inner Court; he was punished with death, and that even though he were a Roman. Titus referred to this matter in his speech to the Jews during the siege of Jerusalem, when he was trying to save the Temple from destruction: "Did we not grant you permission to put to death any one who went beyond the barrier, even though he were a Roman?" (Wars, 6. 2. 4). But even in such cases the condemnation still required confirmation by the Roman Procurator.

02 HEBREW TRIAL RECONSTRUCTION OF EVENTS

CHAPTER - THE HEBREW TRIAL RECONSTRUCTION OF EVENTS THE ARREST Jesus went forth with his disciples over the brook Cedron, where was a garden, into the which he entered, and his disciples. And Judas also, which betrayed him, knew the place: for Jesus often times resorted thither with his disciples.

Judas then, having received a band of men and officers from the chief priests and Pharisees, cometh thither with lanterns and torches and weapons.

Jesus therefore, knowing all things that should come upon him, went forth, and said unto them, Whom seek ye? They answered him, Jesus of Nazareth. Jesus saith unto them, I am he. And Judas also, which betrayed him, stood with them. As soon then as he had said unto them, I am he, they went backward, and fell to the ground.

Then asked he them again, Whom seek ye? And they said, Jesus of Nazareth.

Jesus answered, I have told you that I am he: if therefore ye seek me, let these go their way.

Then Simon Peter having a sword drew it, and smote the high priest's servant, and cut off his right ear. The servant's name was Malehus.

Then said Jesus unto Peter, Put up thy sword into the sheath: the cup which my Father hath given me, shall I not drink it? Then the band and the captain and officers of the Jews took Jesus and bound him (John 18:1-12).

ANNAS And led Him away to Annas first; for he was father in law to Caiaphas, which was the high priest that same year (John 18:13).

Now Caiaphas was he, which gave counsel to the Jews, that it was expedient that one man should die for the people (John 18:14).

PETER DENIES JESUS And Simon Peter followed Jesus, and so did another disciple: that disciple was known unto the high priest, and went in with Jesus into the palace of the high priest. But Peter stood at the door without. Then went out that other disciple, which was known unto the high priest, and spake unto her that kept the door, and brought in Peter.

Then saith the damsel that kept the door unto Peter, Art not thou also one of this man's disciples? He saith, I am not. And the servants and officers stood there, who had made a fire of coals; for it was cold: and they warmed themselves: and Peter stood with them, and warmed himself (John 18:15-18). And Simon Peter stood and warmed himself. They said therefore unto him, Art not thou also one of his disciples? He denied it, and said, I am not.

One of the servants of the high priest, being his kinsman whose ear Peter cut off, saith, Did not I see thee in the garden with him? Peter denied again: and immediately the cock crew (John 18:25-27). And Peter remembered the word of Jesus, which said unto him, Before the cock crew,

thou shalt deny me thrice. And he went out, and wept bitterly (Matthew 26:75).

JESUS BEFORE CAIAPHAS The high priest (Caiaphas) then asked Jesus of his disciples, and of his doctrine. Jesus answered him, I spake openly to the world; I ever taught in the synagogue, and in the temple, whither the Jews always resort; and in secret have I said nothing.

Why askest thou me? ask them which heard me, what I have said unto them: behold, they know what I said. And when he had thus spoken, one of the officers which stood by struck Jesus with the palm of his hand, saying, Answerest thou the high priest so?

Jesus answered him, If I have spoken evil, bear witness of the evil: but if well, why smitest thou me? (John 18:19-23).

Now the chief priests, and elders, and all the council, sought false witness against Jesus, to put him to death; but found none: yea, though many false witnesses came, yet found they none. At the last came two false witnesses, **THE EVIDENCE** And said, This fellow said, I am able to destroy the temple of God, and to build it in three days (Matthew 26:59-61). (We heard him say, I will destroy this temple that is made with hands, and within three days I will build another made without hands. But neither so did their witness agree together) (Mark 14:58-59). And the high priest arose, and said unto him, Answerest thou nothing? what is it which these witness against thee? But Jesus held his peace. (Matthew 26:62-63). **THE SOLEMN ADJURATION** And the high priest answered and said unto him, I adjure thee by the living God, that thou tell us whether thou be the Christ, the Son of God.

Jesus saith unto him, Thou hast said: nevertheless I say unto you, Hereafter shall ye see the Son of man sitting on the right hand of power, and coming in the clouds of heaven (Matthew 26:63-64). **THE CONVICTION** Then the high priest rent his clothes, saying, He hath spoken blasphemy; what further need have we of witnesses? behold, now ye have heard his blasphemy. What think ye? They answered and said, He is guilty of death (Matthew 26:65-66). **THE MOCKING** Then did they spit in his face, and buffeted him; and others smote him with the palms of their hands, saying, Prophecy unto us, thou Christ, Who is he that smote thee? (Matthew 26:67-68). **THE GRAND CONSULTATION** And straightway in the morning the chief priests held a consultation with the elders and scribes and the whole council, and bound Jesus, and carried him, away, and delivered him to Pilate (Mark 15:1). **THE ARREST, TRIAL, CRUCIFIXION AND DEATH OF JESUS** appear to have occurred in the brief space of about fifteen hours, during the fateful 14/15th day of Nisan (April) in the year A.D. 29, 30 or 33. It does not seem possible to fix the year with certainty. It is a matter of some difficulty to get a clear idea of the exact hour and the order in which the various incidents took place, but by comparison of the accounts given in the four Gospels, the probable times and order would seem to be as follows: About midnight Midnight to daybreak The arrest. Jesus appeared before Annas (John 18:13) Trial before Caiaphas and Sanhedrin (Matthew 26:57). Daybreak : 6 a .m . ('When the morning was come') Grand Consultation of "Chief Priests, Elders, Scribes and the whole Council" (Mark 15:1) Sunrise (i .e . 6 a.m. to 9 a.m.) Trial before Pilate (Matthew 27:2), Herod and Pilate—Trial resumed (12th to 3rd hour.) (Luke 23:7; Luke 23:11). 9 a .m . to Noon (3rd to 6th hour.) Procession to Calvary and Crucifixion (Mark 15:35) Noon to 3 p .m . (6th to 9th hour.)

Jesus on the Cross (Matthew 27:45). 3 p .m . (9th hour) Jesus expired on the Cross (Matthew 27:46-50) THE ARREST As we have seen, from the time Lazarus was raised from the dead, the Rulers of the Jews conspired to put Jesus to death. For some time before the arrest of Jesus, the Rulers had tried to “entangle him in his talk” (Matthew 22:15) and, without success, to obtain evidence against Him of seditious activities. “They sent out unto him their disciples with the Herodians, saying. Is it lawful to give tribute to Caesar, or not?” (Matthew 22:17) and “when they brought unto him a penny, he saith unto them, Whose is this image and superscription? They say unto him, Caesar’s.

Then saith he unto them, Render therefore unto Caesar the things which are Caesar’s; and unto God the things that are God’s” (Matthew 22:21). On a previous occasion the Pharisees and the chief priests had sent officers to arrest Jesus (John 7:32); but the officers returned empty handed. On being called upon to explain their failure they replied “never man spake like this man” (John 7:46). Presumably they had been instructed to listen to what Jesus said, and, if they heard anything that could be used as evidence against Him, they were to effect His arrest. No such evidence had been forthcoming. Nicodemus, one of the Rulers, made bold to criticize his colleagues and reminded them of a fundamental principle of Jewish law” “Doth our law judge any man, before it hear him, and know what he doeth?” (John 7:51). As the Ministry of Jesus progressed and His fame spread throughout all Jewry the Rulers became increasingly alarmed for their own personal position. They were no doubt aware that already some five thousand persons had talked of making Jesus a King by force (John 6:15). Said the Rulers: “What do we? For this man doeth many miracles. If we let him thus alone, all men will believe on him: and the Romans shall come and take away both our place and nation” (John 11:47-48). The high priest, Caiaphas, counseled: “It is expedient for us that one man should die for the people, and that the whole nation perish not. Then from that day forth they took counsel together for to put him to death.” But “not on the feast day , lest there be an uproar among the people” (Matthew 26:5). “Jesus therefore walked no more openly among the Jews; but went thence into a country near to the wilderness, into a city called Ephraim, and there continued with his disciples. And the Jews’ passover was at hand: and many went out of the country up to Jerusalem before the passover. Then sought they for Jesus , and spake among themselves as they stood in the Temple, What think ye, that he will not come to the Feast?” (John 11:54-56). “NOT AT THE FEAST DAY” There were the obvious reasons for this decision. At the time of the feasts, particularly at the Feast of the Passover, the ordinary population of Jerusalem was vastly increased and the housing accommodation was quite inadequate for the influx of pilgrims. The overflow of visitors camped outside the city walls. These pilgrims were religious enthusiasts and every Jew was an intense nationalist in outlook. For three years the people had been in expectation and suspense; the atmosphere in Jerusalem was tense. In the Courts of the Temple, the worshippers anxiously inquired of each other “Think ye that He will not come to the feast?” The crowds were apparently on the tip-toe of excitement as if they expected that this would be the most momentous Passover Feast — as, indeed, it turned out to be— since the great deliverance was wrought in Egypt (1444 B.C.). Would Jesus prove His claim to the Messiahship by some great and spectacular sign and thus put an end to all speculations and doubts? In accordance with his usual practice, Pilate moved his headquarters from Caesarea to Jerusalem. He was thus on the spot ready to deal personally with any trouble that might arise. There had already been clashes between the Jews and Pilate, to which we shall refer later. But, although the Roman garrison was strengthened, it was vastly outnumbered by the populace, and

any fanatical Zealot, laboring under deep religious and nationalist conviction, might easily be moved to call the attention of his compatriots to the fact; and once trouble started who could say where it would end? If the great Prophet and Teacher were arrested how great an uproar might not be caused? Moreover, the Feast was at hand, and according to the Pharisaic law it was not lawful for the Sanhedrin, either the Greater or the Lesser Sanhedrin, to sit on the eve of a Sabbath or on the eve of or during a festival (Mishnah , Sanhedrin 4. 1.). Therefore, if Jesus were arrested at or just before the Feast, it would be necessary that He should be remanded in custody, in the "common prison" (Acts 5:18) for nine days — until the Feast was over. Who could say what disturbances might not break out during that time and what attempts at rescue essayed either during the remand or when Jesus appeared in Court? No. Caution advised "No arrest at the Feast; wait until the masses of pilgrims have returned home." But an event occurred which altered all their plans. To their joyful surprise, a few days before the Passover, Judas Iscariot, one of the disciples of Jesus, approached them with an offer to betray Jesus to them at the first convenient opportunity. To this they gladly agreed, and a foul bargain was struck. Thereafter the rulers waited in hourly expectation of the vital message, and no doubt all members of the Sanhedrin were warned to be prepared to answer a summons at a moment's notice. On the Thursday night the message came, and orders were issued for Jesus to be arrested at the time and place indicated by the traitor.

JUDAS ISCARIOT "One of you is a devil" (John 6:70). Thus spake Jesus of Judas. We bear that fact in mind in speaking of Judas. When Judas performed his devilish act of betrayal, all his Master said to him was: "Judas, betrayest thou the Son of Man with a KISS?" No outburst of anger. No upbraiding. No condemnation. Just a quiet, pained remark, making it clear to Judas that His Master thoroughly appreciated the true nature and quality of his pretended act of affection.

Later, when he saw that Jesus was condemned, Judas "went and hanged himself" (Matthew 27:3-5). Surely, Jesus included Judas in His prayer, "Father, forgive them, for they know not what they do"?

WARRANT FOR ARREST? Was a warrant issued by the High Priest or Annas or the Sanhedrin for the arrest of Jesus? The most important rule of Jewish Law about arrest was that whoever witnessed the commission of an offense or had personal knowledge of it was under a duty to bring the offender before the Court. By this means citizens assisted in the maintenance of law and order, and in the administration of justice. (Deuteronomy 17:2-5 and Leviticus 5:1.) A somewhat similar rule obtains in English Law. "The common law of England grants to private persons the power of arrest in certain circumstances for the preservation of the peace. Thus, a private person is justified in arresting any of the King's subjects if there be a breach of the peace actually continuing, or if he has reasonable grounds for believing that a breach of the peace which has been committed will be renewed. It is also clear that any bystander may, and ought, to interfere to part those who are breaking the peace, and to stay those who are going to join them." "Any person present may arrest the affrayer at the moment of the affray, and detain him until his passion has cooled, and his desire to break the peace has ceased, and then deliver him to a police officer." "Again, any private person, who was present at the time when a felony was committed, may and ought to arrest or aid in arresting the offender. He may even break into a private house in order to prevent the commission of a felony. Statute law has given further powers of arrest to a private individual in many cases." (Odgers on The Common Law of England , Vol. 1, p. 47.) In a Jewish

Court the trial did not usually commence with the preferring of a charge. The procedure was that the accused being before the Court, witnesses gave evidence of the matters complained of; if at least two witnesses corroborated each other about facts which disclosed the commission of an offense, a charge was then preferred; the offense disclosed by their depositions became the offense which the Court had to try; presumably it would be the task of the Scribes to formulate the charge indicated by the evidence and to make a note thereof in the Court records.

Until this was done there was no formal accusation or charge before the Court and the prisoner was not only deemed to be innocent but unaccused. In Jewish law, as in English law, there was a presumption of innocence, and the onus of proving the guilt of the accused always rested on those making the allegation. If the evidence of the "prosecution" failed to disclose an offense, then, as in English law, so in Jewish law, there was no case for the accused to answer; no one was entitled to question the accused in Court for the purpose of making him incriminate himself, and so make up for the shortcomings of the prosecution; in such cases the accused was "not guilty" and entitled to be discharged forthwith. But to return to the question of a "warrant." Some commentators think that neither the High Priest nor the Sanhedrin had power to issue a warrant for the arrest of a person suspected of having committed an offense.

It is, however, reasonably clear from the New Testament that such warrants were issued. Thus, in Acts 9:1-2, we read: "And Saul, yet breathing out threatenings and slaughter against the disciples of the Lord, went unto the high priest, And desired of him letters to Damascus, to the synagogues, that if he found any of this way [i.e. of the Christian persuasion], whether they were men or women, he might bring them bound unto Jerusalem."

Again, in Acts 26:10, when making his defense before King Agrippa, Paul said: "Many of the saints did I shut up in prison, having received authority from the chief priests." Yet again: "I went to Damascus with authority and commission from the chief priests."

We have already seen, at page 30, that no one was to disobey the orders of the High Priest; that the High Priest was Chief Justice in Israel; and that it was the Greater Sanhedrin which sent the law forth to Israel. The Sanhedrin exercised not only judicial but executive and administrative functions, and obviously controlled the Jewish Police. Moreover, there is nothing incongruous in the idea of a Court issuing a warrant for the arrest of a person who is to be tried by that Court; this is done every day in English Courts of law. It is, indeed, difficult to appreciate how any system of criminal jurisprudence could be made to function without such powers.

Without them, how could a fugitive offender be apprehended and brought to justice? In England a person may be brought before a Magistrates' Court in any one of three ways: either by arrest while in the act of committing an offense (the practice most favored by the Jews), or on a warrant or a summons issued by the magistrates who try the case.

There would therefore seem to be every justification for supposing that both the High Priest and the Sanhedrin had inherent jurisdiction to issue a warrant for the arrest of Jesus.

Further, consider the probabilities of the situation. Judas Iscariot presents himself to the chief priests, presumably at the very house of the High Priest, to announce his proposals. Would not Caiaphas and Annas be the first persons to be informed? Certainly Caiaphas was High Priest, but knowing what we do about Annas, is it likely that he would permit himself to be ignored on such an

important manner? He was the power behind the Jewish State and the plans for the arrest having been made, is it not probable that either Annas or Caiaphas then and there wrote an order to the officer in charge of the Temple Guard ordering him to make the arrest at the time and place indicated by Judas? If such an order were issued, that order would be a "warrant" for the arrest of Jesus. In view of the fact that "Jesus was taken first before Annas" is it not clear that if he did not actually sign the warrant or give an oral order for the arrest, he, at any rate, was fully conversant with all that was being done? So far as power to issue a summons was concerned, the case of Herod of Galilee, reported by Josephus in Ant. 14. 9, makes it clear that in practice the High Priest did issue summonses, and that they were obeyed, even by persons of exalted rank. That case also reveals the interesting fact that an accused person on arraignment was expected to present himself before the Court with due humility and clad in a black and mourning garment.

Josephus, after mentioning that the chief men of the Jews were in fear of Herod because he had slain one Hezekias and others, says that they complained to the High Priest, Hyrcanus, who was also king, that Herod "hath thereby transgressed our law, which hath forbidden to slay any man, even though he were a wicked man, unless he had been first condemned to suffer death by the Sanhedrin; yet hath he been so insolent as to do this, and that without any authority from thee. Hyrcanus was so moved by these complaints, THAT HE SUMMONED HEROD TO COME TO HIS TRIAL, for what was charged upon him. Accordingly he came." But the insolent and truculent manner in which Herod answered the summons and appeared before the Court, accompanied as he was by some of his soldiers, caused a member of the Sanhedrin, one Seme as, "a righteous man he was," to make an oration which included the following illuminating observations: "O you that are assessors with me, and O thou that art our King, I neither have ever myself known such a case, nor do I suppose that any of you can name its parallel, that one who is called to take his trial by us ever stood in such a manner before us; but everyone, whosoever he be, that comes to be tried by this Sanhedrin, presents himself in a submissive manner, and like one that is in fear of himself, and that endeavors to move us to compassion, with his hair disheveled, and in a black and mourning garment; but this admirable man Herod, who is accused of murder, and called to answer so heavy an accusation, stands here clothed in purple, and with the hair of his head finely trimmed, and with his armed men about him, that if we shall condemn him by our law, he may slay us, and by overbearing justice, may himself escape death." In the foregoing circumstances it would seem that the High Priest, acting as such or in the name of the Sanhedrin had power to issue either a warrant or a summons.

WHAT OFFICIALS ARRESTED JESUS? Was Jesus arrested solely by the Jewish Police, viz . the Temple Guard, such as were sent to arrest Him on the previous occasion (John 7:32) or did Roman soldiers assist? Much has been written on this point and commentators are not agreed. Matthew, Mark and Luke do not suggest the use of Romans, but there is a word used by John which causes some writers to think that a Roman tribune, or officer, was present. It is noteworthy that no one suggests that Romans were employed on the previous occasion.

It would seem that there are good reasons for thinking that only Jewish officials were engaged in the arrest of Jesus in the Garden of Gethsemane.

Jesus was not arrested upon any definite charge. If Roman aid had been sought, Pilate, or the Roman officer responsible for making the arrest, would want to know what the charge was. Pilate,

like his predecessors and successors in office, was notoriously irritated by the constant squabbles among the Jews about the interpretation of their law; he declined to intermeddle in such matters. If the Rulers of the Jews asked for Roman assistance in arresting a Jew on a charge of blasphemy, he would almost inevitably reply "see ye to it." Indeed, when Jesus eventually appeared before him, his first reaction was to say to the Jews, "Take ye him, and judge him according to your law" (John 18:31). Moreover, once they had disclosed to Pilate their intention to arrest Jesus, the fate of Jesus would not rest entirely with them; and if they entertained the idea of doing away with Jesus themselves in defiance of the Roman edict not to put any man to death, their plans might be frustrated by going to the Romans for assistance. It appears that it was not until the Grand Consultation held by the Rulers of the Jews "when the morning was come" (Matthew 27:1), after Jesus had been condemned, that the decision was taken to bring Jesus before Pilate. Up to that time, the Rulers may have had it in mind to put Jesus to death themselves as they subsequently did in the case of James the brother of Jesus (see p. 28). Of course, the Jewish Rulers knew well enough "it is not lawful for us to put any man to death" (John 18:31), but they sometimes took a chance and ignored the Roman edict, always with disastrous consequences to the High Priest of the day, as we have already seen and as Annas well knew. But the strongest reason for supposing that the Rulers did not consult Pilate about the arrest surely is that there was absolutely no need to do so; it was clear from what Judas Iscariot had told them that there would be no difficulty at all in arresting Jesus in the dead of night, in the open, and when He would be alone except for His eleven disciples. THE JEWISH PROCEEDINGS Many and varied opinions have been expressed concerning the part played by Annas, the order and nature of the Jewish proceedings, particularly the two meetings of the Rulers, the constitution of the tribunals, and the system of law in force at the time and in fact applied.

We make a brief summary of some of those views. The Italian lawyer, Rosadi, appears to take the view that Annas questioned Jesus while the Sanhedrin was being summoned; that "the condemnation of the Sanhedrin was pronounced by night" (p. 158), that the second meeting was held "simply to refer the case to Pilate" (p. 160), and that "the Talmudic compilations do represent the Mosaic law such as it had become in the last days of the Jewish State" (p. 167). Klausner (pp. 334-336) says: "Mark 10:23 and the genuine part of Josephus's paragraph about Jesus (of which the bulk is spurious) assert that Jesus was delivered 'to the Gentiles' or 'to Pilate' by the 'Chief Priests and Scribes' or by 'the principal men among us.' These statements are all of them comprehensible if we assume that the Sanhedrin only carried out a preliminary inquiry and, when the charge was proved against Jesus, delivered Him to Pilate, who alone conducted the trial proper and passed sentence. Thus we see why the procedure of the 'trial' as conducted by the Sanhedrin does not conform with the details of procedure laid down in the Mishnah; was not a trial but only a preliminary judicial investigation and, as such, it was altogether fair and legal. "It is gradually being recognized, however, that the real reason why the Mishnah rules are at variance with the system in vogue in the time of Jesus, is that between the two periods (the time of Jesus and the time of the Rabbi Yehuda he-Nasi) there intervened two hundred years and many and great changes. The trial of Jesus was not in accordance with the spirit of the Pharisees, but of the Sadducees and Boethuseans (then the majority in the Sanhedrin), to which the High Priest, the president of the Sanhedrin, belonged." Lord Shaw says (p. 8): "Jesus Christ underwent a double trial.

Two great and independent systems of criminal jurisprudence were called into play to determine His fate.” Lord Shaw does not distinguish between the two meetings of the Sanhedrin, and treats of only one; he also assumes that the Sanhedrin was bound by the “Mishnah Law,” which, he says, was admittedly in force (pp. 11, 12).

Dr. Edersheim (pp. 579-584) says: “We know absolutely nothing of what passed in the house of Annas—if, indeed, anything passed, except that Annas sent Jesus bound to Caiaphas.” “Christ was not tried and sentenced in a formal meeting of the Sanhedrin. terrible as the proceedings of that night were, they even seem a sort of concession—as if the Sanhedrists would fain have found some legal and moral justification for what they had determined to do.” As to the meeting after daybreak, he says: “It is not unreasonable to suppose that some who would not take part in deliberations which were virtually a judicial murder might, once the resolution was taken, feel in Jewish casuistry absolved from guilt in advising how the informal sentence might best be carried into effect. It was this, and not the question of Christ’s guilt, which formed the subject of deliberation on that early morning.”

Mr. Taylor Innes, the Scottish advocate, (p. 23), says: “It is extremely difficult to decide whether this examination by the ‘High Priest’ was made by Annas or by Caiaphas. It appears in any case to have been wholly illegal. There is no difficulty in arriving at the order of the historical transactions. The visit to Annas and the transfer to Caiaphas came first, with the interrogation of the Accused by one or other of the High Priests.

About this time came the denial of Peter. while some time must have been consumed in sending for witnesses and summoning either the whole Council or some members. That the whole Council did not meet at night is unquestionable; that a certain number of them were present by night with Caiaphas is equally clear. Assuming that there was a final and formal meeting of the whole Sanhedrin at its usual morning hour, it is barely possible that the vivid scene of the adjuration, confession and sentence took place before it.” He goes on to say that it is much more likely that that scene took place earlier and that that earlier meeting was preceded by a still earlier transactions the examination of witnesses and the deliberation on their evidence—and that this must have taken place some time during the night. He expresses the view that, whatever the true order and nature of the proceedings, they were absolutely illegal, being contrary to the Mishnah law, which he holds was in force. The French scholar, Mons. E. De Pressense (pp. 508-510), says that Annas “plays in the trial of Jesus the part of an examining magistrate.” “The trial of Jesus was gone through according to form in the presence of the Sanhedrin, presided over by Caiaphas. The endeavor was to establish, if possible, a ground of accusation which might ensure a sentence of capital punishment from the Roman Governor, in whom alone was vested the power of life and death.” De Pressense treats of only one meeting of the Sanhedrin. Finally, we would mention that one view, widely held today, is that the meeting of the Sanhedrin held after daybreak, was of the Greater Sanhedrin; that the proceedings during the night were in the nature of a personal investigation by the High Priest, assisted by some members of the Sanhedrin; and that the purpose of this investigation was to expedite the trial by the Greater Sanhedrin in the morning. Further, that because the Sadducees dominated the Sanhedrin and repudiated the Pharisaic “Mishnah” law, that system of law was not in force at the time of the trial. THE RULERS’ PLAN As we have seen, from the time Jesus raised Lazarus from the dead, the Rulers of the Jews conspired to put Jesus to death. It is abundantly clear from the Gospel narratives, that there was

no question of holding a careful and judicial investigation into the claim of Jesus to be the Messiah. THE DECISION WAS TO KILL JESUS. This fact cannot be over emphasized, for it dominates the events which took place after the arrest and fixes the true character of the so-called Jewish "trials." In our view these trials were merely part of the machinery employed to kill Jesus. The Jewish plan seems to have been to arrest Jesus, to stage a trial before the Sanhedrin; to induce Jesus when before the Court formally to make His claim to be the Messiah, immediately to denounce the claim as blasphemy; thereupon to condemn Him as being worthy of death and then to kill Him. By this means the Jewish people would be left under the impression that the great question which had agitated their minds for three long years had been formally investigated and adjudicated upon once for all in the Supreme Court from which "the law went forth to all Israel." Thus the nation would be presented with a decision which was apparently clothed with all the weight and sanction of the law and the Rulers would hope to secure for their action, as they did, in fact, secure, the almost unanimous support of all shades of Jewish religious and political opinion — a support which has continued to this day.

ANNAS "And led him away to Annas first" (John 18:13). After His arrest Jesus was taken before Annas first. Why to Annas when, in fact, Caiaphas was the officially appointed High Priest recognized by the Procurator as such? In trying to form a reasonable answer to this question it is helpful to know what manner of man Annas was' his reputation, his position in life, his outlook, the way fortune had dealt with him and, most important of all, his hopes and his fears both for the future of the Jewish nation and of his own class. The House of Annas was the most powerful in all Jewry and was detested by the common people. Annas, who was a Sadducee, was appointed High Priest in A.D. 7, and deposed by the Roman Procurator Gratus in A.D. for exceeding the jurisdiction permitted him by the Occupying Power. He was successful in getting no less than five of his sons appointed to the High Priesthood, to say nothing of his son-in-law Caiaphas and one grandson. He appears to have been a far more forceful and powerful character than Caiaphas. He was the father of the Annas (or Ananus) who, when High Priest in A.D. 62, executed James the brother of Jesus, for which act he was deposed by Agrippa after only three months of office.

Some commentators think that Annas and Caiaphas either lived (as the Oriental custom of families was) in the same house or adjoining houses.

There seen as to be little doubt that at the time of the trial of Jesus, Annas, Caiaphas, Pilate and Herod were all residing within a "stone's throw" of each other. As the chief Sadducee of his day, Annas would be particularly angered at the miracle of the resurrection of Lazarus from the dead and at the act of Jesus in driving the money-changers and cattle-dealers from the Temple precincts. The House of Annas derived much of its wealth from the business side of the Temple activities. The cleansing of the Temple was a direct interference by Jesus with the authority of Annas and his class. He and his like were filled with envy at the hold Jesus was obtaining over the people. Annas took full advantage of the fact that, although he had been deposed by the Romans, the Jews regarded a High Priest as appointed for life. After his deposition he continued to be the power behind the Jewish State. He would be in full accord with — if, indeed, he did not instigate—the advice of Caiaphas to the Sanhedrin: "It is expedient for us that one man should die for the people." He and his relations did very well out of the concordat reached with the Romans on the banishment of Archelaus in A.D. 6, and he would be the last to want this convenient arrangement disturbed. As a Sadducee he had little sympathy with the Messianic idea. In the meantime his

son-in-law, Caiaphas, was a useful tool in his hands. What we know of Annas makes it easy to believe that when the unexpected news came that Judas Iscariot was prepared to betray his Master, he would have a considerable say in the arrangements for the arrest and would give orders that Jesus was to be brought before him immediately the arrest had been effected.

Annas appears to have questioned Jesus but never to have made any attempt to discover whether or not His claim to be the Messiah was well founded. In view of his leading position in the State, a special responsibility rested upon him before God and the people; but, like the rest of his co-religionists, he was smitten with the “partial blindness” and “ignorance” referred to by the Apostle Paul in his Epistle to the Romans.

Annas should have been the first to examine and seek to understand the statement of Jesus: “Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfill. For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled” (Matthew 5:17). He must have been well aware of the fact that Jesus had bidden the people to “beware of the leaven of the Sadducees” (Matthew 16:6), and would know that whatever might be the nature of the kingdom which Jesus taught He had come to establish, there would be no place of honor in it for him and his colleagues while they persisted in their way of life. He therefore realized with Caiaphas that he stood to lose all that he held dear in this life (and as a Sadducee he had no belief in another) if the Ministry of Jesus succeeded, and he and Caiaphas were undoubtedly the ringleaders in the campaign to put Jesus to death. The Gospel records do not state expressly whether it was Annas or Caiaphas who presided over the Sanhedrin before which Jesus appeared.

We should, however, have little doubt on this point if we recall that John expressly mentions that Caiaphas was the High Priest and that the questions were put by the High Priest; that the High Priest (and not an ex- High Priest) was the supreme Judge in Israel; that only the Greater Sanhedrin could try a false prophet; that the High Priest was the President of the Greater Sanhedrin and the one who by Jewish law and tradition presided over the deliberations of that Tribunal.

CAIAPHAS “Annas had sent Jesus bound unto Caiaphas the high priest ” (John 18:24).

Historians and commentators do not paint a flattering picture of Joseph Caiaphas, the man upon whom devolved a responsibility unequalled in the experience of any other Jewish Judge.

He was appointed High Priest by the Procurator Valedus Gratus in A.D. and deposed by Vitellius in A.D. 36, after the recall of Pilate to Rome. He was succeeded in office by his brother-in-law, Ananus (Ant. 20. 9. 1.). “Of all men mentioned in the crucifixion records, Caiaphas is surely the most despicable. He was that not uncommon phenomenon—a man of low character in a high place. In religion he found, not a conviction, but a career; and so there fell upon him the nemesis of those who traffic in high things, without making to them an adequate spiritual response” (Hastings).

Caiaphas was in once when Pilate landed in Palestine in A.D. 26 to assume the reins of government, and, as before mentioned, remained High Priest throughout the whole of Pilate’s tenure of office, though this fact is far from meaning that during that time there were no clashes between Pilate and the Jews; on the contrary, there were many, but they did not bring about the

downfall of Caiaphas.

It is said that Pilate and Caiaphas were good friends. It is noteworthy that no mention is made of the presence of Caiaphas in the Praetorium when Jesus was before Pilate. But one would hardly expect the head of the Jewish State to attend personally a trial in the Roman Court. The account in Acts 25:1-27 of the trial of the Apostle Paul suggests that whereas the High Priest might appear personally before the Roman Governor to make representations about the trial of a case, he would not personally conduct the case or be present at the trial before the Procurator. Nevertheless, by means of his colleagues who were present, the High Priest could strongly influence the presentation of the case before the Roman Judge, and this is what happened while Jesus was before the Roman Court.

JESUS BEFORE THE SANHEDRIN It would seem that Jesus, having been arrested about midnight and taken before Annas, the messenger of the High Priest must have hurried through the moonlit streets calling the Judges to the midnight Court. Was the messenger supplied with a list of the names of those who were to be summoned? If so, was the name of Nicodemus, who came to Jesus by night, or the name of Joseph of Arimathea, who later that same day begged the body of Jesus from Pilate, on that list? And what of the wise Gamaliel, mentioned in the Acts of the Apostles? No doubt the five sons of Annas, all members of the Sanhedrin, were not overlooked. But whatever care Caiaphas or Annas may have taken, if they took any care at all, about the selection of the names of those to form the Court to “try” the Accused, they could not be sure that their plan to kill Jesus would not be frustrated at the last moment.

According to the Pharisaic rules subsequently embodied in the Mishnah, the Lesser Sanhedrin of three-and-twenty Judges could lawfully try a capital case; blasphemy was not one of the offenses specially reserved for trial by the Greater Sanhedrin; therefore it would seem that a charge of blasphemy could be lawfully tried by the Lesser Sanhedrin. But it is difficult to take the view that it was the Lesser Sanhedrin which tried Jesus before daybreak, because the midnight court was in fact presided over by the High Priest, and the High Priest was the President of the Greater Sanhedrin, not the Lesser Sanhedrin. It was not until the very end of the trial that the charge of blasphemy emerged, up to then it would seem that Jesus was being tried on the basis that the accusation was that He was a “false prophet “—and a false prophet could only be tried by the Greater Sanhedrin (Mishnah , Sanhedrin 1. 5). Matthew and Mark, referring to the night trial, expressly state that it took place before “the whole council,” the New Testament expression for the Greater Sanhedrin; finally, in view of the importance of the matters at issue and, above all, of the necessity, from the Ruler’s point of view, of satisfying the national conscience that everything was done in due form of law—and by the highest tribunal in the land — surely the High Priest and his colleagues, even though they had pre-determined the result of the trial, would bring Jesus before the Supreme Court, from which “the law went forth to all Israel “? A reasonable view of the order of events would seem to be that while Annas, ex-High Priest, was satisfying his insatiable curiosity by questioning Jesus, the Judges were being summoned; that the “midnight” Sanhedrin which “convicted” Jesus was the Greater Sanhedrin of one-and-seventy Judges; that “When the morning was come” (Matthew 27:1) Jesus appeared before a great Consultative Assembly (see p. 80, where this Assembly is discussed in greater detail), before which body He reaffirmed His claim to be the Messiah and “the Son of God “; and that this Assembly decided to bring Jesus before Pilate. **THE ORAL OR “MISHNAH” LAW** In view of the decision of the Sanhedrin to arrest and

bring Jesus to “trial” for the express purpose of putting Him to death and, as we suggest, using a colorable imitation of a genuine trial as part of the machinery for effecting that purpose and satisfying the national conscience, questions such as the constitution of the “Court” which carried out the “trial” and the system of law which was applied, become of little importance. But since many hold the view that there was a formal trial and that the Mishnah traditions “were admittedly in force as law” (Lord Shaw), it seems desirable to try to ascertain what the system of criminal jurisprudence was and to what extent it was applied, or purported to be applied, at the Jewish trial, real or pretended. Moreover, whatever opinions may be held as to whether or not the Mishnah law was in force at that period, the fact remains that at the “trial” of Jesus the Court did follow, or purported to follow, some of the Pharisaic Mishnah rules. Is it not a reasonable inference that if both Pharisees and Sadducees on the Bench were united in a determination that the trial should have one result, and one result only, namely, the death of the Accused, that for once they would not dispute among themselves as to the enforceability or otherwise of such parts of the Oral Law and procedure as were relevant to the issue before them? (Before considering the Mishnah law in detail it should be mentioned that some take the view that the Mishnah represents in many cases not what the Jewish law was during the life of Jesus but what the Rabbis thought should be the case if a Jewish State should be re-established.)

Assuming that the proceedings before Caiaphas and the Sanhedrin purported to be a formal legal trial, convened and held in due course of both the Written and the Oral Law, then it was void ab initio because it was held by night. Assuming that the proceedings were not a trial but only a judicial investigation by the High Priest and some of his colleagues, then the condemnation of Jesus was without legal effect, as being without lawful authority; for only the Greater or Lesser Sanhedrin could convict of a capital offense.

We will now consider some of the Mishnah rules and observe to what extent, if at all, they were applied.

MISHNAH RULES The Mishnah divided cases into two main classes: capital or non-capital. “In non-capital cases they held the trial during the daytime and the verdict may be reached during the night. In capital cases they held the trial during the daytime and the verdict also must be reached during the daytime . In non-capital cases the verdict, whether of acquittal or conviction, may be reached the same day; in capital cases a verdict of acquittal may be reached on the same day; but a verdict of conviction not until the following day . Therefore , trials may not be hem on the eve of a Sabbath or on the eve of a Festival ” (Mishnah , Sanhedrin 4. 1.). The Trial was a remarkable exhibition of “straining out gnats and swallowing camels.” Holding the Trial by night was the largest camel; while the tiniest gnat was the decision to reject the testimony of the two witnesses who purported to give Jesus’ alleged observations about the destruction of the Temple; they rejected that evidence, not because they thought it to be inaccurate or deliberately false—for they had no objection to false evidence (Matthew 26:59-60): (they subsequently perjured themselves before Pilate by accusing Jesus of “forbidding tribute to Caesar”) — but because the witnesses “agreed not together” as required by the letter of the law (Mishnah , Sanhedrin 5. 4). The formal agreement of the witnesses was of more importance to them than the truth of what was said. The rule was: “If they (the witnesses) contradict one another, whether during the inquiries or the cross-examination, their evidence becomes invalid” (Mishnah , Sanhedrin 5. 2).

It is interesting to note that in English law corroboration is required only in a limited number of cases. In Jewish law corroboration was essential in all cases. In English law an accused may be convicted on the testimony of a single witness; but in Jewish law there could be no conviction except on the testimony of at least two witnesses, and those two had to “agree together.”

ARRANGEMENT OF COURT “The Sanhedrin was arranged like the half of a round threshing floor so that they might all see one another. Before them stood the two scribes of the Judges, one to the right and one to the left, and they wrote down the words of them that favored acquittal and the words of them that favored conviction. Rabbi Judah says there were three: one wrote down the words of them that favored acquittal, and one wrote down the words of them that favored conviction, and the third wrote down the words both of them that favored acquittal and of them that favored conviction. “Before them sat three rows of disciples of the Sanhedrin, and each knew his proper place. If they needed to appoint another as a Judge, they appointed him from the first row, and one from the second row came into the first row, and one from the third row came into the second; and they chose yet another from the congregation and set him in the third row. He did not sit in the place of the former, but he sat in the place that was proper for him” (Mishnah , Sanhedrin 4. 3, 4). The Court called to try Jesus having assembled, the first duty of the High Priest was to be sure that each Judge possessed the necessary qualifications to adjudicate.

QUALIFICATION OF JUDGES TO TRY CAPITAL CASES “In a capital case only those members of the Sanhedrin who were priests, Levites and Israelites that may give their daughters in marriage into the priestly stock,” were qualified to sit as Judges (Mishnah , Sanhedrin 4. 2).

PROCEDURE “Non-capital and capital cases are alike in examination and inquiry, for it is written, Ye shall have one manner of law” (Mishnah , Sanhedrin 4. 1; Leviticus 24:22).

PREFERRING THE CHARGE “At the mouth of two witnesses or three witnesses shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death” (Deuteronomy 17:6; Mishnah , Makkoth, 1. 7; Leviticus 5:1).

PROVING AND ADMONISHING WITNESSES “They (the Court) brought them in and admonished them; then put them all forth and kept back the chief among them. Afterward they brought in the second witness and proved him. If their words were found to agree together the Judges discussed the matter,” i . e . considered what offense, if any, was disclosed and what the charge should be. “How did they admonish the witnesses in capital cases? They brought them in and admonished them, saying: Perchance ye will say what is but supposition or hearsay or at secondhand, or ye may say in yourselves, we have heard it from a man that is trustworthy. Or perchance ye do not know that we shall prove you by examination and inquiry? Know ye, moreover, that capital cases are not as non-capital cases; in non-capital cases a man may pay money and so make atonement; but in capital cases the witness is answerable for the blood of him that is wrongfully condemned and the blood of his posterity that should have been born to him at the end of the world. For so we have found it with Cain that slew his brother, for it is written ‘the bloods of thy brother cry.’ It says not ‘the blood of thy brother, but ‘the bloods of thy brother’ — his blood and the blood of his posterity. Therefore but a single man was created in the world, to teach that if any man hath caused a single soul to perish from Israel, Scripture imputes it to him as though he had caused a whole world to perish; and if any man saves alive a single soul from Israel, Scripture imputes it to him as though he had saved alive a whole world. And if perchance ye would say, Why should we

be at these pains? — was it not once written, He being a witness whether he hath seen or known, if he do not utter it, then shall he bear his iniquity?” (Leviticus 5:1; Mishnah , Sanhedrin 4. 5).

PENALTY FOR FALSE EVIDENCE “Ye shall do unto him as he thought to do unto his neighbor” (Deuteronomy 19:19). The rule was a life for a life and a fine for a fine, etc. “False witnesses are put to death only after judgment has been given.

Scripture says ‘ life for life,’ thus they are not put to death until judgment of death has been given against him that was falsely accused” (Mishnah , Makkoth 1. 6; Deuteronomy 19:15; Deuteronomy 19:21). **THE DEATH PENALTY** “The Court had power to inflict four kinds of death penalty: stoning, burning, beheading and strangling” (Mishnah , Sanhedrin 7. 1).

If a trial ended with the death sentence, then, before the Romans deprived the Sanhedrin of the right to execute a condemned prisoner, the two chief witnesses for the prosecution were the two chief executioners. In a Jewish trial of a capital charge the witnesses possessed an importance unknown to English law, for they were the attesters, testifiers and executioners.

EXECUTION OF SENTENCE “When sentence of stoning has been passed they take him forth to stone him. The place of stoning was outside, far away from the Court, as it is written, Bring forth him that hath cursed without the camp (Leviticus 24:14). One man stands at the door of the Court with a towel in his hand, and another, mounted on a horse, far away from him but near enough to see him. If in the Court one said,; I have somewhat to argue in favor of his acquittal: that man waves the towel and the horse runs and stops him that was going forth to be stoned. Even if he himself said: I have somewhat to argue in favor of my acquittal,’ they must bring him back, be it four times or five, provided that there is anything of substance in his words. If then they found him innocent they set him free; otherwise he goes forth to be stoned. A herald goes forth before him calling ‘Such-a-one the son of such-a- one, is going forth to be stoned for that he committed such or such an offense. Such-a-one and such-a-one are witnesses against him. If any man knoweth anything in favor of his acquittal let him come and plead it.’ “The place of stoning was twice the height of the man. One of the witnesses knocked him down on his loins. If he straightway died, that sufficed; but if not the second witness took the stone and dropped it on his heart. If he straightway died, that sufficed; but if not, he was stoned by all Israel, for it is written, the hands of the witnesses shall be the first upon him to be put to death and afterwards the hand of all the people” (Deuteronomy 17:7; Mishnah , Sanhedrin 6. 1, 2, 3, 4).

HANGING “The Sages say: ‘None is hanged save the blasphemer and the idolater. His body shall not remain all night upon the tree, but thou shalt surely bury him the same day; for he that is hanged is a curse against God” (Deuteronomy 21:23; Mishnah , Sanhedrin 6. 4.).

CONFESSIONS BY ACCUSED Most commentators quote Salvador, the famous Jewish lawyer, as authority for the proposition: “Our law condemns no one to death on his own confession.” **THE EVIDENCE** The illegal proceedings seem to have commenced with the outward show of proper legal formality. Witnesses were called in manner provided by Jewish law, although it is not quite clear that they were called before Jesus had pointed out that there was no evidence before the Court that He had done any wrong. “Ask them that heard Me; they know what I said unto them.” “If I have done evil bear witness of the evil.” These observations could have been made either before any witnesses, or after the last of them, had been called without any result.

What took place is typical of the action of the Rulers of the Jews at this period of their history. Whatever the true nature of the proceedings, they ignored the substance and spirit of the law, but observed, or purported to observe, such of the laws and rules of procedure as suited their purpose and conveniently turned a blind eye to the rest. "Now the chief priests, and elders, and all the council, sought false witness against Jesus, to put him to death" (Matthew 26:59). This may mean either that those referred to deliberately sought for witnesses who would give evidence which to their certain knowledge was false, or witnesses who would give evidence of actual statements they had heard Jesus make and which would be susceptible of a false interpretation. On either view such conduct in Judges staggers the imagination. The enormity of the offense, grave in any case, was enhanced by the fact that every member of Court knew the penalties attaching to perjury. Moreover, such reprehensible action was the more nauseating in view of the solemn terms in which each witness was adjured (or sworn) before giving evidence. For we assume the witnesses were duly sworn (see p. 63 for the terms of the adjuration). The High Priest and his colleagues well knew that at the trial for life, a false witness put his own life in peril (see p. 64). What are we to think of a Tribunal, the members of which regarded themselves as the representatives of God on earth, administering His laws in the Judgment Seat once occupied by Moses, resorting to such practices? Was there ever a chance of Jesus having a fair trial? But Judges who had determined on the death of the Accused before the "trial" commenced, could be guilty of any conduct, however infamous. A possible key to their conduct is that they were so blinded by religious bigotry that they persuaded themselves that if they killed Jesus they would be "doing God service" (John 16:2). But the remarkable thing is that notwithstanding the ease with which their consciences permitted them to commit one gross irregularity after another, they rejected the evidence of the "false witnesses," giving as their ostensible reason that those witnesses "agreed not together" as required by the Mishnah law. A conspiracy to put false evidence before a Court of Justice usually ends in disaster for the conspirators, especially when they have to make their plans in a hurry. We are not told the nature of this evidence. By rejecting evidence which was unimportant from their point of view they may have hoped to create the appearance of impartiality while their true intent was to obtain evidence of a matter of great gravity, viz. that Jesus had been heard to claim to be the "Messiah."

Then came two witnesses in particular and, unlike the case of the other witnesses we are told what these two said; apparently they gave evidence which, although inaccurate, they believed to be true. Yet, says Mark, "neither so did their witness agree together." Now, the difference in the evidence of these two witnesses was very slight; in substance there was no divergence. Apparently one of them attributed to Jesus the words: "I am able to destroy the Temple of God and to build it in three days." The version of the other was: "I will destroy this Temple, which is made with hands, and within three days I will build another made without hands." This evidence could reasonably be construed as disclosing a prima facie case of sorcery or sacrilege. Once during his public ministry Jesus had been accused by the Pharisees of performing miracles by the power of Beelzebub (Matthew 12:24), a Satanic agency. The destruction of the Temple would be sacrilege and a claim to be able to rebuild it in three days sorcery. The punishment for both sorcery and sacrilege was death. Yet this evidence was not what the Sanhedrin wanted. They wanted to hear evidence about a much more serious matter than that of a fantastic threat to destroy the Temple or a claim to be able to rebuild it in three days. So on the highly technical ground that "the witnesses agreed not together" they rejected this evidence. In doing so they followed, or purported to follow,

the Pharisaic Mishnah law. Of course, as we know from John 2:18-21, what Jesus in fact said had been misunderstood, as were many of His sayings. "Then answered the Jews and unto him, What sign showest thou unto us? Jesus answered and said unto them, Destroy this temple and in three days I will raise it up. Then said the Jews, Forty-and-six years was this temple in building, and wilt thou rear it up in three days? But he spake of the temple of his body." No doubt when Jesus made this statement, his hearers genuinely misunderstood Him and thought He was referring to the Sanctuary, for when He was on the Cross they cast the saying in His teeth (Mark 15:29-30). THE CASE BREAKS DOWN The case for the prosecution had now reached a stage at which no evidence had been accepted which justified the preferring of a charge, capital or otherwise; the accusers, namely, the witnesses, had failed to provide a case for Jesus to answer; they had not discharged the onus placed upon their shoulders by law. In particular—no evidence had been given that Jesus claimed to be the Messiah or the "Son of God." It was, however, common knowledge that Jesus made this claim and this was the real reason why He had been arrested. The Court wanted evidence that Jesus had made the claim so that they might rely upon it and denounce it once for all. The Mishnah rules For the trial of a charge of blasphemy are set out on p. 74. No witness had given the evidence there indicated. In these circumstances it was the duty of the High Priest to announce that no charge had been made out and that the Accused would be discharged.

Instead of discharging Jesus, the High Priest took to questioning Him; his Pharisaic colleagues apparently raised no objection and did not insist on the Mishnah rules concerning blasphemy being observed. This questioning was in defiance of the fundamental practice of Jewish Written Law, which required the witnesses to establish the charge, and of the rule: "Our law condemns no one to death on his own confession."

We have to look at St. John's Gospel for details of the questioning. John is generally regarded as being the disciple who "went in with Jesus into the palace of the high priest" (John 18:15), and if this is so we have an account of the proceedings by an eye-witness. "The high priest" (Caiaphas, not Annas, was the High Priest; it is necessary to bear this in mind when reading John's account, lest the questioning be attributed to Annas), "asked Jesus of his disciples, and of his doctrine." Jesus replied by reminding the High Priest of the Hebrew law that a charge should be proved by witnesses. Such a reply would be particularly galling to the Supreme Judge in Israel. "Why askest thou me?"

Ask them which heard me, what I have said unto them; behold, they know what I have said." Thereupon Jesus was struck by an officer of the Court. "Answerest thou the High Priest so?" Jesus said: "If I have spoken evil, bear witness of the evil; but if well, why smitest thou me?" This questioning seems to have concluded with the great and supreme question in which the High Priest incorporated "the solemn adjuration."

Caiaphas, apparently determined to obtain evidence on which to found a conviction for blasphemy, threw all semblance of law to the winds: "I adjure thee by the living God that thou tell us whether thou be the Christ, the Son of God." It seems obvious from what followed that the question was not put from a genuine desire to know the truth, but in order to obtain the reply he knew he would receive and to use that reply as a colorable justification for a conviction. This was the great climax of the trial. Let us examine the incident. Some think that Caiaphas was legally

entitled to put this question and that Jesus was bound by law to answer.

Now, if this question had been put to Jesus after at least two witnesses had testified that they had heard Jesus say that He was “the Son of God” no exception could be taken to it; for their evidence would have prepared the ground for a charge of blasphemy and provided a case for Jesus to answer — in which case the onus would then have been on Jesus to justify the statement; if He justified it He would be entitled to be acquitted; if not, a conviction would be lawful by Jewish law. But at the time the question was put no such evidence had been given : the case sought to be made against Jesus had failed; there was, in fact, NO CHARGE BEFORE THE COURT; there was no case for the Accused to answer, and He was entitled to be set free then and there. The Judge was not entitled to make up for the shortcomings of the prosecution by questioning the Accused. It may help to understand this point if we refer to the procedure in English law. There is a sense in which it is true to say that an accused person must answer any question put to him by a Judge or Magistrate. But there are certain limitations upon this general rule. The question must always be one which is permitted by law, and questions may not be asked of an accused until the case has reached a stage at which it is proper to put them. In an English Court that proper time is after the case for the prosecution has closed; closed with a case having been made out for the accused to answer; and the accused has voluntarily entered the witness-box and submitted himself for questioning. But if the prosecution fails to make out a prima facie case, no right to question the accused arises either by a Judge or a Magistrate or anybody else. So in the case of the Trial of Jesus. At the time Caiaphas put his great question to Jesus, his action in doing so was unlawful because the moment in the trial when he had the right to put the question had not arrived, for the evidence had failed to disclose any prima facie case of blasphemy; at that moment there was no tryable matter before the Court and no case for Jesus to answer. THE GREAT ADMISSION Illegal though the question was, it was immediately answered, and in the affirmative. Notwithstanding the lack of evidence, it was really because Jesus claimed to be the Messiah and the Son of God that He was before the Court. It was, indeed, remarkable that no such evidence had been given. The great moment in the trial had come. Jesus at once made the great confession and claim. He was the Christ, the Son of God. Immediately, with that devotion to ritual and seeming reverence for the “Mishnah law” (see p. 75) he had ignored so obviously throughout the proceedings, the High Priest rent his garments, saying, “He hath spoken blasphemy, what need have we of witnesses? What think ye?”

We observe that if the Scribes, who were so expert at legal quibbles, had done their duty to keep the Judges “in remembrance” of the law, they would have advised the Court that there was every need of witnesses because (a) none of the Pharisaic rules governing the trial of cases of alleged blasphemy had been observed, and (b) the Court was trying the Accused on the basis that He had committed an offense before He came into Court (of which there was no evidence) and not for something said by the accused in Court , and (c) “Our law condemns no one on his own confession.”

It is interesting to note the attitude of Jesus to the all-important question of Caiaphas compared with His attitude to the evidence of the witnesses. To the evidence of the “false witnesses” He answered nothing. “Answerest thou nothing? What is it which these witness against thee?” But Jesus held His peace. But to the great question, the legality or illegality of which was and is of no moment compared with its tremendous import, He did not remain silent. His hour had come and

He made the great confession and claim. "Thou hast said" (Matthew); "I am" (Mark); "Ye say that I am" (Luke). "HE HATH SPOKEN BLASPHEMY" In English law "it is a misdemeanor to speak, or to write and publish, any profane words vilifying or ridiculing God, Jesus Christ, the Holy Ghost, the Old or New Testament, or Christianity in general, with intent to shock and insult believers, or to pervert or mislead the ignorant or unwary. This intent is an essential element in the crime, and is generally inferred from the intemperate and scurrilous language of the accused. The disputes of learned men, and publications discussing with decency questions as to Christianity and the Scriptures are not punishable as blasphemy. If the decencies of controversy are observed even the fundamentals of religion may be attacked. A man is free to teach what he likes as to religious matters, even if it is unbelief, but in considering whether he has exceeded the permitted limits, the place where he speaks and the people to whom he speaks, have to be taken into account. If he is arguing for an honest belief in a doctrine or a non-doctrine to which he is attached, he is not guilty of publishing blasphemous words; but if, not for the sake of argument, he makes a scurrilous attack on doctrine, which the majority of persons hold to be true, in a public place where passers-by may have their ears offended and where young people may come, he renders himself liable to the law of blasphemous libel" (Odgers on The Common Law of England , vol. 1, p. 206). In Jewish law blasphemy was the profane use of the name of the Deity. "Thou shalt not take the name of the Lord thy God in vain: for the Lord will not hold him guiltless that taketh his name in vain" (Exodus 20:7). But this was not the whole of the law of blasphemy. The proceedings which preceded the murder of Stephen, recorded in Acts 6:1-15, Acts 7:1-60, make it clear that the Jewish law had some points of similarity with English law.

Stephen was accused of attacking Moses, the national religion, the established religious institutions, the religious customs of the Jews, saying that Jesus would destroy the Temple, and generally with trying to pervert or mislead the ignorant or unwary. All this they alleged was "blasphemy," i .e . "constructive blasphemy." Thus they said: "We have heard him speak blasphemous words against Moses, and against God. This man ceaseth not to speak blasphemous words against this holy place and law. For we have heard him say, that this Jesus of Nazareth shall destroy this place, and shall change the customs which Moses delivered to us." The Jewish State was in theory a theocracy; God was the invisible head of the State; God was the God of the Jews — all others were outside the pale; they were the Chosen Race; their laws were divine, not man-made laws; the law of God was also the law of their State; their institutions were also divinely ordained; their rulers were the representatives on earth of their invisible King. "Moses received the law from Sinai and committed it to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets committed it to the men of the Great Synagogues" (Mishnah , Aboth. I. I). The members of the Sanhedrin "sat in Moses' seat" (Matthew 23:1-39). When Jesus claimed to be "the Son of the Blessed" or "the Son of God," He did not use, and they did not understand Him to use, the expression merely in the sense in which they, the Jews, as a community, regarded themselves as "the sons of the living God" (Hosea 1:10); or in which the Apostle John later referred to all Christians as "sons of God, even to them that believe on his name"; or as the Apostle wrote in Romans 8:14 : "For as many as are led by the Spirit of God, they are the sons of God." Nor did they understand Jesus to be claiming to be the Second Person in the Holy Trinity : the Jews had no belief in or knowledge of " the Holy Trinity ": to them God was One and Indivisible . They were monotheists. Even after the Day of Pentecost when the Apostle Paul visited Ephesus he found certain disciples there who had "not so much as heard whether there be

any Holy Ghost" (Acts 19:2). The expression "Son of God" did not mean to the High Priest and Sanhedrin all that it means to Christians today; they did not expect their Messiah to be God Himself, "manifest in the flesh." The High Priest and Sanhedrin understood Jesus to be claiming a unique relationship with God; to be claiming to be "God's anointed" (Psalms 2:2; Isaiah 11:2) — the premier Jew, the "Messiah," the "Christ" (John 1:41); and this they regarded, and tightly if the claim were false, as an insulting and treasonable activity against God and, therefore, the crime of blasphemy. In these circumstances it was their bounden duty to investigate the truth or falsity of the claim. This they signally failed to do. There was no investigation into the claim of Jesus to be the Messiah and "the Son of God." As soon as Jesus made the claim, the High Priest rent his clothes, "and they all condemned him to be guilty of death." "And some began to spit on him, and to cover his face, and to buffet him and say unto him, Prophecy" (Mark 14:65).

There were certain Mishnah rules for the trial of a charge of blasphemy and certain specific questions had to be put to the witnesses. The law is set out in the Mishnah as follows:

TRIAL FOR BLASPHEMY "The Blasphemer' is not culpable unless he pronounces the Name itself.

Rabbi Joshua B. Karha says: On every day of the trial they examined the witnesses with a substituted name, such as 'May Jose smite Jose.' When sentence was to be given they did not declare him guilty of death on the grounds of evidence given with the substituted name, but they (the Judges) sent out" (i.e. out of Court) "all the people and asked the chief among the witnesses and said to him 'Say expressly what thou heardest: and he says it; and the judges stand up on their feet and rend their garments and they may not mend them again. And the second witness says: I also heard the like,' and the third says 'I also heard the like'" (Mishnah , Sanhedrin 7, 5). The questioning of the witnesses on a trial for blasphemy would take the following form: 1. In what Sabbatic period did you hear the accused use the Name? 2. In what year of the Sabbatic period? 3. In what month? 4. On what date of the month? 5. On what day of the week? 6. At what hour? 7. In what place? This series of questions was known as Hakiroth (Mishnah , p. 388; Sanhedrin 5. 1.).

None of this pedantic Pharisaic procedure was followed by the Sadducee-dominated Court at the trial of Jesus. On the contrary, the moment Jesus said "I am," the High Priest said, "He hath spoken blasphemy; what further need have we of witnesses? behold, now ye have heard his blasphemy. What think ye? They answered and said, He is guilty of death." THE DEFENSE Strictly speaking, Jesus was never formally charged with any offense. He was condemned out of hand for blasphemy the moment He made His claim to be the Messiah and Son of God. His answer and defense to the implied charge of blasphemy was "Truth." Although it may be that the Gospels do not give us a complete account of all that took place before the Sanhedrin, it seems clear that Jesus did not enter upon a long and reasoned speech in justification of His claim to be the Messiah and the Son of God. The Gospel records suggest He was not given the opportunity. Certainly His claim was not investigated. Jesus apparently realized that nothing He might say would make the slightest difference to their decision. "If I tell you, ye will not believe. nor let me go." (When He rose from the dead, His Resurrection made not the slightest difference in their attitude to Him.)

Jesus declined to argue with them. He had reasoned with them throughout His public Ministry with but little result. This attitude of refusing to be drawn into an argument with those who argued for argument's sake and with no desire or intention of learning the truth, was typical of Jesus; but He was always ready and willing to discuss His Mission with earnest seekers after truth. But there was another reason to which without presumption we may, perhaps, attribute the silence of Jesus at His trial. Jesus had made it abundantly plain that He intended to go to the Cross that He might give to the whole world a sign which would be the great proof of His Divine Mission on earth, viz . His resurrection from the dead. His condemnation and death were therefore necessary for the giving of that sign. Moreover, He knew the end from the beginning. On the way up to Jerusalem He forecast to His disciples the course of events: "Behold, we go up to Jerusalem; and the Son of Man shall be betrayed unto the Chief Priests, and unto the Scribes, and they shall condemn Him to death, and shall deliver Him to the Gentiles. And they shall mock Him, and shall scourge Him, and the third day He shall rise again." But although Jesus did not put forward any detailed defense before the Sanhedrin, His Judges were perfectly familiar with His point of view. He had previously told the Jews plainly on what evidence He relied for the proof of His claims. In John 5:1-47 is recorded a discourse by Jesus, in the course of which He mentioned four classes of evidence which should have convinced the Jews. Having recalled the rule of Jewish law that at least two witnesses were required to prove any claim, Jesus proceeded to mention the following evidence: (a) John the Baptist : "Ye sent unto John, and he bear witness unto the truth. But I receive not testimony from man: but these things I say, that ye might be saved" (John 5:33-35). (b) The Works : "I have greater witness than that of John: for the works which the Father hath given me to finish, the same works that I do, bear witness of me that the Father hath sent me" (John 5:36). (c) The Father : "And the Father himself, which hath sent me, hath borne witness of me. Ye have neither heard his voice at any time, nor seen his shape. And ye have not his word abiding in you for whom he hath sent him ye believe not" (John 5:37-38). (Jesus was, of course, referring to the fact that when He was baptized of John in Jordan, a voice from heaven said: "This is my beloved Son, in whom I am well pleased.") (d) The Scriptures "Search the scriptures. they are they which testify of me" (John 5:39). THE TRAVELERS TO EMMAUS The speech which would have been entirely relevant to the charge of "blasphemy" was the one Jesus made on the day of His resurrection to the two dispirited travelers who journeyed that same day to the village called Emmaus, when "beginning at Moses and all the prophets, he expounded unto them in all the scriptures the things concerning himself" (Luke 24:27), thereby demonstrating that His Mission was not to destroy the law given to Moses by God and handed down from generation to generation, but to fulfill that law in His own person (Matthew 5:17). As Jesus explained to the travelers (who, in common with all His followers, thought the crucifixion meant the destruction of all their hopes "that it had been He which should have redeemed Israel") until He had been to the Cross the Scriptures concerning Him would not be fulfilled. "Ought not Christ to have suffered these things, and to enter into his glory?" This exposition, however, would have been wasted upon the Sanhedrin, for they had obviously made up their minds that in no circumstances whatever would they acknowledge the claim of Jesus to be the Messiah (see pages 89-91). In view of the expression of opinion by the Judges that the Accused was guilty of blasphemy, it became the duty of the High Priest to adjourn the Court for twenty-four hours for the Judges to "pair off" and discuss the case. It was their bounden duty to discuss all possible reasons for an acquittal before discussing reasons for a conviction. The Mishnah lays down the law about consideration of verdict as follows:

CONSIDERATION OF VERDICT “Non-capital cases may begin either with reasons for acquittal or conviction, but capital cases must begin with reasons for acquittal and may not begin with reasons for conviction. “In non-capital cases they may reach a verdict either of acquittal or of conviction by the decision of a majority of one; but in capital cases they may reach a verdict of acquittal by the decision of a majority of one, but a verdict of conviction only by the decision of a majority of two. In capital cases they may reverse a verdict from conviction to acquittal but not from acquittal to conviction. “In capital cases all (including the disciples) may argue in favor of acquittal but not in favor of conviction. (Also) in capital cases he that had argued in favor of conviction may afterwards argue in favor of acquittal, but he that had argued in favor of acquittal cannot afterwards change and argue in favor of conviction” (Mishnah , Sanhedrin 4. 1). “In capital cases they (the Judges) in declaring their opinion, begin from them that sit at the side” (i .e . the youngest) (Mishnah , Sanhedrin 4. 2). “If their words (i .e . the words of the first and second witnesses) were found to agree together they (the Judges)begin to examine the evidence in favor of acquittal. “If one of the witnesses said: ‘I have somewhat to argue in favor of his acquittal,’ or if one of the disciples said: ‘I have somewhat to argue in favor of his conviction’, they silence him. If one of the disciples said: ‘I have somewhat to argue in favor of his acquittal,’ they bring him up and set him among them and he does not come down from among them the whole day. If there is anything of substance in his words they listen to him. Even if the accused said, ‘I have somewhat to argue in favor of my acquittal,’ they listen to him, provided that there is anything of substance in his words. “If they found him innocent they set him free; otherwise they leave his sentence over until the morrow. In the meantime they went together in pairs, they ate a little (but they used to drink no wine the whole day) and they discussed the matter all night, and early on the morrow they came to the Court. “He that favored acquittal says, ‘I declared him innocent yesterday and I still declare him innocent’; and he that favored conviction says, ‘I declared him guilty yesterday and I still declare him guilty.’ He that favored conviction may now acquit, but he that favored acquittal may not retract and favor conviction. If they erred in the matter the scribes of the Judges must put them in remembrance. If they all found him innocent they set him free; otherwise they decide to vote. “If twelve favor acquittal, and eleven favor conviction, and one says ‘I do not know,’ or even if twenty-two favor acquittal or favor conviction and one says, ‘I do not know,’ they must add to the number of the Judges. Up to what number may they add them? By two at a time up to one-andseventy.

If, then, thirty-six favor acquittal and thirty-five favor conviction, he is declared innocent; if thirty-six favor conviction and thirty-five favor acquittal, they debate with one another until one of them that favored conviction approves of the words of them that favored acquittal” (Mishnah , Sanhedrin V. 4, 5).

ADVOCATES There was no such person as counsel for the prosecution or counsel for the defense in a Jewish court. The prosecutors were the Witnesses who saw the offense committed. The Judges themselves were required to act as counsel for the defense, and, as we notice in the Mishnah role set out at page 78, any disciple of a Judge present in court had the right to argue in favor of the accused. This latter practice reminds us of the age long tradition of the English Bar by which a Judge of Assize presiding over a criminal trial may call upon any counsel in court to act as counsel for the accused, a request which is treated by the Bar of England with the same respect as a Royal Command. But when the Jews prosecuted one of their countrymen in a Roman court they sometimes engaged the services of an orator for the better presentation of their case. A

notable example of this occurred at the trial of the Apostle Paul before Felix (Acts 24:1-27) when the Jews retained an orator, one Tertullus, to conduct the prosecution.

It is sometimes said that the law of England is unduly favorable to the accused; but the safeguards in English law designed to reduce to a minimum the danger of an innocent person being convicted are as nothing compared with the “fences” put around an accused in a Jewish Court. Indeed, with so many “fences” it is a wonder that anybody was convicted. But at the trial of Jesus these safeguards against a miscarriage of justice were thrown to the winds, and, judged by the Mishnah law standards, the proceedings ended in a riot of illegality with the Accused condemned as the Presiding Judge and his colleagues had previously determined should be the case. THE GRAND CONSULTATION “And straightway in the morning the CHIEF PRIESTS held a CONSULTATION with the ELDERS and SCRIBES and the WHOLE COUNCIL. “ (Mark 15:1); to put him [Jesus] to death” (Matthew 27:1).

Both Matthew and Mark clearly indicate two meetings of “the whole council,” the name by which the Greater Sanhedrin is commonly regarded as being described in the New Testament: the one meeting being held before and the other after daybreak. They are equally clear that the second meeting was of a much larger body than the first. This is the meeting we refer to earlier in this work.

We are distinctly told by Matthew and Mark that, in addition to “the whole council,” all the “chief priests” and the “elders of the people,” and the “scribes” were present. It is not clear that this was not a session of the Greater Sanhedrin of seventy-one Judges attended by only the usual two, or perhaps three, Scribes? At this meeting the judicial element alone must have run into three figures, for if all three Courts at Jerusalem were in session at one and the same time ninety-seven Judges would be required to provide the necessary quorum—and not every Judge was qualified to adjudicate in a capital case. It seems clear that the Judges of the three Courts must have been drawn from a “pool,” and this pool must have been a large one. Then there were Elders not included in “the whole council.”

Elder Statesmen, perhaps, whose advice would naturally be sought in a national emergency; also the “chief priests,” also not included in the expression “the whole council,” and a not inconsiderable body of Scribes, the specialists in religious law. Altogether these “Rulers of the Jews” must have run into hundreds, and they all had a vital interest in what was going forward. There was no official body superior to the Greater Sanhedrin, and if the Greater Sanhedrin tried Jesus before daybreak, this second assembly would have no power either to review the case or to ratify or quash the finding of that Court. It would seem that this second meeting was for consultative purposes only held for the single purpose of deciding the most expedient way of giving effect to the illegal pre-trial decision of the Sanhedrin to put Jesus to death. One of two courses was open to them: either to defy the Roman edict depriving them of the power to put any man to death, or to decide to bring Jesus before Pilate. Incidentally, they seem to have taken advantage of the holding of the meeting to bring Jesus before it so that the largest possible number of the official classes might hear Jesus repeat His claim to be the Messiah. The Mark record suggests, and the unprecedented nature of the matter under review required, that every member of the official classes then resident in Jerusalem who could be contacted at that early hour was summoned to that vital assembly. It seems to have been a sort of Council of State summoned to be told of the overnight events and to

be invited to give the High Priest and the Sanhedrin their moral and formal support for what had been done and the benefit of their opinion as to the best way “to put Jesus to death.” No doubt there was no precedent in Jewish history for such a meeting, but the matter under review was also without precedent. It was precisely the sort of situation in which precedents are made; certainly it was necessary that the High Priest, as Head of the Jewish State, should have the assurance that the whole of official Jewry agreed with what had been done. The need for such a Grand Consultation was obvious. Israel was at the cross-roads. Matters of high policy called urgently for immediate decision.

Much required to be explained and much more required to be arranged. The Accused claimed to be the Messiah. He was, in fact, “mighty in deed and word before God and all the people” (Luke 24:19). Many of the Rulers of the Jews believed on Him but secretly. On the Thursday night the restless Festival crowds had retired to rest on the tiptoe of expectancy, the predominant and anxious thought in their minds being the whereabouts of Jesus and whether or not He would give the great Sign at the Feast.

Unknown to them He was, in fact, in their very midst lying under condemnation of death. The High Priest and his colleagues had burnt their boats; there was no going back. The situation called for immediate action.

They had completely and irrevocably reversed their previously fixed and determined policy not to arrest Jesus at the Feast. The Feast was now upon them and Jesus was in their hands. They could not hope to conceal the fact over the nine days of the Feast. The High Priest would have to satisfy the Assembly that he had been justified in going back on the previous decision “not on the feast day,” and he would certainly want their approval of what had been done. It was probably a stormy meeting. Joseph of Arimathea at least “had not consented to the counsel and deed of them” (Luke 23:51); no doubt he was supported by Nicodemus and others.

Having obtained approval of what had been done, the next question would be, what was to happen now? What was the best way to carry out their decision to put Jesus to death? Should they themselves kill Jesus, thus defying the Roman edict, or should they bring Jesus before Pilate in the hope that he would condemn Him?

Several High Priests, including Annas, had already been deposed from office by the Procurators before the arrival of Pilate. If Caiaphas exceeded his powers, he could be sure that a like fate would overtake him. But that was not a matter of supreme importance, because Annas had a large family and could easily put forward a successor. (In fact, when Caiaphas was eventually deposed after the recall of Pilate to Rome, he was succeeded by his brother-in-law, Artanus.) But there was a more important question to be decided than the probable fate of the High Priest. How would public opinion react to the news that the Sanhedrin had not only condemned but executed the Great Prophet who “went about doing good” and “healing . . . all manner of disease”? and that just at the time when they confidently expected some great sign from Him to prove His claim to the Messiahship? Would it not be better to put the onus and responsibility for the death of Jesus upon the Romans?

Whatever the reason, or reasons, for their decision, it was, in fact, decided to bring Jesus before the Judgment Seat of Pilate.

Having made that decision, they had another vital question to settle. Should they inform Pilate of all that had taken place during the night after the arrest, or should the proceedings remain secret? If they disclosed the proceedings before their own Court, the illegality thereof would be manifest to Pilate, for he would know that according to the Pharisaic law the trial could not lawfully take place by night. Pilate would want to know of what offense Jesus was convicted. He would not be interested in a conviction for blasphemy. Awkward questions would be asked and there would be no answer to them. Complications would arise. Pilate might immediately quash the conviction and release Jesus and let him go. Would it not be better to say nothing about their own proceedings and merely mention that Jesus had been arrested overnight and was now, early the next morning, being brought before Pilate for trial?

There was no difficulty in practice for the Jewish authorities to bring a Jew before the Procurator for trial without any previous Jewish trial. It was often done in New Testament days. Thus we read in Acts 18:12-16, that when Gallio was the deputy of Achaia, the Jews brought Paul before the Roman judgment seat, saying: "This fellow persuadeth men to worship God contrary to the law. And when Paul was now about to open his mouth, Gallio said unto the Jews, If it were a matter of wrong or wicked lewdness, O ye Jews, reason would that I should bear with you; But if it be a question of words and names, and of your law, look ye to it; for I will be no judge of such matters. And he drove them from the judgment seat." These sentiments were largely held by the procurators as a class, and would appear to have been those of Pilate also; for when Jesus eventually appeared before him, his first reaction was to say to the Jews, "take ye him, and judge him according to your law" (John 18:31).

Caiaphas, who was a friend of Pilate, would undoubtedly be aware of Pilate's probable reaction, and that would be an important fact to bear in mind in deciding whether or not to disclose the midnight trial to Pilate and, in any event, how to present the case against Jesus.

It would be obvious to the High Priest and the Council that it would be useless to expect Pilate to be interested in a charge of "blasphemy," for that would be "a question of their law"; "blasphemy" was an offense unknown to Roman law; the Romans were pagans. Therefore the Jews would have to prefer a charge which would interest Pilate, and be one with which he would be bound to deal. And, in addition to alleging an offense against Roman law, it had to be one which carried the death penalty.

Subsequent events reveal fairly clearly the lines of their plan of action.

They would accuse Jesus of high treason — treason against the Emperor.

Pilate would be obliged to take cognizance of such a charge and be unable to refer it to the Sanhedrin. Pilate would not be told of the trial by the Sanhedrin and no question of quashing their conviction for illegality or other reasons would arise. Pilate would suppose that he was trying a case which had not been previously investigated. If Pilate showed signs of wanting to release Jesus they held a trump card. They would stir up the people to point out that if he let Jesus go he was not Caesar's friend and would render himself liable to recall to Rome for suffering a rival to Caesar in Judea. Yes, the plan was fool-proof. They would lose no time in informing Pilate that they desired to bring an important prisoner before him; that the interests of State would brook of no delay, and further and better particulars of the urgency of the matter would be supplied by the High

Priest in personal audience.

Much speculation has been indulged in on the question why Pilate was so readily available, and at such an early hour, and who persuaded him that great haste was called for. Comment has also been made on the fact that no mention is made in the Gospels about Caiaphas appearing personally at the trial before Pilate.

Now although the high priest did not appear personally at the trials and in the nature of things it would not be reasonable or probable that he should do so — there seems to be no doubt that it was the practice in some cases for the High Priest to communicate personally with the Procurator and make representations about an impending trial. Thus in Acts 25:1-27 we read that while Paul was in the custody of the Romans in Caesarea, the High Priest made representations to Felix asking that Paul should be removed to Jerusalem for trial. It would therefore seem reasonable to suppose that Caiaphas, as High Priest, and the liaison officer between official Jewry and the Procurator, would immediately after the Grand Consultation make haste to visit Pilate and urge upon him the necessity for immediate trial, notwithstanding the proximity of the Feasts rather, indeed, because of that proximity. It may be that Caiaphas took the opportunity of urging upon Pilate that it would be in the Roman as well as in the Jewish interest that Jesus should be condemned and executed out of hand before the general populace became aware of His attest, and His devoted followers from Galilee, who had hailed Him so joyfully on the previous Sunday on His way to Jerusalem, knew that His life was in peril. Why not present His followers with a fait accompli and end with one stroke all danger of an insurrection?

Whatever the true reasons, the fateful decision was in fact made to bring Jesus before Pilate.

SUMMING UP To try to form an opinion as to the legality or otherwise of the Jewish “proceedings” (apart altogether from the fact that the Sanhedrin had predetermined the issue) it is necessary to know the answer to the vital question, what was the law by which Israel as a nation was governed? The answer would seem to be that inasmuch as the Jewish State was a theocracy, the national law was the Law of God. The difficulty which confronts us is that the Sanhedrin of Judges could not agree as to what was the Law of God. Both the Pharisaic and the Sadducean Judges were agreed that the Written Law was of divine origin; the Pharisees contended that the Oral Law also was divine; not so the Sadducees. Who is to decide between the two contending sects? Perhaps the most authoritative pronouncement on this matter is to be found in the words of Jesus to the Pharisees when He said “Ye have made the commandment of God of none effect by your tradition.” Yet the teaching of Jesus was more in consonance with the doctrines of the Pharisees than with those of the Sadducees; and Jesus may not have intended to condemn all the traditions contained in the Oral law. In any case, the Judges not being agreed as to what constituted the national law, it does not seem possible to dogmatize about the legality or otherwise of some of the incidents in the proceedings. It cannot be held that a particular act or omission during the proceedings was illegal, unless it can be shown that it was done or omitted contrary to the agreed law.

Presumably there was general agreement about rules of procedure for the efficient day-to-day working of the Courts, but even this matter is not beyond doubt.

We do know from Josephus, however, that “they” (the Sadducees), “are able to do almost nothing of themselves; for when they become magistrates, unwillingly and by force sometimes they addict themselves to the notions of the Pharisees, because the multitude would not otherwise bear them.” (Ant. 18. 4. 1.) Bearing these observations of Josephus in mind, we offer the following comments upon the “proceedings.” As to the much debated question of the legality of holding the proceedings by night, since we do not know if the Sadducees accepted the Mishnah ruling about trial of capital cases being held only in the day time, we cannot be sure that the proceedings were illegal because held wholly or in part by night. As to the trial being illegally held because the Festival of the Passover had commenced, there seems to be no doubt that the Court was illegally in session, because the holding of it at such a time was a breach of the agreed law. As to the “conviction” being without admissible evidence to support it, the conviction was based on a “confession” made by the Accused in Court and procured by illegal questioning by the presiding Judge. This was a breach of the agreed law which required the offense to be proved by at least two witnesses; no witnesses gave evidence that Jesus claimed to be the Messiah or Son of God. As to the non-observance of the Mishnah rules concerning the trial of charges of blasphemy, we have no evidence that the Sadducees ever agreed to these rules and in view of their pedantic Pharisaic character it is improbable that the Sadducees would agree. As to the non-observance of the Mishnah rules about consideration of verdict, here again we do not know if these rules were ever agreed to by the Sadducees. As to Jesus being condemned without being afforded an opportunity to be heard in His own defense, this was a fundamental illegality going to the very root of the “trial.”

Finally, there is the predominating fact compared with which all other irregularities pale into insignificance, that the result of the “trial” was formally pre-determined by the Judges, without distinction of sect. Such conduct under any system of jurisprudence would be fatal to the validity of a conviction. To these views the Sanhedrin of Judges might reply, if they could: “We knew from the outset of the Proceedings that the real main and substantial question before us was whether or not Jesus of Nazareth claimed to be the Messiah, the Son of God. It was common knowledge that He made that claim. We knew that if He were asked the question He would affirm that claim. The proceedings were conducted in great haste. If we had had more time to call witnesses, evidence would have been given by those who heard Him make the claim and He would not have disputed their evidence. Haste was indicated because if there had been a remand, a riot, which might have developed into an insurrection, would probably have broken out, with the inevitable result that the Jewish State would have been destroyed. It was expedient that one man should die in preference to the nation being destroyed. We did not believe His claim to be the Messiah. He was not the ‘type’ to lead the Jews in a successful revolt against Rome. We were aware of the fact that He had performed miracles but we attributed His power to do so to Satanic agencies. We admit we may not have administered the law with complete strictness and may have ignored some of the rules of evidence and procedure. Most of us denied the binding authority of the Oral Law. But there was no miscarriage of justice because Jesus admitted that He claimed to be the Christ. Therefore, on His own admission, He was guilty of blasphemy.” To such a reply, it may be rejoined: “The issue was not only whether Jesus claimed to be the Messiah but whether or not His claim was true.

Justice cannot possibly be regarded as having been done, when the Judges concerned met before the trial and determined on the death of the Accused; thereby deciding to disregard

anything the Accused might say in His defense, and in support of His claim, or might prove by the testimony of His witnesses. With regard to the argument of ‘expediency’; Jewish law never justified the killing of a man on such grounds. The killing of a man in such circumstances would amount to judicial murder.”

One highly important fact emerges from a consideration of the “trial,” namely, The claim of Jesus of Nazareth to be the Messiah was NOT INVESTIGATED. The behavior of the Judges when they received the news of the resurrection of Jesus, apart from their conduct before and at the Trial, justifies the belief that in no circumstances whatever would they be prepared to admit the claim of Jesus to be the Messiah of Israel. When the news of the resurrection reached them, instead of trying to make contact with Jesus to confirm the fact, or holding a full inquiry to ascertain the facts — possibly with a view to holding a new trials they gave large money to the soldiers who supplied the evidence, as a bribe to induce them to start the false story that while they slept the disciples stole the body of Jesus: “Say ye, His disciples came by night, and stole him away while we slept. And if this come to the governor’s ears, we will persuade him and secure you. So they took the money, and did as they were taught: and this saying is commonly reported among the Jews until this day” (Matthew 28:13-15).

Why was it that the Rulers of the Jews would not admit the Messiahship of Jesus in any circumstances whatever? Put in a sentence the answer would seem to be that the Sadducees preferred that there should be no Messiah, while so far as the Pharisees were concerned, Jesus was not the “type” envisaged by them as the true Messiah of Israel. They were looking for a Messiah who would be “like unto Moses,” or who, like the great national hero and idol Judas Maccabeus (B.C. 167-161), with a strong and mighty arm would deliver them from their oppressors; one who would effect the supreme deliverance so that the Promised Land would pass into their undisputed possession for ever; one who would be attended by every circumstance of power and glory as foretold by the prophets. None other would satisfy them. Jesus fulfilled none of these prophecies. Jesus was not a warrior and, in any case, gave no sign of being willing to lead a revolt against Rome. On the contrary, He was a man of peace. His kingdom was “not of this world.” He had not denounced the Romans; but He had certainly denounced them — the Rulers of the Jews. They were looking for a Messiah of the type indicated by the prophet Daniel, amongst many others: “I saw in the night visions, and, behold, one like the Son of man came with the clouds of heaven, and came to the Ancient of days, and they brought him near before him. And there was given him dominion, and glory, and a kingdom, that all people, nations, and languages, should serve him: his dominion is an everlasting dominion, which shall not pass away, and his kingdom that which shall not be destroyed” (Daniel 7:13-14).

Jesus never claimed to have fulfilled such prophecies. He made it plain that that event was yet in the future. He described that “second” advent in phraseology not unlike that employed by Daniel, when He said: “When the Son of man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory: and before him shall be gathered all nations and he shall separate them one from another, as a shepherd divideth his sheep from the goats” (Matthew 25:31-32).

Israel understood nothing about two advents and erroneously attributed all the prophecies about the Messiah to a single advent. Further, they ignored all the prophecies about a” suffering”

Messiah.

Moreover, Jesus taught that He had a mission to the Gentiles as well as to the Jews. In the estimation of the Jewish Rulers such a person could not possibly be a "true" Jew or their Messiah. In their conception of things Jehovah was not concerned with the Gentiles. They were deeply conscious of the age-long promise of Jehovah to their father Abraham; "Abraham shall surely become a great and mighty nation," but were quite unconscious of the meaning of the rest of the promise "and all nations of the earth shall be blessed in him" (Genesis 18:17-18). They knew that these promises had been re-affirmed to Isaac, "I will perform the oath which I swear unto Abraham thy father"; but, again, the rest of the reaffirmation, "and in thy seed shall all nations of the earth be blessed," was not comprehended (Genesis 26:3-4). They knew that the promise and reaffirmation had been repeated to Jacob, "I am the Lord God of Abraham thy father, and the God of Isaac: the land whereon thou liest, to thee will I give it, and to thy seed," but the rest of the promise, "and in thee and in thy seed shall all families of the earth be blessed" (Genesis 28:13-14) was lost upon them. And so, failing to understand that the teaching of Scripture was that the Messiah of the Jews was also the Savior of the World, and that there were to be two advents of the Messiah; and erroneously expecting all the glories of the second advent to be fulfilled at the first and, because Jesus did not fulfill (as indeed He did not claim to fulfill) the glories of the second advent, they treated Him as an impostor and His claim to be the Son of God as blasphemy.

Therefore, "they that dwell at Jerusalem, and their rulers, because they knew him not, nor yet the voices of the prophets which are read every Sabbath day, have fulfilled them in condemning him" (Acts 13:27). "And The Whole Multitude Of Them Arose, And Led Him Unto Pilate" (Luke 23:1).

03 THE ROMAN TRIAL RECONSTRUCTION OF EVENTS

CHAPTER - THE ROMAN TRIAL RECONSTRUCTION OF EVENTS THE HALL OF JUDGMENT Then led they Jesus from Caiaphas unto the hall of judgment: and it was early; and they themselves went not into the judgment hall, lest they should be defiled; but that they might eat the passover. Pilate then went out unto them, and said: THE CHARGES What accusation bring ye against this man? They answered and said unto him, If he were not a malefactor, we would not have delivered him up unto thee. Then said Pilate unto them, Take ye him and judge him according to your law. The Jews therefore said unto him, It is not lawful for us to put any man to death (John 18:28-31). And they began to accuse him, saying, 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). And when he was accused of the chief priests and elders, he answered nothing. Then said Pilate unto him, Hearest thou not how many things they witness against thee? And he answered him to never a word; in so much that the governor marveled greatly (Matthew 27:12-14). THE INTERROGATION Then Pilate entered into the judgment hall again, and called Jesus, and said unto him, Art thou the King of the Jews?

Jesus answered him, Sayest thou this thing of thyself, or did others tell it thee of me?

Pilate answered, Am I a Jew? Thine own nation and the chief priests have delivered thee unto me' what hast thou done? (John 18:33-35). THE DEFENSE Jesus answered, 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 now is my kingdom not from hence.

Pilate therefore said unto him, Art thou a king then? Jesus answered, Thou sayest that I am a king. To this end was I born, and for this cause came I into the world, that I should bear witness unto the truth. Every one that is of the truth heareth my voice.

Pilate saith unto him, What is truth? (John 18:36-38). THE INTERRUPTED VERDICT And when he had said this, he went out again unto the Jews, and saith unto them, I find in him no fault at all (John 18:38). And they were the more fierce, saying, He stirreth up the people, teaching throughout all Jewry, beginning from Galilee to this place. When Pilate heard of Galilee, he asked whether the man were a Galilaeen. And as soon as he knew that he belonged unto Herod's jurisdiction, he sent him to Herod, who himself also was at Jerusalem at that time (Luke 23:5-7).

JESUS BEFORE HEROD And when Herod saw Jesus, he was exceeding glad; for he was desirous to see him of a long season, because he had heard many things of him; and he hoped to have seen some miracle done by him.

Then he questioned with him in many words; but he answered him nothing. And the chief priests and scribes stood and vehemently accused him (Luke 23:8-10). THE MOCKING And Herod with his men of war set him at naught, and mocked him, and arrayed him in a gorgeous robe, and sent him again to Pilate. And the same day Pilate and Herod were made friends together: for before they were at enmity between themselves (Luke 23:11-12).

JESUS AGAIN BEFORE PILATE And Pilate, when he had called together the chief priests and the rulers and the people, Said unto them, Ye have brought this man unto me, as one that perverteth the people: and, behold, I, having examined him before you, have found no fault in this man touching those things whereof ye accuse him:

No, nor yet Herod: for I sent you to him; and, lo, nothing worthy of death is done unto him (Luke 23:13-15). THE VERDICT REPEATED.

I will therefore chastise him, and release him (Luke 23:16).

BARABBAS The chief priests and elders persuaded the multitude that they should ask Barabbas, and destroy Jesus (Matthew 27:20). And they cried out all at once, saying, Away with this man, and release unto us Barabbas: (who for a certain sedition made in the city, and for murder, was cast into prison) (Luke 23:18-19).

Pilate saith unto them, What shall I do then with Jesus which is called Christ? They all say unto him, Let him be crucified (Matthew 27:22).

PILATE'S WIFE When Pilate was set down on the judgment seat, his wife sent unto him, saying, Have thou nothing to do with that just man for I have suffered many things this day in a dream because of him (Matthew 27:19).

PILATE ABSOLVES HIMSELF When Pilate saw that he could prevail nothing, but that rather a tumult was made, he took water, and washed his hands before the multitude, saying, I am innocent of the blood of this just person; see ye to it (Matthew 27:24). THE JEWISH CURSE Then answered all the people. His blood be on us, and on our children (Matthew 27:25). THE SCOURGING AND TORTURE Then Pilate therefore took Jesus, and scourged him. And the soldiers platted a crown of thorns, and put it on his head, and they put on him a purple robe, And said, Hail, King of the Jews! and they smote him with their hands.

Pilate therefore went forth again, and saith unto them, Behold I bring him forth to you, that ye may know that I find no fault in him.

Then came Jesus forth, wearing the crown of thorns, and the purple robe. And Pilate saith unto them, Behold the man! When the chief priests therefore and officers saw him, they cried out, saying, Crucify him, crucify him. Pilate saith unto them, Take ye him, and crucify him: for I find no fault in him (John 19:1-6).

INTERROGATION RESUMED The Jews answered him, We have a law, and by our law he ought to die, because he made himself the Son of God. When Pilate therefore heard that saying, he was more afraid; And went again into the judgment hall, and saith unto Jesus, Whence art thou? But Jesus gave him no answer.

Then saith Pilate unto him, Speakest thou not unto me? knowest thou not that I have power to crucify thee, and have power to release thee?

Jesus answered, Thou couldest have no power at all against me, except it were given thee from above: therefore he that delivered me unto thee hath the greater sin (John 19:7-11). THE THREAT TO PILATE And from thenceforth Pilate sought to release him: but the Jews cried out,

saying, If thou let this man go, thou art not Caesar's friend: Whosoever maketh himself a king speaketh against Caesar.

CLOSING SCENES When Pilate therefore heard that saying, he brought Jesus forth, and sat down in the judgment seat in a place that is called the Pavement, but in the Hebrew, Gabbatha. And it was the preparation of the passover, and about the sixth hour: and he saith unto the Jews, Behold your king! But they cried out, Away with him, away with him, crucify him.

Pilate saith unto them, Shall I crucify your King? The chief priests answered, We have no king but Caesar.

Then delivered he him therefore unto them to be crucified. And they took Jesus, and led him away (John 19:12-16). And he released unto them him that for sedition and murder was cast into prison, whom they had desired (Luke 23:25).

PONTIUS PILATE PILATE LANDED IN PALESTINE IN A.D. 26 TO ASSUME THE reins of government in Judea. His immediate superior was the Imperial Legate of Syria but Pilate was nevertheless directly responsible to the Emperor for his administration of the province. In him vested the power of life and death. He was both judge and governor. Of Pilate's origin nothing is known and there is no really authentic account of his death but there are many legends. Probably the most authoritative statement about his death is that which says that after Pilate was recalled to Rome in A.D. 36, to answer the accusations of the Jews, he committed suicide whilst living in exile in Gaul at Vienne, where a monument, fiftytwo feet high, is still shown as his tomb.

CAESAR'S EFFIGIES Pilate despised the Jews, and it was not long before he was in conflict with them. At first he seems to have been minded to abolish the Jewish laws; but he found that this was not possible. Josephus (Ant. 18. 3. 1) tells us: "Pilate, the procurator of Judea, removed the army from Caesarea to Jerusalem, to take their winter quarters there, in order to abolish the Jewish laws. So he introduced Caesar's effigies, which were upon the ensigns, and brought them into the city; whereas our law forbids us the very making of images; on which account the former procurators were wont to make their entry into the city with such ensigns as had not those ornaments. Pilate was the first who brought those images to Jerusalem, and set them up there; which was done without the knowledge of the people, because it was done in the night time; but as soon as they knew it, they came in multitudes to Cesarea, and interceded with Pilate many days that he would remove the images, and when he would not grant their requests, because it would tend to the injury of Caesar, while yet they persevered in their requests, on the sixth day he ordered his soldiers to have their weapons privately, while he came and sat upon his judgment seat, which seat was so prepared in the open place of the city, that it concealed the army that lay ready to oppress them; and when the Jews petitioned him again, he gave a signal to the soldiers to encompass them around, and threatened that their punishment should be no less than immediate death, unless they would leave off disturbing him, and go their ways home. But they threw themselves upon the ground, and laid their necks bare, and said they would take their death very willingly, rather than the wisdom of their laws should be transgressed; upon which Pilate was deeply affected with their firm resolution to keep their laws inviolable, and presently commanded the images to be carried back from Jerusalem to Caesarea."

Thus Pilate was worsted in his first conflict with the Jews. **THE AQUEDUCT** This incident was soon followed by another which ended in much slaughter. It arose out of Pilate's laudable desire to improve the water supply in Jerusalem; but to pay for it he used the sacred Temple money, no doubt with the permission of the High Priest, but at first unknown to the people. When the people found out, there was a riot. Josephus records the incident as follows (Ant. 18. 3. 2.): "Pilate undertook to bring a current of water to Jerusalem, and did it with the sacred money, and derived the origin of the stream from the distance of two hundred furlongs. However, the Jews were not pleased with what had been done about this water: and many ten thousands of the people got together and made a clamor against him, and insisted that he should leave off that design. Some of them also used reproaches, and abused the man, as crowds of such people usually do. So he habited a great number of his soldiers in their habit, who carried clubs under their garments, and sent them to a place where they might surround them. So he bid the Jews himself go away: but they boldly casting reproaches upon him, he gave the soldiers that signal which had been beforehand agreed on: who laid upon them with much greater blows than Pilate had commanded them, and equally punished those that were tumultuous, and those that were not: nor did they spare them in the least: and since the people were unarmed, and were caught by men who were prepared for what they were about, there were a great number of them slain by this means, and others of them ran away wounded. And thus an end was put to this sedition." Dr. Edersheim was one of those who thought that the Tower of Siloam referred to in Luke 13:4 was part of this work. Jesus said: "Those eighteen upon whom the tower in Siloam fell, and slew them, think ye that they were sinners above all men that dwelt in Jerusalem?" The point of this observation seems to have been that Jesus was correcting the general opinion amongst the Jews that since the work was being carried out with the sacred money, any Jews who took part in the work deserved to be punished.

GALILEANS KILLED There was also an incident in which Pilate had apparently killed some Galileans while they were actually worshipping in the Temple and their blood had "mingled with their sacrifices." These Galileans lived in Herod's jurisdiction, and Pilate's slaughter of Herod's subjects may have given offense to Herod as being an infringement of his sovereignty and caused an estrangement between them. Pilate, apparently, was anxious to remove this estrangement; and when he was trying Jesus and heard that Jesus had come from Herod's jurisdiction, he sent Jesus to Herod for trial both as an act of appeasement and in an attempt to be rid of a very troublesome case. At any rate the gesture had the desired effect and resulted in Pilate and Herod being "made friends together" (Luke 23:12). As the result of these incidents between Pilate and the Jews, the relations between them at the time Jesus was arrested were not a little strained; and the Jews were on the look-out for good grounds for a petition to the Emperor Tiberius for the removal of Pilate from office. Neither of the two principal incidents we have just considered provided such grounds. That which referred to the ensigns glorified Caesar; while the use of the sacred money for the water supply resulted in a benefit to the inhabitants of Jerusalem. It was only by yielding to the clamor of the Jews at the trial of Jesus that Pilate escaped an accusation that he himself was guilty of treason to Caesar.

MASSACRE OF SAMARITANS Pilate finally over-reached himself in A.D. 36 when he was responsible for a massacre of Samaritans and was ordered by Vitellius, then President of Syria, to return to Rome to answer in person before the Emperor the accusations of the Samaritans and

Jews. Josephus records the incident as follows (Ant. 18. 55, 1, 2): "But the nation of the Samaritans did not escape without tumults. The man who excited them to it, was one who thought lying a thing of little consequence, and who contrived everything so that the multitude might be pleased: so he bid them get together upon Mount Gerizim, which is by them looked upon as the most holy of all mountains, and assured them, that when they were come thither, he would show them those sacred vessels which were laid under that place, because Moses put them there. So they came thither armed, and thought the discourse of the man probable; and as they abode at a certain village, which was called Tirathana, they got the rest together to them, and desired to go up the mountain in a great multitude together: but Pilate prevented their going up, by seizing upon the roads with a great band of horsemen and footmen, who fell upon those that were gotten together in the village, and when it came to an action, some of them they slew, and others of them they put to flight, and took a great many alive, the principal of which, and also the most potent of those that fled away, Pilate ordered to be slain. "But when this tumult was appeased, the Samaritan Senate sent an embassy to Vitellius, a man that had been Consul, and who was now President of Syria, and accused Pilate of the murder of those that were killed, for that they did not go to Tirathana in order to revolt from the Romans, but to escape the violence of Pilate. So Vitellius sent Marcellus, a friend of his, to take care of the affairs of Judea, and ordered Pilate to go to Rome, to answer before the Emperor the accusations of the Samaritans, So Pilate, when he had tarried ten years in Judea, made haste to Rome, and this in obedience to the orders of Vitellius which he dare not contradict, but before he could get to Rome, Tiberius was dead."

LEGAL PROCEDURE IN ROME AND IN PROVINCES At the trial of Jesus, Pilate did not observe the full legal procedure carried out in the courts in Rome, but he did imitate that procedure to a certain extent. The following extracts from Hunter's Roman Law, pp. 51 and 52, will help us to understand the procedure. "In Rome the magistrates sat in the Forum or Comitium, on their curule chairs, the lower magistrates on lower seats (*subsellia*). In the provinces, the president imitated the form at Rome and sat in his court on a curule chair. Later on, the Courts came to be held in the Basilicas, which afterwards formed the model of many Christian churches. The proceedings were conducted with open-doors and the practice of setting up a screen before the Judge was severely reprobated in a constitution of Constantine." (It is interesting to note that most of the Christopher Wren churches are basilican in character.) The general course of procedure in the magistrates' Courts at Rome was this. "The intending impeacher (it was now open to any citizens to prosecute) applied to the president of the Court that took cognizance of the charge to be brought, for leave to prefer an accusation (*postulatio*). If two or more persons made simultaneous application, a jury decided which of them should be the impeacher (*divinatio*). The impeacher then formally stated the name of the accused and the crime to be charged against him (*nominis* or *criminis delatio*). The accused was next cited before the Prator and the charge was preferred against him in person (*citatio*): upon which he was interrogated for the purpose of eliciting admissions, so as to narrow the issues to be tried (*interrogatio*); and a formal charge was then drawn up (*inscriptio*) and signed by the impeacher and his supporters (*subscriptio*). The judge then formally registered the name of the accused (*nominis receptio*) and appointed a day for the trial, which, unless fixed by the special law regulating the *quastio*, or varied by other special circumstances (such as difficulties in procuring the evidence), was generally the tenth day following. On the day of the trial, the jury was chosen by ballot from the available list, unless the special law regulating the *quastio* ordained otherwise: and, if any of them failed to appear when called, the judge had power to enforce their

attendance or to punish their absence. If the impeacher did not appear, the accused was instantly discharged: but a fresh process might be instituted. If the accused did not appear, sentence was pronounced against him, late in the day, in terms of the special law of the Court. Both impeacher and accused might conduct their own case, or obtain the assistance of counsel and friends. "On the conclusion of the evidence, the jury gave their verdict, at first openly, but after the *lex Cassia* (B.C. 1 37) by ballot. It might be expressed in any one of the three forms — Not Guilty (*absolvo*), Guilty (*condemno*), or Doubtful (*non liquet*). Equal votes were construed favorably to the accused. In case of 'Doubtful,' the judge said '*amplius*' ('Further', 'More Fully'), and the cause was heard a second time, or oftener (*ampliatio*), until the jury were able either to acquit or to condemn" (Hunter, pp. 58, 59). In view of the fact that Jesus was accused before Pilate of treason against the Roman Emperor, the following extract from Hunter (p. 67) indicating that during Christ's lifetime on earth there was an increase in prosecutions for treason and that the crime was of an elastic character, is of interest: "The mantle of assumed moderation and humility fell from Augustus on the shoulders of Tiberius A.D. 14-37. Under him, however, the popular election of magistrates was transferred to the senate, which was further occupied in busily pronouncing sentence of death for the elastic crime of treason." As we have seen, each procurator sent to Palestine was vested by the Emperor with absolute power of life and death. When trying a non-Roman citizen in his province he was not obliged to follow the procedure of the court in Rome. He had full discretion in the matter. He was judge and jury combined. No Jew had a right of appeal to Caesar unless he was also a Roman citizen. His life was absolutely in the hands of the procurator, who in addition to being judge was governor of the province and responsible for maintaining law and order therein. He was permitted and allowed himself complete discretion in all matters appertaining to the Jews. In practice the procurators were content for the provincials to govern themselves provided they did nothing to impinge upon the authority of Imperial Rome. The Jewish Law Courts were allowed to function and the procurators declined to try cases involving questions of Jewish law. But any conviction by the Sanhedrin on a capital charge had to be referred to the procurator for ratification or quashing. Sometimes the Romans would arrest a Jew and hand him over to the Sanhedrin for trial without any previous Roman trial (Acts 22:50) and sometimes the Jews would bring a Jew before the Roman judgment seat without any previous Jewish trial (Acts 18:12). THE PRAETORIUM In the provinces, the Praetorium was always the quarters occupied by the Roman Governor. From Josephus (Wars, 11, 14, 8) we learn that the Roman procurators resided in Herod's palace and took their seat in front of that palace on a raised pavement to pronounce judgment. Thus: "Now Florus took up his quarters at the palace; and on the next day he had his tribunal set before it, when the high priests and the men of power, and those of the greatest eminence in the city came all before that tribunal." The pavement was an elevated spot with its floor adorned with the tessellated pavement of marble and colored stones, characteristic of the Roman buildings of this period, and especially of a Praetorium. The bema was a portable seat, chair or throne, placed upon this pavement for the occasion. When Pilate was at his administrative headquarters at Caesarea, he lived in the palace of Herod. When he visited Jerusalem he had a choice between the fortress of Antonia, in which lay his legion of 6,000 men, and the magnificent palace of Herod. When he was accompanied by his wife he would no doubt choose to stay in the royal Herodian palace rather than in the fortress.

PILATE'S FUNCTIONS Did Pilate know that the Sanhedrin had already tried and condemned Jesus? Did Pilate try Jesus as a Court of "First Instance", or as a Court of Appeal? Did Pilate

“review” the proceedings before the Sanhedrin with a view to quashing or confirming the Jewish” convictions”?

Lord Shaw (pp. 31-34 of his book) says: “What was the nature and the relation between these two — the Hebrew and the Roman Courts? It is a point of jurisprudence worth considering. The one was the Sanhedrin presided over by Caiaphas, the High Priest. The other was the Court of Pilate, the procurator of Tiberius, in the Praetorium, on the seat of Roman justice. “To begin with, Caiaphas was not conducting a preliminary investigation as an examining magistrate. He was conducting a real trial under the forms and sanction of Hebrew law. Before the subjection of Palestine by Rome condemnation would have been followed not by sentence alone but by execution. But now Rome had intervened. After all, the accused was a subject of the Emperor, and he and such as he should not die without the protection of the Emperor’s representative and the warrant of the law of Rome. The one trial, a complete trial, was ended. The punishment of death was remitted elsewhere. “But when Pilate accepted the remit, he did not do so as a Court of Appeal. Jesus Christ had made no appeal. Nor did Pilate act as a mere executive officer presiding over a tribunal of sentence. He could, and he was bound to, review the proceedings themselves which had brought the accused citizen to this pass. I declare that I think the nearest present-day analogy that can be found for his legal situation is the power of the Judicial Committee of the Privy Council in regard to crime within a dominion of the Crown. like, say, India. Over and over again the Committee has protested that it is not a Court of Criminal Appeal. Yet it has reserved to itself the fundamental right to prevent a violation of natural justice, as, for instance, by corruption in the judge, or such a denial of right as prevented the accused from his defense, or — I should presume — of trying as a crime what is not a crime. “Pilate had this power; but he had undoubtedly more. He could not only hear both sides, but he could add to the sum of his knowledge by personal interrogation of the accused. I incline to think, further, that he could, in order to get to the bottom of the dispute, have convened witnesses before himself. Before ratifying the condemnation he had at least these rights: he stood free to review the whole proceedings, to decline execution of sentence, and to set the accused at liberty, declaring that he had done nothing worthy of death. “Finally to this power of administering Roman justice and conserving the liberty of the subject were added the requirements of order which as a Roman administrator he was bound to consider.

He was Judge and Secretary of State in one. Thus he was vested with a power of mitigation and mercy to the condemned. With him also lay the defense of public order against local violence, at the call of administrative safety — a review punctured by expediency. But beyond all question these administrative considerations could not, dare not, be reached till the jural question was settled: was this man a guilty or was he an innocent man? If he were guilty he might be forgiven, or a mitigation of sentence made; but if he were innocent the stage of administrative expediency was not reached, the innocent must go free. If not, death was murder, and that quality attached not because a Governor was strong or a Governor was weak, but because he was wicked. “This was the situation of Pontius Pilate, when in the early Passover morning he was confronted by the urgent remit of the hierarchy of Palestine, that he, in his Court, should sentence to death a prisoner whom they, in their Court, had convicted and condemned.”

Schurer (see pp. 187-188) observes: “There is a special interest attaching to the question as to how far the jurisdiction of the Sanhedrin was limited by the authority of the Roman Procurator. Inasmuch as the Roman system of provincial government was not strictly carried out in the case of

Judea, as the simple fact of its being administered by means of a procurator plainly shows, the Sanhedrin was still left in the enjoyment of a comparatively high degree of independence. It had the power of finally disposing, on its own authority, of such cases as did not involve sentence of death (Acts 4:5-23; Acts 5:21-40). It was only in cases in which such sentence of death was pronounced that the judgment required to be ratified by the authority of the procurator. Not only is this expressly affirmed with regard to the Jews in the Gospel of John (John 18:31) but it follows as a matter of certainty, from the account of the condemnation of Jesus as given by the Synoptists. Besides, a reminiscence of this fact has survived in Jewish traditions. But it is at the same time a fact worthy of note, that the procurator regulated his judgment in accordance with Jewish law.”

Then by way of apology for Pilate’s action, he adds, “only on this assumption could Pilate have pronounced sentence of death in the case of Jesus. It is true the procurator was not compelled to have any regard to Jewish law in the matter at all, but still he was at liberty to do so, and as a rule he actually did so.”

Mr. Taylor Innes (pp. 75-81) says: “What was the relation of the two powers, the Jewish and the Roman, to each other at this time? This broad historical question lies at the root of the views which may be taken of the legal point — views which have sometimes been extremely contrasted. In the controversy between Salvador and Dupin, the former (true in this to the sad claim of some of his nation of old, ‘His blood be on us’) urged that the Sanhedrin had full authority to try even for capital crimes, and that their sentence of death required only the countersign or endorsement of the Roman Governor. His opponent held that the Jewish court had no right to try for grave, or at least capital, crimes at all; that their whole procedure was a usurpation; and that the only real or competent trial was that which we are about to consider” (i .e . The Roman Trial). “I have no intention of going into the great mass of historical investigation which has been accumulated on this confessedly difficult point. There seems no one consideration which is quite conclusive upon it. Whether it was legitimate or not for the Jews to condemn for a capital crime, on this occasion they did so. Whether it was legitimate or not for Pilate to try over again an accused whom they had condemned on this occasion he did so.

There were certainly two trials. And the dialogue already narrated” (i .e . between Pilate and the Jews) “expresses with the most admirable terseness the struggle which we should have expected between the effort of the Jews to get a mere countersign of their sentence, and the determination of Pilate to assume his full judicial responsibility, whether of first instance or of revision. The reluctance of the Jews on the present occasion was no doubt prompted, not so much by their usual ecclesiastical independence as by their dread lest inquiry by Pilate should prevent his carrying out their scheme.”

JESUS BEFORE PILATE It was some time after daybreak that the chief priests led Jesus bound before Pilate. It seems that although the news of the arrest of Jesus and His “trial” by the Sanhedrin could not be known to many, a crowd had already begun to assemble before the Praetorium. Perhaps this was because it was an established custom that “at that feast the governor was wont to release unto the people a prisoner, whom they would,” and it so happened that the Romans had in custody at that time “a notable prisoner, called Barabbas” (Matthew 27:15-16). Now “Barabbas. lay bound with them that had made insurrection with him, who had committed murder in the insurrection” (Mark 15:7). No doubt he was a leader among the Zealots

or Assassins, and had murdered a Roman. He would, therefore, be popular with a substantial section of the population; and those who sympathized with him and his activities would want to go to the palace to shout for his release. But when they arrived they found something vastly more important going forward. To their astonishment, the Great Prophet, Jesus of Nazareth, was on His trial. Only the day before, many of them had been searching for Jesus, particularly in the Temple, anxiously inquiring of each other, "What think ye, that he will not come to the feast?" They had retired to rest mystified at His disappearance. Now here He was before the judgment seat of Pilate being accused by the Chief Priests.

Having arrived at the Praetorium with 'their prisoner', the Chief Priests waited outside. It was the time of the Passover; they would not enter the heathen judgment hall lest they should be defiled — another example of "straining out a gnat and swallowing a camel." Although, apparently, they hoped that Pilate would forthwith agree with their desire that Jesus should be put to death without inquiry, they came ready to perjure their souls by giving false evidence and to prefer charges some of which they knew to be false and unarguable; yet their religious scruples would not permit them to enter the heathen building during the Festival.

Pilate did not follow the procedure, usual in Rome, of fixing a future date for the trial and giving public notice thereof, he exercised the discretion undoubtedly vested in him to hear the case forthwith.

WHAT ACCUSATION?

Respecting their scruples, "Pilate then went out unto them, and said, 'What accusation bring ye against this man?' They answered and said unto him: 'If he were not a malefactor, we would not have delivered him up unto thee.'" It would appear from Pilate's question and the insolent reply, that Pilate intended to try the case in due form of law, and that for some undisclosed reason the Jews had not expected him to adopt this attitude. They were taken aback. They appear to have expected a different kind of reception, as if they had reason to suppose that Pilate knew quite well why they brought Jesus before him and thought that all that would happen would be that he would ask them what they wished to be done with Jesus, whereupon their request would be granted without further discussion. Who had given preliminary notice of their intention to bring Jesus before Pilate and what had been said and perhaps agreed? What had Pilate been told about the case and by whom? Had Caiaphas interviewed Pilate? Pilate and Caiaphas were on good terms; they held office together for ten years. No matter how often the Jews might revolt, Caiaphas was not removed from office, as were his predecessors and Pilate seems never to have held him responsible for what occurred. Had Caiaphas visited Pilate after the Grand Consultation in the early morning and told him as much as he thought fit and no more of what had happened during the night? And did he impress upon Pilate his view that it was expedient for the Romans' as well as for the Jews that Jesus should die, and as soon as possible? Did Caiaphas report to the Sanhedrin that Pilate appeared to agree with this view of "expediency", and that when Jesus appeared before him no questions would be asked and that the governor would at once exercise his power and deliver Jesus to death forthwith? And that therefore all that the Chief Priests would have to say to Pilate was that they, as Rulers of the Jews, brought before him a Jew whose political activities rendered him worthy of death and that He should therefore die? Unless something of this sort took place it is difficult to understand the reaction of the Chief Priests to

Pilate's question. Perhaps Pilate had given Caiaphas the impression that there would be no formal trial and that he would ask but few questions. But that on reflection, perhaps after consultation with his wife, he had decided that there must be a proper trial.

Whatever the truth and the fact was as to what, if anything, had taken place between Pilate and Caiaphas, when Pilate went out to meet the Jews, he made it plain to them that there was to be a formal trial; and in accordance with the Roman procedure he demanded, "What accusation bring ye against this man?"

It will be noted that there is nothing in the opening exchanges between the judge and the accusers which gives any hint that Jesus had already been tried by the Jewish Courts. Later on in the Gospel records it is stated that Pilate knew they had delivered Jesus "for envy". It is not dirtiest to understand what Pilate's reaction would have been if he had been told that the Sanhedrin had tried and condemned Jesus by night. He would, of course, be well aware of the fact that according to the Pharisaic law a trial by night on a capital charge invalidated the proceedings and on that ground alone he might have quashed the conviction. Pilate's conduct throughout the trial seems to indicate that he was under the impression that no other trial had taken place; that having arrested Jesus and the charge being treason, the Jews had brought Him forthwith at the earliest moment before him. Further, Pilate's question does not lend support to the view, so widely held, that Roman soldiers had taken part in the arrest. If they had, there would have had to be a charge and Pilate would know from the officer in charge of the Roman troops what that charge was. All he seemed to know at the beginning of the case was that this was another squabble between the Jews concerning some question of their law and that the Chief Priests were envious of Jesus. To the insolent reply of the Chief Priests, Pilate replied: "Take ye him and judge him according to your law." This observation also does not support the view that Pilate knew that the Jews had already tried Jesus; indeed, it suggests the contrary. Certainly the Jews did not reply. "We have already tried Him and convicted Him of blasphemy and we want that conviction confirmed." Instead they answered, "It is not lawful for us to put any man to death," a clear admission that the Romans had deprived them of the power to execute anyone condemned on a capital charge in their own courts; and, coupled with their previous statement, a request that Pilate would now give the necessary authority for Jesus to be executed by his officials. THE CHARGES Realizing that Pilate was going to insist on a formal trial the Chief Priests began to accuse Jesus (Luke 23:2), "We found this fellow perverting the nation, and forbidding to give tribute to Caesar, saying that he himself is Christ a King." "And when he was accused of the chief priests and elders, he answered nothing. Then said Pilate unto him, Hearest thou not how many things they witness against thee? And he answered him to never a word; in so much that the governor marveled greatly" (Matthew 27:12-14). "PERVERTING THE NATION" Some have dismissed the allegation of "perverting the nation" as one which Pilate ignored; but Pilate in fact attached great importance to it. The way the Jews seemed to put the case before the Procurator was this: "He perverteth the nation by refusing to give tribute to Caesar, saying that He Himself is Christ, a King." This view is supported by the fact that towards the end of the trial, when announcing for the second time that he found no fault in Jesus, Pilate said, "Ye have brought this man unto me, as one that perverteth the people." This was, indeed, an accusation of treason, or at the least, sedition, and the other two accusations specified acts which the Jews relied upon as overt acts in treasonable activities, viz ., forbidding to give tribute to Caesar and claiming to be a king. The innuendo was that Jesus claimed to be a rival

with Caesar for the allegiance of the people. Pilate would be aware that the Zealots openly and boastfully opposed the Roman occupation and refused to pay tribute; the Jews would know that one of the disciples of Jesus — Simon — was a Zealot. The Jews were holding Jesus up before the Procurator as an enemy of Caesar and hoped Pilate would associate Jesus with the malcontents.

WITCHCRAFT AND RELIGIOUS OFFENSES Pilate would also have to consider whether a charge that Jesus was “perverting the people” alleged an offense against the Roman laws in respect of religion and witchcraft. This would only be the case if the expression “the people” included Romans in Judea as well as Jews. The Romans worshipped many deities. It is said that ancient Rome contained as many as four hundred and twenty temples and that in the dwelling of every wealthy family there was a private chapel in which they worshipped their household gods. Their ministers of religion did not form a distinct order of citizens, but were chosen from the most virtuous and honorable men of the state. The teaching of “Christianity” to Romans in Judaea would be undoubtedly an offense against Roman Law. The Roman Law concerning offenses against witchcraft and religion are summarized in Hunter’s Roman Law, p. 1066, as follows: “Prophets were to be beaten and expelled from the city; if they came back they were to be imprisoned or deported. Persons consulting with reference to the life of the Emperor were punished with death. Those who took part in the exercise of magical and diabolical arts were to be crucified; the magicians themselves, to be burnt alive. Even to keep books on the subject was a crime; the books were to be burned and the owners severely punished. Paul (a Praetorian prefect) says that persons introducing new kinds of worship, unknown to custom or reason, disturbing weaker minds, were to be punished, if persons of rank, with deportation; if not of rank, with death”.

Pilate seems to have been satisfied that the expression “the people” did not include Romans and the trial proceeded on the basis that it referred only to the Jews. This was obviously the intention of the accusers:

Therefore Pilate ruled out of his mind any question of Jesus being accused of an offense against the religious laws of the Romans and he fastened upon the allegation that Jesus claimed to be a king. This allegation could only mean that the Jews were charging Jesus with the crime of treason that is, *majestas*, or, to give the full title *erimen laesae majestas*, i.e., “high treason”. The implication of the accusation would also be that out of loyalty to Caesar they had arrested Jesus for the offense of treason, and having no power to try such an offense they naturally brought Him before the Procurator for trial.

It will be observed that they said not a word about having tried Jesus in their own Court and convicted Him of “blasphemy”; at no time throughout the trial before Pilate did they mention this fact or ask Pilate to “ratify the conviction.” Treason was a charge which Pilate alone could try and one he could not shirk. It was his bounden duty to investigate it and he proceeded to do so.

TREASON In both Roman and English law, treason is the breach of the duty to render allegiance. It is a duty which is always owed by a national to the country of his Birth and sometimes by an alien to a country not his own. The principal Roman statute on treason was the *Lex Julia Majestatis*, 48 B.C. This statute made it an offense to engage in any activity against the Emperor or the Commonwealth. It was liberally construed by the Roman Courts and in the time of Jesus almost any insult to the Emperor, or seditious activity, was regarded as treason. In particular, the

dominion of Caesar being world-wide, no kings could reign without his consent, "Whosoever maketh himself a king speaketh against Caesar" (John 19:12). The penalty for treason was death and the memory of the convicted person was con-demned even after death. "In ancient times such an offense was called perduellio : under the Emperors, however, more generally crimen laesae majestatis . "The crime of treason had certain peculiarities; there was no action or penalty for malicious prosecution and persons prohibited from being accusers could prosecute for treason. The defendant, of whatever rank, could, if necessary, be put to the torture. Slaves could be examined against their masters. The prosecution went on after the death of the accused, in order that the exchequer might obtain his property if he were found guilty" (Hunter, pp. 1065-6). From the Roman point of view Jesus was an alien, but as a Jew living in Palestine, He owed allegiance to Caesar. Also when in A.D. 6 the Emperor agreed to the Jewish request to make Palestine a Roman Province, the Jewish nation, save some 6,000 Pharisees, expressly gave allegiance to Caesar (Ant. 17, 2, 4); thereafter, any breach of that duty by a Jew was treason.

SEDITION It is not always easy to distinguish between conduct which is seditious and that which is treasonable; the two offenses have much in common. In English law, "Sedition embraces all those practices, whether by word, deed or writing, which fall short of high treason but directly tend to have for their object to excite discontent and dissatisfaction; to excite ill-will between different classes of the King's subjects; to create public disturbance, or to lead to civil war; to bring into hatred or contempt the Sovereign or the Government, the laws or constitution of the realm, and, generally, all endeavors to promote public disorder. Or to incite people to unlawful associations, or assemblies, insurrections, breaches of the peace, or forcible obstruction of the execution of the law, or to use any form of physical force in any public matter connected with the State" (Archbold, Criminal Practice , 30th Edition, p. 1,128). In Roman law there seems to have been even more affinity between treason and sedition than is the case in English law. Thus under the heading of "Offenses against Public Tranquillity" were cited "A seditious gathering or conspiracy"; "when an armed assembly takes possession of any public place". Under the heading "Offenses against the Public Force" were cited "Desertion by a soldier", "Soliciting or exciting soldiers to make tumult or sedition" (Hunter, p. 1,066). Apparently, all these offenses were both sedition and treason. It is noteworthy that although Barabbas had made "insurrection" (Mark 15:7) against Caesar, he was apparently charged with sedition, not treason.

TRIBUTE The payment of tribute to Rome from Judaea began in 63 B.C., when Pompeii settled the dispute between Hyrcanus and Aristobulus about the fight to the kingdom and made Judaea a tributary to the Republic, exacting from the people the sum of ten thousand talents (Ant. 14, 4, 5). The nation-wide refusal to pay tribute to Caesar which took place a few years after the Trial of Jesus was one of the precipitating causes of the great conflict which ended in the destruction of Jerusalem. We have already referred to the incident mentioned in Matthew 22:1-46, Mark 12:1-44 and Luke 20:1-47, which occurred only two days before the arrest when the Rulers tried to entice Jesus to say something about not paying tribute to Caesar which could be used in evidence against Him at His trial and we have noticed how signally they failed in the attempt. Therefore in accusing Jesus of "forbidding to give tribute to Caesar" they were saying that which to their certain knowledge was false. The New Testament and Josephus tell us of various taxes payable by the Jews, such as a poll-tax payable in connection with the famous "census" (Luke 2:2) a property-tax, to which the High Priest Joazar induced the people to submit (Ant. 18. 1, 1.), a

special house-duty in Jerusalem (Ant. 19. 6, 3); also the toll or customs referred to in Matthew 17:25 and Romans 13:7. Matthew and Zacchaeus were both tax-gatherers, the most detested class of the Jewish community. In addition to these taxes, each Jew had to pay a half-shekel towards the services of the Temple at Jerusalem (Exodus 30:13; Exodus 38:26; Matthew 17:24-27). The fact that Jesus consorted with such persons as Matthew and Zacchaeus and "publicans and sinners" generally was one of the reasons for the enmity of the Rulers against Jesus; but the reply of Jesus to such taunts was that He came "not to call the righteous, but sinners to repentance" (Matthew 9:13). While the Judaeans were heavily taxed the Romans paid no direct taxation and this fact was a constant source of friction. In these circumstances any Jew who went about "forbidding to give tribute to Caesar" would be guilty of treasonable or at least seditious activities. THE INTERROGATION The charge of High Treason having been made in the presence of the Accused outside the Praetorium, the next step in the trial was the interrogation, the Examination of the Accused.

Pilate therefore re-entered the Praetorium, leaving the Jews outside, as they refused to enter, and sent for Jesus; Jesus and Pilate were thereupon face to face.

Pilate commenced the interrogation by asking Jesus "Art thou the King of the Jews?" to which Jesus replied, "Sayest thou this thing of thyself, or did others tell it thee of me?" This is as if Jesus were saying "In what sense do you use the word 'king'? Are you asking as a Roman Judge if I claim to be an earthly king setting myself up in opposition to Caesar, or are you merely repeating a question put into your mouth by my fellowcountrymen who know quite well that I do not claim to be that sort of king? Before I can answer your question I must know in what sense you use the word king'."

Pilate cleared up the point by his answer "Am I a Jew? Thine own nation and the chief priests have delivered thee unto me what hast thou done?" That is to say "I am repeating the charge as laid by your fellowcountrymen.

You and they are Jews; you must know the sense in which they use the expression and you will understand that sense better than I who am a Roman. What exactly have you done?"

Having received this explanation Jesus thereupon entered his plea to the charge. It was a plea which English lawyers might regard as roughly comparable to a defense of "Confession and Avoidance "a common defense in a civil action. "In addition to or instead of denying the allegations made in the statement of claim, the defendant may in his defense set up an affirmative case, either by stating his version of the facts and showing that the plaintiff has no cause of action on the true facts, or he may plead in confession and avoidance and show that notwithstanding the facts stated by the plaintiff he has a defense." (Bullen and Leake's Precedents of Pleadings, 6th Edition p. 531.) THE DEFENSE Jesus said in effect, "In answer to the charge, I 'confess and avoid'; that is to say, I admit I made and do make the claim alleged against me; I assert that that claim, in the sense in which I made it, is true in substance and in fact. I do not, however, make the claim in the sense alleged by my accusers. I admit that I claim to be a king, but not the sort of king alleged by the Chief Priests. I make no claim to be a king, a rival to Caesar. I am not guilty of treason against the Emperor. I admit and assert that I have come to found a kingdom but not an earthly one; 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 now , My Kingdom not from hence ."

Pilate seized on the point of kingship and said, "Art thou a king then? Jesus answered, Thou sayest that I am a king. To this end was I born, and for this cause came I into the world, that I should bear witness unto the truth. Every one that is of the truth heareth my voice. Pilate saith unto him, What is truth?" (John 18:28-38). This then was the defense of Jesus to the charge of majestas . He claimed to be a king but He claimed no earthly kingship. The kingdom He came to establish was no earthly kingdom. It was a spiritual kingdom. It existed in the hearts and minds of men. It involved a particular "way of life" and attitude to God. It was not concerned with material things. It was a spiritual kingdom within an earthly kingdom. Caesar's kingdom could continue and Christ's kingdom could exist within that kingdom. It was "the kingdom of heaven" preached by John the Baptist, who also announced the advent of the king. He had never perverted the people by stirring them up against Imperial Rome. He had never forbidden to give tribute to Caesar, as his accusers well knew. He had taught the exact opposite (See Matthew 17:24-27; Matthew 22:1-46). Those who gave allegiance to Him, could still render allegiance and pay tribute to Caesar.

He had never sought to seduce one Roman soldier from his allegiance to Caesar. When He had healed the centurion's servant (Matthew 8:5-15) He did not make it a condition of the healing that the centurion should resign his commission in the Imperial army. In making the accusation about forbidding tribute, His accusers, whose religious scruples would not allow them to enter the Praetorium during the celebration of a Jewish Feast, had committed willful and corrupt perjury. "WHAT IS TRUTH" Pilate's soliloquy "What is truth?" seems to indicate that at that stage of the proceedings, he was concerned to do right and justice to the Accused.

Here was no "jesting" Pilate. He was plainly pressed by the anxiety experienced by every conscientious judge and magistrate in the discharge of his judicial duties, to know the truth of the cause before him. It has been well said that " Truth is justice in action ", and that "Truth is conformity to fact or reality". Justice and truth have so close an affinity as to be almost indistinguishable. If justice be truth in action, then a judge or justice is required to seek to be the personification of truth in action. Jesus was "the Truth". He alone personified "the Truth". Pilate clearly wanted to know the truth of the case he was trying, hence his anxious inquiry — addressed to himself as much as to the Accused.

Pilate appreciated the explanation Jesus gave and as he reflected upon it he was convinced that Jesus was no traitor to Caesar. The defense prevailed.

Jesus was not guilty of the accusations made against Him, and he would so rule. THE INTERRUPTED VERDICT Rising from his seat Pilate went outside the Praetorium where the Chief Priests and other accusers were waiting. In the meantime the crowd had no doubt swollen to huge proportions. By this time the news that the Great Prophet was on trial before the Procurator must have spread like wildfire throughout the city.

Pilate appeared before the crowd, followed no doubt by Jesus, guarded by His jailers, and announced his decision. "I find no fault in him ". It was a clear verdict of "not guilty", a verdict of acquittal. The judge had spoken, "Absolvo ", "Not guilty". The trial was over. The Accused having been acquitted, it remained only for Him to be discharged.

MASS HYSTERIA The verdict of "not guilty" seems to have sent the Jews into a paroxysm of rage. It appeared to them that all their machinations had been defeated, that all their carefully-laid plans

had miscarried. It was their fears, not their hopes, that were being realized. Jesus of Nazareth was supping through their fingers after all. While they had been waiting for Pilate's decision, they had busied themselves stirring up the multitude against Jesus. They met with considerable success. The Praetorium rang with the cries of the multitude. The crowd was seized with mass hysteria. "The chief priests accused him of many things". Amid the shouts and the tumult, Pilate discerned a voice, crying "He stirreth up the people, teaching throughout all Jewry, beginning from Galilee to this place".

Pilate perceived a way of escape from his dilemma. The accused was a Galilean. He had committed the offenses complained of in Galilee as well as in Judea. Herod was Tetrarch of Galilee; he had come to the Feast and was close at hand. Apparently Pilate had previously offended Herod by killing some Galileans in the Temple. He would not increase this offense by dealing with this Galilean — either by condemning Him or releasing Him. He would suspend his verdict and remit the case to Herod. In this way he would offend neither the Jews nor Herod. Whatever the fate of Jesus might be at the hands of Herod, he, Pilate, would not be responsible for it. Therefore, to Herod Jesus should go. "And. he sent him to Herod". THE REMISSION TO HEROD It is a nice legal point, whether Herod, Tetrarch of Galilee, could hold lawful Court in territory, i.e., Judea, not in his jurisdiction, even though the offenses charged against the Accused were alleged to have been committed within his jurisdiction. However, Pilate had no objection to Herod trying in Judea an offense alleged to have been committed in Galilee; and if Pilate did not object there was nobody else who could. Pilate not only did not object but deliberately invited Herod to discharge his judicial functions within Pilate's jurisdiction. This was an act of great courtesy and a very diplomatic gesture on the part of Pilate; it was received as such by Herod, with the result that the two "were made friends together" (Luke 23:12).

It is generally, but perhaps erroneously, supposed that Pilate sent Jesus to Herod for the purpose of enabling Herod to try the very charges Pilate had investigated and dismissed. Surely this cannot be so. Herod had no power to try offenses committed in Judea, which was Pilate's jurisdiction; and Pilate had no power to try offenses committed in Galilee, which was Herod's jurisdiction. What probably happened was that when Pilate heard the allegation that Jesus had been "teaching throughout all Jewry, beginning from Galilee" he decided to send Jesus to Herod, so that Herod might try the offenses alleged to have been committed in Galilee. He does not appear to have invited Herod to try offenses alleged to have been committed in his, Pilate's, jurisdiction.

Pilate may well have thought that if he let Jesus go, after his verdict of "not guilty ", and it came to Herod's knowledge that Pilate knew that allegations had been made that Jesus had committed offenses in Galilee as well as in Judea, and notwithstanding this knowledge had not concerned himself to send Jesus in custody before Herod, Herod would have been offended and the breach between them would have been widened.

JESUS BEFORE HEROD Accordingly, Jesus was brought before Herod Antipas, son of Herod the Great. Herod was Tetrarch of Galilee: the Roman Emperor would not allow him the title of "King". He it was who murdered John the Baptist (Matthew 14:10). He it was who thought that Jesus might be John the Baptist risen from the dead (Matthew 14:2). He it was to whom Jesus referred as "that fox" when certain Pharisees came to Him and Said "Get thee out, and depart hence: for Herod will kill thee" (Luke 13:31-32). "Herod the tetrarch heard of all that was done by [Jesus]:

and he was perplexed, because that it was said of some, that John was risen from the dead; and of some, that Elias had appeared; and of others, that one of the old prophets was risen again. And Herod said, 'John have I beheaded' but who is this, of whom I hear such things?' And he desired to see him" (Luke 9:7-9). His wish was now granted. "And when Herod saw Jesus, he was exceedingly glad: for he was desirous to see him of a long season, because he had heard many things of him; and he hoped to have seen some miracle done by him. Then he questioned with him in many words; but he answered him nothing. And the chief priests and scribes stood and vehemently accused him" (Luke 23:8-10).

Once again Jesus had no answer for one asking questions out of idle curiosity. He did not condescend to hold converse with Herod. Nothing could have been more galling to Herod than the cold majestic silence with which his questions were received by the Prisoner at the Bar. Herod was infuriated at being so treated in the presence of his subjects and servants, and his fury revealed the meanness and smallness of his character when he "with his men of war set him at naught, and mocked him, and arrayed him in a gorgeous robe, and sent him again to Pilate" (Luke 23:21). THE TRIAL RESUMED The precise reason why Herod sent Jesus back to Pilate will probably never be known. It would appear that he, as much as the worst of the persecutors of Jesus, desired the death of Jesus. That he had no scruples about putting to death anyone who withstood him is made clear from his murder of John the Baptist. He had no qualms about heaping insults in the most infamous way on Jesus. Why then did he not put Jesus to death when he had Him in his power? We may never know. But perhaps he did not see why he should help his old rival and erstwhile estranged friend out of an embarrassing situation, especially as his conscience, following the denunciations of John the Baptist, was probably giving him no rest. "Conscience doth make cowards of us all". Perhaps he did not want another murder on his hands; and no doubt he had a wholesome awe concerning the Great Prophet. Let Pilate resolve his own difficulties and he, Herod, would be an interested spectator. Or perhaps he thought that Pilate wished him to return Jesus to him. Apparently Pilate had omitted to make it clear to Herod that if he, Herod, found no fault in Jesus, the Accused should be discharged, as he, Pilate, had found Him "Not Guilty".

There seems to have been some kind of misunderstanding between Pilate and Herod with the result that Pilate found himself once more face to face with Jesus and with the necessity of either releasing Jesus or acceding to the wishes of the Jews. In these circumstances, Pilate resumed the trial from the point it had reached when he had been informed that Jesus had been perverting the people in Galilee. More than ever it was Pilate, the judge, not Jesus, who was on trial. The Accused dominated the amazing scene, while the harassed judge, relentlessly importuned and, finally, threatened by the angry mob, hurried to and from the Forum seeking for some way of escape.

It would appear that Jesus returned from Herod's residence to the Praetorium before His accusers. Perhaps they could not force their way through the surging multitude which by this time must have gathered. At last the accusers are again present. In full view of the multitude, and with his mind made up, Pilate ascended his Judgment Seat and probably having obtained some semblance of quiet he addressed the people generally and the Chief Priests and Rulers in particular as follows: THE SECOND ACQUITTAL "Ye have brought this man unto me, as one that perverteth the people: and, behold, I, having examined him before you have found no fault in this man touching those things, whereof ye accuse him:

No, nor yet Herod: for I sent you to him; and, lo, nothing worthy of death is done unto him, I will therefore chastise him, and release him" (Luke 23:13-16).

It will be noted that Pilate summarized all the allegations made by the Jews in the phrase "Perverteth the people". That was really the sum and substance of the case sought to be made against Jesus. It was one way of describing a charge of High Treason — subversive activities directed against the Roman State. So far the Jews had given no hint that they accused Jesus of any offense against their own laws. They knew their Pilate, just as Pilate knew his Jews. They fully appreciated that to make allegations of offenses against Jewish law would be fatal to their schemes; so at first they confined all their allegations to offenses against Roman law.

Clearly Pilate intended this to be his last word. It was the decision he had started to announce, or possibly fully announced, before he sent Jesus to Herod and which was interrupted by allegations that Jesus had been guilty of offenses in Galilee. This was without doubt to be the end of the trial and it was to end in an acquittal.

BARABBAS But no sooner had the crowd divined his meaning and intention than "They cried out all at once, saying, Away with this man, and release unto us Barabbas: (who for a certain sedition made in the city, and for murder, was cast into prison)." (Luke 23:18-19). "Pilate saith unto them, What shall I do then with Jesus which is called Christ? They all say unto him, Let him be crucified. And the governor said, Why, what evil hath he done? But they cried out the more, saying, Let him be crucified" (Matthew 27:22-23.) From the Chief Priests' point of view it was a fortunate coincidence that at that Feast the Romans had bound in prison "a notable prisoner". No doubt he was awaiting trial by Pilate after the Passover, and had been remanded in custody until Pilate's arrival at Jerusalem. Or perhaps Barabbas was already under sentence of death.

Barabbas lay bound in prison with some compatriots who had revolted against the Romans and committed murder; presumably they were extreme Zealots, the terrorists of those days. Barabbas would therefore be a popular figure with his fellow countrymen. As his incarceration coincided with the Feast of the Passover and at that Feast it was the custom of the Procurator to release "whom they would" (Matthew 27:15) he stood a good chance of being set free. It was therefore an easy matter for the Chief Priests to stir up the people to demand the release of Barabbas instead of Jesus. "WHAT SHALL I DO THEN WITH JESUS WHICH IS CALLED CHRIST?" For nineteen hundred years Pilate's question has reverberated in the hearts and minds of countless millions of human beings and each has had to answer for himself before the bar of conscience. It is a challenge none can escape. The multitude at the trial of Jesus chose Barabbas, the man of war, and rejected Jesus, the Mar. of Peace. Mankind in general has re-affirmed that decision, thereby crucifying Jesus afresh, with disastrous results to all.

PILATE'S WIFE And while Pilate was "set down on the judgment seat, his wife sent unto him, saying, Have thou nothing to do with that just man: for I have suffered many things this day in a dream because of him" (Matthew 27:1-9). But little is known of Pilate's wife. According to tradition her name was Procula, and she was a convert to Judaism; she was canonized by the Greek Church. Perhaps she and Pilate had discussed the case before the trial started and having Jesus much on her mind she had dreamed about Him. Upon awaking she scribbled a note to her husband and caused it to be sent to him while he was upon the Judgment Seat. No doubt she was now watching the proceedings from some convenient part of the building. The Romans were most

superstitious and attached great importance to dreams. They established a college of augurs, whose business it was to explain dreams, oracles and the like. The message Pilate received from his wife would undoubtedly make a deep impression on his mind. THE WASHING OF HANDS “When Pilate saw that he could prevail nothing, but that rather a tumult was made, he took water, and washed his hands before the multitude, saying, I am ‘innocent of the blood of this just person’ see ye to it.” The message Pilate received from his wife seems to have increased his determination to release Jesus. No doubt it would be impossible for his voice to reach beyond those nearest to him, so he performed a symbolic act which could be seen by those on the outskirts of the crowd and beyond reach of his voice — an act the meaning of which they could not mistake.

Saying “I am innocent of the blood of this just person,” thereby using almost the identical expression contained in his wife’s message, he took water, and washed his hands in the presence of them all. As Procurator, Pilate must have been well acquainted with Jewish customs. He would know that when a murder had been committed and the offender remained undiscovered, it was the practice, as laid down in Deuteronomy 21:7, for the elders to wash their hands over the appointed sacrifice, saying “Our hands have not shed this blood, neither have our eyes seen it”. Those who heard his words or saw his action, understood its significance; its only result however, was to cause them to call down upon themselves a terrible curse, and not only upon themselves, but also upon their children. “HIS BLOOD BE ON US, AND ON OUR CHILDREN” Yes, the furious crowd did not hesitate to call down a curse upon their children. History records the sequel. In A.D. 70, forty years later, Titus destroyed Jerusalem. The Temple disappeared. The sacrifices ceased and have not been resumed to this day; the High Priesthood disappeared, Josephus has recorded in great detail the horrors and desolation which came upon Israel. Over one million Jews perished in the slaughter. From that day to this the Jews have been scattered over the world. All that Jesus uttered but a few hours before His trial concerning the fate of Jerusalem, befell the Holy City. “And when he was come near, he beheld the city, and wept over it, saying, If thou hadst known, even thou, in this thy day, the things which belong unto thy peace I But now they are hid from thine eyes. For the days shall come upon thee, that thine enemies shall cast a trench about thee, and compass thee round, and keep thee in on every side, And shall lay thee even with the ground, and thy children within thee; and they shall not leave in thee one stone upon another; because thou knewest not the time of thy visitation” (Luke 19:41-44).

SIEGE OF JERUSALEM When the battle for Jerusalem was at its height, the Roman General Titus—he who took part in the Roman campaign in Britain — did his utmost to save the Temple from destruction. As the battle approached the very gates of the sanctuary, the Jewish factions in the city were fighting each other as well as the Romans. They fought in the Temple itself. The Romans were horrified at the desecration. Titus, by his spokesman Josephus, promised to spare the Temple if they would vacate it. Josephus reports his speech to the Jews as follows: “Have you not, vile wretches that you are, put up this partition-wall, before your sanctuary? Have you not put up the pillars thereto belonging, at due distances, and on it engraved in Greek, and in our own letters this prohibition, That no foreigner should go beyond that wall? Have me not given you leave to kill such as go beyond it, though he were a Roman? And now, you pernicious villains, why do you trample upon dead bodies in this Temple? And why do you pollute this holy house with the blood of foreigners and Jews themselves? I appeal to the gods of my own country and to every

god that ever had any regard to this place (for I do not suppose it to be now regarded by any of them) I also appeal to my own army, and to those Jews that are now with me, and even to you yourselves, that I do not force you to defile this your sanctuary; and if you will change the place whereon you will fight, no Roman shall either come near your sanctuary, or offer any affront to it; nay, I will endeavor to preserve you your holy house, whether you will or no." As Josephus explained these things from the mouth of Caesar, both the robbers and the tyrant thought that these exhortations proceeded from Titus's fear, and not from his good will to them, and grew insolent upon it. But when Titus saw that these men were neither to be moved by commiseration towards themselves, nor had any concern upon them to have the holy house spared, he proceeded unwillingly to go on again with the war against them (Wars,6. 2. 4). In the result Jerusalem and the Temple were destroyed. THE SCOURGING Having declared Jesus to be innocent, Pilate ordered Jesus to be scourged. His chief concern now seems to have been to stave off a riot of the utmost gravity. The crowd sensed that they had him within their power. His previous encounters with the Jews had not enhanced his dignity. When they had protested against his violations of their sacred traditions by the introduction of the ensigns and had threatened them, they had called his bluff and he had capitulated. When they had rioted against the use of the sacred money in building the aqueduct there had been bloodshed. No doubt Pilate recalled that at the first Feast of the Passover after the death of Herod the Great there had been a riot in Jerusalem in which 3,000 Jews had been killed (Ant. 17, 9, 3). Now he had visions of an even worse riot. His legion in the neighboring fortress of Antonia was vastly outnumbered by the swollen populace. In an attempt to please them, he handed Jesus over to the soldiery to be scourged. Artists have depicted the scene in the barracks. The procedure was for the victim to be tied to a short column, stripped to the waist and flayed. Jesus was scourged. "And the soldiers platted a crown of thorns, and put it on his head, and they put on him a purple robe, and said, Hail King of the Jews! and they smote him with their hands. And they put a reed in his right hand: and they bowed the knee before him, and mocked him. and they spit upon him, and took the reed, and smote him on the head".

Truly, "he was wounded for our transgressions, he was bruised for our iniquities: the chastisement of our peace was upon him; and with his stripes we are healed" (Isaiah 53:5).

BEHOLD THE MAN!

After Jesus had been scourged and tortured by the soldiers, Pilate went out again to the mob and announced: "Behold, I bring him forth to you, that ye may know that I find no fault in him". Then came Jesus forth, wearing the crown of thorns, and the purple robe. And Pilate saith unto them, Behold the man! When the chief priests therefore and officers saw him, they cried out, saying, Crucify him, crucify him. Pilate saith unto them, Take ye him, and crucify him: for I find no fault in him."

Now comes a new allegation. Apparently, it was not mentioned before; they kept it in reserve; it was indeed the cause of their bitter enmity against Jesus. Truth will out! It was a question of Jewish law after all and it frightened the Judge; he was filled with superstitious dread. The Jews answered him; "We have a law, and by our law he ought to die, because he made himself THE SON OF GOD." There was still no mention of any proceedings in their own Court or that they had condemned Jesus for "blasphemy".

It will be noted that Pilate now tells the Jews to take Jesus and crucify Him themselves. Pilate indicates that He is prepared to hand over Jesus, “this just person”, to the crowd to be done to death. Perhaps he said it only to test their reaction. He knew the Jewish reluctance to crucify anybody themselves, and perhaps he counted on a refusal of his offer.

However that may be, the offer was in fact refused. This refusal seems to strengthen the view that the Chief Priests, though determined to put Jesus to death, shrank from doing so themselves. They wanted the foul deed done in the name of Rome. Crucifixion was almost unknown among them. Their manner of executing criminals, before they were deprived of the power to do so by the Romans, was by stoning. When a little later on they murdered Stephen, they stoned him. They wanted Jesus crucified because that was the most degrading and insulting method of all; but they refused to do it themselves. Like Pilate they appear to have had a wholesome awe and dread of the Accused. And so, once again, as Jesus came forth, wearing the crown of thorns and on the point of collapse, they cried out “Crucify him, crucify him!. He ought to die, because he made himself the Son of God.”

PILATE RE-ENTERS THE PRAETORIUM “The Son of God.” This was a new accusation. It thoroughly disturbed the judge. First of all the Jews put Jesus forward as “a malefactor” — an accusation which conveyed nothing. When Pilate insisted upon definite charges, they became “perverting the nation”, “forbidding to give tribute to Caesar”, “claiming to be a king”. Now the accusation was, claiming to be “the Son of God”!

All that was superstitious in Pilate seems to have taken possession of his fevered imagination. He was trying One who claimed to be “the Son of God”. And he had just ordered this mysterious person, whom he knew to be a “just man”, to be scourged and tortured by his brutal troops. He must have time to think. He must interrogate the Accused again.

So, for the second time that morning, Pilate re-entered the Praetorium and was face to face with Jesus. Feverishly he asks, “Whence art thou?” but Jesus gave him no answer. Then making an attempt to preserve a show of dignity and authority he says, “Speakest thou not unto me? knowest thou not that I have power to crucify thee, and have power to release thee?”

What a boast, bearing in mind that, notwithstanding he was the Governor, for the last hour or two, the common people and their Rulers had been insolently daring him to deny them their wish.

Whereupon Jesus, the tortured and uncomplaining One, fixing the harassed Judge with His serene gaze, in firm, calm, and authoritative tones replies, “Thou couldest have no power at all against me, except it were given thee from above”, adding, from His understanding and forgiving heart, “he that delivered me unto thee hath the greater sin”. As if to say, “I do not expect you a Roman, to understand; but, they, should understand.”

Pilate appears to have been reduced to silence, for he is not reported to have made any reply, by such truly royal and judicial behavior in such terrible circumstances. He was dumbfounded. The Accused was more judicial than the Judge! The magnanimity and authority of the reply must have cut him to the quick. He must have been overwhelmed with shame. A conflict seems to have raged within him. Different forces struggled for the mastery. His training as a Judge told him that the Accused was not guilty of any of the charges laid against Him; his judgment of men convinced him that Jesus was “a just man”; his appreciation of the situation satisfied him that the Jews had

delivered the Accused “for envy”; his contempt for their habit of splitting hairs over the interpretation of their laws both irritated and bored him. His previous clashes with the common people warned him that if he persisted in thwarting their demands, there might be a riot in which blood would flow. His responsibilities made him fearful lest a riot should develop into an insurrection. His sense of expediency urged him to “content the people” by yielding to their demands. The insolent way they had defied him in the presence of this noble Accused angered him and injured his pride. His pagan superstition, coupled with his wife’s dream, made him reel from the act of condemning One who claimed to be “the Son of God”. He was at his wit’s end to know what to do. At last the struggle was over. Was he not a Roman Judge? Was it not his bounden duty to make it plain to the Sanhedrin and to the threatening mob that the fundamental basis of Roman Law was as embodied in the maxim: “Fiat Justitia, Ruat Coelum” “Let justice be done, though the heavens fall.” He would make this plain to all concerned. “And from thenceforth Pilate sought to release him” (John 19:12). As Peter said subsequently, Pilate was “determined to let Jesus go” (Acts 3:13).

PILATE BACK ON THE FORUM Leaving Jesus inside the Praetorium, Pilate went out again to the crowd and “sought to release Jesus”. His efforts were in vain. The Jews cried out, saying, “If thou let this man go, thou art not Caesar’s friend; whosoever maketh himself a king speaketh against Caesar”. “When Pilate therefore heard that saying, he brought Jesus forth, and sat down in the judgment seat in a place that is called the Pavement, but in the Hebrew, Gabbatha. And it was the preparation of the passover, and about the sixth hour: and he saith unto the Jews, Behold your King! But they cried out, Away with him, away with him, crucify him. Pilate saith unto them, Shall I crucify your King? The chief priests answered, We have no king but Caesar” (John 19:12-15). “And the voices of them and of the chief priests prevailed” (Luke 23:23).

CRUCIFY HIM!

Only a few days before, on Palm Sunday, as word went round that Jesus of Nazareth was passing by, great crowds had gathered to give Him a triumphal procession. The air was filled with joyful cries, “Hosanna to the son of David: Blessed is he that cometh in the name of the Lord; Hosanna in the highest”. Now no voice was raised in His defense. A complete reversal of popular feeling had taken place. Stirred up by the Chief Priests the crowd cried, “Crucify Him, crucify him”. Now they were angry, indeed, enraged with Jesus. They had trusted that the great wonder worker of Galilee was He who would have redeemed Israel from the foreign yoke; that at this Feast of the Passover, He would crown all His miracles by some stupendous and overwhelming sign that He was the long promised King-Messiah, their political and spiritual Savior. Instead, they saw One who appeared to be absolutely helpless in the hands of the Roman Governor. When the Chief Priests accused Him of many things, He answered nothing. They heard no impassioned defense; on the contrary He was silent. He was not even defiant. He was meek and mild. He made no complaint. He was a Man of Peace. Crowned with thorns, wearing a mock purple robe, scourged, jeered at, insulted, ridiculed and humiliated in every way by the rabble soldiery, He made no protest, but “as a sheep before her shearers is dumb, so he openeth not his mouth”. Clearly His kingdom was not of this world. As He stood before the multitude He did not answer to the description of the all powerful, conquering deliverer foretold by their prophets. They had no understanding of a “suffering” Messiah also foretold by their prophets (see pp. 90, 145); they knew nothing of two Messianic advents (see pages 89-91.). They were looking for a national leader

whom God would raise up from among their fellow countrymen “like unto Moses” (Deuteronomy 18:15; Acts 3:22); one who would be a great prophet, lawgiver, statesman and warrior, whose leadership, as in the case of Moses, would be divinely attested by supernatural signs, and who would deliver them from the Romans as surely and effectually as Moses delivered their forefathers out of the hand of the Egyptians at the first Feast of the Passover. Up to the time of His arrest, it had seemed to the multitude that Jesus of Nazareth was about to assume this national leadership. They felt that it was only a matter of time before the vital declaration would be made. All the signs pointed to this Feast of the Passover as providing the occasion for the momentous proclamation. The Palm Sunday enthusiasm showed that they were in the mood to receive it with acclamation — provided it was accompanied by some outstanding supernatural “sign”. But the sign was not forthcoming— not then. “The heavens were as brass”. Jesus had said that the “sign” would be His resurrection from the dead (Matthew 12:38-40); but even His disciples did not understand the meaning or significance of His words (Luke 18:31-34). In the mystery of Divine Providence the multitude were to help in providing the sign, for they were to be the human instruments to send Him to His death; and His death was the condition precedent to His resurrection. Now all their hopes were dashed to pieces.

He saved others, Himself He could not save. They were stupefied by this sudden change in the fortunes of their Idol. Their stupefaction turned to bewilderment; their bewilderment to resentment; their resentment to anger; their anger to hatred and scorn. They despised Him (Isaiah 53:3)for His apparent helplessness after having raised their hopes so high; and because they despised Him, they rejected Him as yet another false Messiah and deceiver. The spiritual significance of the transaction upon which they were engaged was completely lost upon them. At this, the most momentous Passover in all their long history, they failed to see in Jesus the very Paschal Lamb (John 1:29; John 3:16; 1 John 2:1) who, by the sacrifice of Himself would bear away the sin of the world and thus perform the legal act by virtue of which an utterly holy God could grant a free pardon to all who accepted that sacrifice. Therefore to Pilate’s sarcastic questions sarcasm directed more against the accusers than the accused— “Shall I crucify your King?” —they responded with furious cries of “Crucify him, crucify him”. They demanded His death and that without delay.

PILATE YIELDS Pilate had come forth from his last interrogation of Jesus determined to uphold the high traditions of Roman Justice and to persuade the Jews to accept his verdict of not guilty”. He was “determined to let Jesus go” (Acts 3:13). Then the chief priests let loose their final and fatal shaft. “If thou let this man go, thou art not Caesar’s friend”. The stab went home. Pilate saw the danger signal. He knew he was defeated. He appreciated the innuendo. The hint was too plain-to be mistaken. If he let Jesus go, the Jews would accuse him before his Emperor of *crimen lasae majestatis* , the very charge made against the Accused he was trying. The tables were being turned upon Pilate with a vengeance I If he let Jesus go, he would be accused of suffering a rival to Caesar. How could he hope to defend himself successfully on such a charge? It would be given in evidence against him before the Emperor that Jesus had admitted being a king. He would have no defense. It would be useless to explain to Tiberius that the Accused denied being the sort of king alleged by the Jews but claimed to be some other kind of king. A pagan Emperor would never understand that explanation. Yes, he would be without a defense and he would share the fate of all Roman officials who failed their Emperor; he would be ordered to commit suicide to purge his

offense. THE TRIAL ENDS And so, with the hypocritical cry of the Jews, “We have no king but Caesar” ringing in his ears, Pilate yielded. He collapsed, miserably, utterly, and hurtled down the slippery slope of self-interest and expediency to his destruction. He abandoned his high duty as Judge to do right and justice to the Accused without fear or favor, partiality, affection or ill-will; in an attempt to save himself from a charge of treason, he gave way to the clamor of the mob. Without rescinding his verdict of “not guilty” he gave sentence that it should be as they required; he “released Barabbas unto them, and delivered Jesus. to be crucified” (Mark 15:15). In the final analysis it would seem that both Caiaphas and Pilate conceived themselves to be faced with the same problem: a problem in part a personal and in part a public one. Caiaphas envisaged that if Jesus were allowed to live, an insurrection would break out with disastrous results to the Jewish State; and in that case he and his colleagues would lose everything. So, before the trial commenced or even the arrest was made, he advised the Sanhedrin, “It is expedient for us, that one man should die for the people” (John 11:50).

Pilate appreciated that if he let Jesus live, he himself would be accused of treason and would forfeit his life.

Both Judges resolved their respective problems on the basis of expediency and self-interest: neither on the basis of” Justice for the Accused”.

We are constantly reminded in the Apostles’ Creed that Jesus “suffered under Pontius Pilate.” in truth, Caiaphas “had the greater sin” (John 19:11).

There is a belief, held throughout the centuries, and shared by Jew and Gentile alike, that the claim of Jesus of Nazareth to be the Messiah and Son of God was thoroughly and patiently investigated by the Jewish Supreme Court and rejected only after mature deliberation. Our study should make it clear that there is no justification for this belief. The Sanhedrin never investigated the claim of Jesus to be the Messiah and Son of God. The Sanhedrin directed all their efforts to securing that the claim was formally made and rejected in the Court “whence the law goes forth to all Israel”. Immediately Jesus made the claim, they denounced it as blasphemy; they dismissed the claim without a hearing. The Sanhedrin merely used their Court as part of the machinery for putting Jesus to death. Pilate thrice declared Jesus to be “not guilty”, then washed his hands of the case and delivered Jesus to be put to death.

Yet Jesus was not the victim of a miscarriage of justice. Neither “legal” nor “natural” justice was done. Legal justice is man-made and can be lawfully altered by the State. Natural justice is the Birthright of every human being; it includes the right to a “fair” trial and an acquittal if not condemned; it is universal, for it knows no territorial limits; it is fundamental to every system of jurisprudence.

Both the Jewish and Roman Courts professed to administer natural as well as legal justice. Neither did so in the case of Jesus; each Court denied Him both kinds of justice.

Justice was not done and was manifestly and undoubtedly seen not to be done. JESUS OF NAZARETH, MESSIAH OF THE JEWS AND SAVIOR OF THE WORLD, WAS MURDERED “And they took Jesus, and led him away” (John 19:16).

04 THE SEQUEL PERSECUTION OF CHRISTIANS

CHAPTER - THE SEQUEL PERSECUTION OF CHRISTIANS THE DESCENT OF THE HOLY SPIRIT ON THE DAY OF Pentecost and the consequent conversion of thousands to the Christian faith was soon followed by a period of bitter persecution of Christians by both Jew and Roman. The counsel of the wise Gamaliel to his fellow-members of the Sanhedrin to refrain from lifting their hands against the Apostles was heeded for but a very short time, for the Sadducees were "grieved that they taught the people, and preached through Jesus the resurrection from the dead" (Acts 4:2). The challenging accusations of Stephen "cut them to the heart" (Acts 7:1-60); so they murdered Stephen and tried to exterminate the Church in Jerusalem, with the result that the Church was "scattered abroad throughout the regions of Judea and Samaria, excepting the apostles" (Acts 8:1-40). Surprisingly enough, one of the disciples of Gamaliel, Saul of Tarsus, became one of the leading persecutors of the Christians. He "made havoc of the church, entering into every house, and haling men and women committed them to prison" (Acts 8:3). Later, and after Paul's dramatic conversion on the road to Damascus, Herod joined in the persecution (Acts 12:1-25) until he was smitten with sudden death. By this time Christianity was being preached to and received by large numbers of Gentiles, a fact which caused serious divisions among the Jewish Christians. In addition to this more serious persecution by the Sanhedrin, the early Christians suffered greatly at the hands of the Romans, especially during the reign of Nero (A.D. 68):

PAUL IN ROME The arrival of the Apostle Paul in Rome (Acts 28:1-31) to stand his trial in pursuance of his appeal to Caesar, would bring Christianity to the personal notice of Nero, though we have no certain information that Paul was ever tried by that tyrant himself. By the time Paul arrived in Rome, Nero had lost whatever appreciation of the greatness of his high office he had once possessed and was degenerate and dissipated to a degree.

Probably he would not be interested in the case of the Apostle. There is no evidence that Paul's first arrival in Rome in custody resulted in a trial. The reference of Eusebius (Ecclesiastical History, 2, 22) to the matter is: "After defending himself successfully, it is commonly reported that the Apostle again went forth to preach the Gospel, and afterwards came to Rome a second time." It would seem that Paul was released from his first imprisonment — either for want of prosecution or after acquittal — before the great fire of Rome and that his second visit was after that tragic event.

If this is so, the martyrdom of the great Apostle must have occurred some time between A.D. 64-68. Eusebius gives A.D. 68 as the year of the martyrdom, and Jerome A.D. 67. **THE FIRE OF ROME** The great fire of Rome in A.D. 64 resulted in a terrible persecution of the Christians by Nero. It is one of the great questions of history as to whether this conflagration was not engineered, or at any rate increased in magnitude, by Nero himself. He was capable of any wickedness or cruelty.

Nero placed the responsibility of the fire at the door of the Christians and caused large numbers of them to be arrested and subjected to unspeakable tortures. Some were dressed in the skins of

wild beasts and worried by dogs. Others were crucified; many were attired in inflammable clothing, placed at intervals in Nero's gardens and set on fire as human torches, while the monster Nero drove around in his chariot. See Tacitus (Ann. 15, 44).

A.D. 30-70 The physical absence of Jesus from Palestine in no way abated the enthusiasm of either His followers or His Jewish enemies for the restoration of the kingdom to Israel. The utter despair and gloom by which His disciples were overwhelmed at the time of His crucifixion was completely dispelled by His resurrection and re-appearance amongst them.

After His ascension they looked confidently for His speedy return to earth in like manner as He ascended (Acts 1:9-11) when they expected they would be appointed to judge the twelve tribes of Israel (Matthew 19:28). At the same time the non-Christian but intense nationalists redoubled their opposition to the Occupying Power. More incidents occurred between Pilate and the Jews culminating in the Mt. Gerizim affray (to which we have already referred at page 99) which resulted in the recall of Pilate to Rome and his disappearance from history. Shortly after Pilate's recall, Caiaphas was deposed from the High Priesthood, thus ending an uneasy partnership which had covered the whole of the period of Jesus' public ministry.

ALBINUS Seven procurators held office between the period which elapsed after the departure of Pilate and the advent of Albinus. They were Marcellus, A.D. 36; "King" Agrippa, A.D. 41; Cuspius Fadus, A.D. 44; Tiberius Alexander, A.D. 46; Ventidius Cumanus, A.D. 49; Antonius Felix, A.D. 53 and Porcius Festus, A.D. 60. It was after the death of Festus that the situation began to get really out of hand and anarchy to rear its head. The cruelty and corruption of Albinus and Florus contributed largely to this state of affairs. Bands of robbers — Sicarii — roamed the country holding citizens to ransom; even the servants of the High Priest took to stealing the tithes belonging to their masters; bribery and corruption were rampant. The last act of Albinus on hearing of his successor's arrival was typical of his misgovernment. When he heard that Gessius Florus was coming to succeed him "he was desirous to appear to do somewhat that might be grateful to the people of Jerusalem, so he brought out all those prisoners who seemed to him to be the most plainly worthy of death and ordered them to be put to death accordingly. But as to those who had been put into prison on some trifling occasions, he took money of them and dismissed them; by which means the prisons were emptied, but the country was filled with robbers" (Ant., 20, 9, 5).

FLORUS It was during the time of Florus that the building of the Temple was finished. The resultant eighteen thousand unemployed being in want, the people desired King Agrippa to rebuild the eastern cloisters. This petition the king refused but he acceded to their request that the city might be paved with white stone (Ant., 20, 9, 7).

Gessius Florus, having succeeded Albinus, soon "filled Judea with abundance of miseries". Like Pilate before him, he was accompanied by his wife—one Cleopatra (a great friend of Nero's wife) and one "who was in no way different from him in wickedness". His wickedness made the corrupt Albinus appear to the Jews, by comparison, as a benefactor.

Josephus says that whereas Albinus concealed his wickedness, Florus "made a pompous ostentation of them to our nation, as never omitting any sort of violence, nor any unjust sort of punishment; for he was not to be moved by pity, and never was satisfied by any degree of gain that came his way; nor had he any more regard to great than to small acquisitions, but became a

partner with the robbers themselves. For a great many fell then into that practice without fear, as having him for their security, and depending on him, that he would save them harmless in their particular robberies; so that there were no bounds set to the nation's miseries; but the unhappy Jews, when they were not able to bear the devastations which the robbers made among them, were all under a necessity of leaving their own habitations, and of flying away, as hoping to dwell more easily anywhere else in the world among foreigners than in their own country. And what need I say more upon this head? since it was this Florus who necessitated us to take up arms against the Romans, while we thought it better to be destroyed at once, than by little and little" (Ant. 20, 9. 1). The way in which Florus drove the maddened Jews to rebellion is told in great detail by Josephus. "He thought it but a petty offense to get money out of single persons; so he spoiled whole cities and ruined entire bodies of men at once, and did almost publicly proclaim it all the country over, that they had liberty given them to turn robbers, upon this condition, that he might go shares with them in the spoils they got" (Wars,2,14; 2). When Cestius Gallus, president of Syria, visited Jerusalem at the Feast of the Passover, the three million Jews in the city complained to him that Florus was "the bane of their country", but the appeal fell on deaf ears. **THE WAR BEGINS** The war began in the twelfth year of the reign of Nero, and the seventeenth of the reign of Agrippa, in the month of Artemisius (Iyar) A.D. 66.

Josephus says that "the occasion of this war was by no means proportionate to those heavy calamities which it brought upon us". Betnice, sister of Agrippa, made a personal appeal to Florus to spare the Jews, but in vain. Even after the flame of sedition died down, it was rekindled by Florus (Wars,2, Chapter 15). Agrippa made a strong appeal to the Jews not to go to war with the Romans. The infuriated populace gave him but little heed and eventually drove him from the city. Later the Zealots attacked Agrippa's army and destroyed his palace. There were now two opposing Jewish factions; fighting broke out all over Palestine and Jews and Greeks killed each other on sight.

CESTIUS GALLUS Florus having lost control of the situation, Cestius Gallus, the legate of Syria, marched into Palestine. Eventually he reached Jerusalem and encamped on Mount Scopus. At first his attack on the city made some progress and owing to the divisions amongst the defenders he might have succeeded in capturing the city if he had pressed on, but being unaware of the strength of his position he called off the assault. Whereupon the defenders, taking heart, took to the offensive and the Romans fled with a loss of nearly 6,000 men. This defeat occurred on the 25th November, A.D. 66 (Wars,2, Chapter 19).

VESPASIAN After this calamity had befallen Cestius, he sent ambassadors to Nero blaming Florus for the disaster. The victorious Jews for their part returned to Jerusalem to prepare for the renewed Roman assault which they knew to be inevitable and to appoint generals for their armies. One general so appointed was Flavius Josephus, the famous historian. Josephus was appointed Governor of Galilee.

Upon hearing the news of the defeat — the worst since the day when Varus lost the Roman legions in the forests of Germany—"a concealed consternation and terror" fell upon Nero. He appointed Vespasian to lead the Roman armies in Palestine. Vespasian arrived in the spring of A.D. and opened his campaign. Eventually the armies of Vespasian and Josephus met face to face. Josephus put up a great defense at Totapata in Upper Galilee but after a long siege a

deserter betrayed the defenders.

Josephus took refuge in a dry well leading to a cavern. In this hide-out, he and forty of the leading citizens of Totapata remained for some days. Then Josephus surrendered to Vespasian after narrowly escaping death at the hands of his own men (Wars,3, Chapter 8). The war continued and the capture of successive strongholds opened the way to the final assault on Jerusalem. Owing to events in Rome and Josephus' forecast that Vespasian would one day be Emperor, the Roman General was carefully nursing his troops. Moreover the population of Jerusalem was hopelessly divided against itself. Then came the news that the Emperor Vitellius was dead. Leaving his son Titus in command of the Roman army, Vespasian repaired to Rome where he was acclaimed as Emperor. (Wars,4, Chapter 9). **THE BATTLE OF JERUSALEM** The Battle of Jerusalem began in the month of April, A.D. 70 just before the Feast of the Passover. Already 250,000 Jews had perished in the fighting which preceded this battle. Notwithstanding the troubled times, Jerusalem was as usual thronged by pilgrims and Josephus tells us that the population was swollen to some 3,000,000 souls. A reign of terror obtained in the city, for it was torn by dissension and strife. One of the contributing factors was that "there was also a bitter contest between those that were in favor of war, and those that were desirous for peace."

Before the battle ended the extremists killed all who advocated surrender and amongst others slain by their fellow-countrymen were the High Priest Matthias and the members of the Sanhedrin. Bands of robbers from the country "crept into Jerusalem, which was now become a city without a governor". Three main factions now divided the city between them, and each fortified its own sector not only against the Romans but against each other. John of Gischala, with some Zealots, held the porticoes and cloisters of the outer Court, with 6,000 men. Eleazor, son of Simon, was in possession of the Temple proper, with the Court of the Priests, with 2,400 more Zealots. Simon, son of Gioras, held the Upper City with 15,000 men (Wars,5, Chapter 6). (A detailed description of Jerusalem and the Temple as they then were is given by Josephus in Wars,5, Chapters and 5).

While Jew slew Jew as well as Roman; while the city was under bombardment by scorpions, catapults and ballistas; while the population suffered torments from pestilence, famine and thirst, the sacrifices continued to be offered in the Temple. And while the sacrifices were offered Jew killed Jew in the Sanctuary itself. We have already, at page 125, referred to the horror with which even the Romans viewed such sacrilege and of the unavailing attempts of Titus to spare the Temple from destruction. The defenses of the City were methodically reduced. First the walls (Wars,5, Chapter 8) then the Castle of Antonia (Wars,6, Chapter 2) next the Temple (Wars,6, Chapter 4) and, finally, the City itself (Wars,40, Chapter 8). After a siege of 143 days all resistance ended. Israel ceased to exist as a nation. Over 1,000,000 Jews perished in the slaughter. Tens of thousands were taken captive. The Temple worship ceased and has not been resumed to this day. The High Priesthood was destroyed. From that day to this the Jews have been scattered over all the habitable earth — but always with their faces turned towards Zion. Thus were the prophecies of Jesus, and the many ancient Jewish prophecies relating to these events, fulfilled.

JERUSALEM "And thus was Jerusalem taken, in the second year of the reign of Vespasian, on the eighth day of the month Gorpheus (Elul) (September 26) A.D. 70. It had been taken five times before, though this was the second time of its desolation; for Shishak, the King of Egypt, and after him Antiochus, and after him Pompey and after him Sosius and Herod took the city, but still

preserved it, but before these the king of Babylon conquered it, and made it desolate, one thousand four hundred and sixty-eight years and six months after it was built. But he who first built it was a potent man among the Canaanites, and is in our tongue called Melchisedek, THE RIGHTEOUS KING for such he really was; on which account he was there, the first priest of God, and first built a temple there, and called the city Jerusalem, which was formerly called Salem. However, David, the king of the Jews, ejected the Canaanites, and settled his own people therein. It was demolished entirely by the Babylonians, four hundred and seventy-seven years and six months after him. And from king David, who was the first of the Jews who reigned therein, to this destruction under Titus, were one thousand one hundred and seventy-nine years; but from its first building, to this last destruction, were two thousand one hundred and seventy-seven years; yet hath not its great antiquity, nor its vast riches, nor the diffusion of its nation over all the habitable earth, nor the greatness of the veneration paid to it on a religious account, been sufficient to preserve it from being destroyed. And thus ended the siege of Jerusalem.” (Wars,6, Chapter 1). In A.D. 133, when Hadrian stamped out a Jewish revolt, the Romans changed the name of Jerusalem to Aelia Capitolina. In A.D. 336, under Constantine, the Holy Sepulcher was discovered. In A.D. 366, in Julian’s reign, a vain attempt was made to renew the glory of the Temple. In A.D. 614 Chosroes II, King of Persia, took the city, and in A.D. 637 it fell into the hands of the Caliph Omar. In A.D. 1096 took place the first of the Crusades headed by Godfrey de Bouillon, he being incited thereto by the preaching of Peter the Hermit; the second was preached by St. Bernard in A.D. 1147; the third, in A.D. 1189, had among its members Richard Coeur de Lion, Philip Augustus of France, and Leopold of Austria; the fourth, in A.D. 1202, led to the founding of a Latin Empire in the East by Baldwin of Flanders; the fifth, in A.D. 1228, was commanded by Frederick II; and the sixth and seventh, in A.D. 1248 and 1270, were under St. Louis IX of France.

Four hundred years ago Palestine passed into the hands of the Turk but when, on the 11th December, 1917, General Allenby made his state entry on foot into the Holy City, Turkey had to quit. “Pray for the peace of Jerusalem: they shall prosper that love thee.”

JEWISH INSPIRATION Speaking of the fanatical zeal by which the Jews were inspired in their struggle with the Romans, Josephus says, “What did the most elate them in undertaking this war, was an ambiguous oracle that was also found in their sacred writings ,HOW ABOUT THAT TIME ONE FROM THEIR COUNTRY SHOULD BECOME GOVERNOR OF THE HABITABLE EARTH. The Jews took this prediction to belong to themselves in particular, and many of the wise men were thereby deceived in their determination. Now this oracle certainly denoted the government of Vespasian, who was appointed Emperor in Judea. However, it is not possible for men to avoid fate, although they see it beforehand. But those men interpreted some of these signals according to their own pleasure, and some of them they utterly despised, until their folly was demonstrated, both by the taking of the city, and their own destruction.” (Wars,6, Chapter 5, 4).

JEWISH TRADITION According to ancient Jewish tradition the ultimate purpose of Jehovah is that the whole world shall have one system of government; that the nations which have persecuted the Jews and not obeyed the law of God shall be destroyed; that the time will come when Elijah will blow the trumpet and the scattered Jews will be assembled from the ends of the earth; that then the Messiah will come, filled with the spirit of the Lord and the power of His might, and restore the kingdom to Israel, rebuilding Jerusalem and the Temple; that those nations which have not

persecuted the Jews will become proselytes; that the world, being thus reformed, will accept the Messiah as King and Lord of all the earth; that a reign of universal righteousness, justice and peace will then be inaugurated and the brotherhood of man be an accomplished fact. (See Klausnet for a full statement and explanation of the tradition.) This tradition was and is based on the ancient Jewish prophecies. THE SUFFERING MESSIAH The above-mentioned tradition ignores the ancient prophecies which speak of a “suffering” Messiah and His experiences; thus, to be born of a virgin (Isaiah 7:4) at Bethlehem (Micah 5:2); the massacre of the innocents (Jeremiah 31:15); to be called out of Egypt (Hosea 11:1; to be anointed with the spirit (Isaiah 11:2); the entry into Jerusalem (Zechariah 9:9); the betrayal by a friend (Psalms 41:9; Psalms 55:12-14); the desertion by His disciples (Zechariah 13:7); the price of the betrayal (Zechariah 11:12); the purchase of the potter’s field (Zechariah 11:13); the scourging (Isaiah 50:6); not a bone to be broken (Exodus 12:46; Psalms 34:20); the gall and vinegar (Psalms 69:21); the piercing of His hands and feet; the parting of His garments, the casting of lots (Psalms 22:1-31); His poverty, suffering, patience and death (Isaiah 53:1-12).

CHRISTIAN INTERPRETATIONS Christians (who of course hold that a complete picture of Messianic events cannot be obtained without reference to the New Testament) hold beliefs somewhat similar to those of the Jewish tradition—or perhaps it is more true to say that some Christians hold somewhat similar views. For there are two schools of thought among Christians about the right interpretation to be placed upon prophetic Scriptures — the “literal” and the “spiritual” schools, respectively. To the “literalist” Christian, the Messiah of Jewish tradition is the same Jesus who was rejected by the Jews in c. A.D. 30; to him, the coming of the Messiah is the second advent of Jesus Christ, the Second Person in the Holy Trinity, and the sequel to His trial, death, resurrection and ascension. By and large, those who think that the prophetic Scriptures should be interpreted along “spiritual” lines, treat references to Jerusalem as indicating heaven; the “kingdom” as meaning the kingdom of heaven; “My people” as meaning Christians (as distinct from Jews); “the coming of the Lord” as an event which takes place when a Christian dies; and promises concerning “blessings” as meaning spiritual and not material prosperity.

Perhaps the chief difference of interpretation among the two schools concerns the manner in which universal peace and the brotherhood of man is to be achieved. The view of the “literalists” would appear to be that that state of affairs will be brought about by the sudden appearance of Jesus Christ in the heavens in great power and glory when He will descend upon the Mount of Olives, seize the reins of world government and inaugurate the Millennium; this view is based upon such Scriptures (to mention only a few) as Isaiah 2:2-4; Zechariah 8:22-23; Zechariah 14:1-15; Matthew 24:29-31; Matthew 25:31-46; 2 Thessalonians 1:1-12, 2 Thessalonians 2:1-17; Revelation 2:26; and Revelation 20:1-15. The other school thinks that the Millennium will be brought about by the gradual evangelization of the world, the “leaven” of the Christian faith “leavening the whole lump” i . e . the world (Matthew 13:33) until a point is reached when “the earth shall be full of the knowledge of the Lord, as the waters covet the sea” (Isaiah 11:9).

Whether or not either school be correct, the fact remains that throughout the Centuries the “Jewish question” has played a prominent part in world history. It is the question as to when, if at all, the Jews will live as a nation in undisputed possession of “The Promised Land”.

EXTENT OF PROMISED LAND The Promised Land is usually thought of as being the comparatively small tract of territory known as Palestine but in truth it is a much larger area.

Thus in Genesis 15:18 we read: "In the same day the Lord made a covenant with Abram, saying, Unto thy seed have I given this land, from the river of Egypt unto the great river, Euphrates." This larger area forms a substantial part of what is commonly referred to today as "The Middle East".

THE PROPHETIC PLAN The literalists, while admitting that the meaning of some Scriptures is not obvious, claim that even if the prophecies couched in figurative and symbolic language be excluded, there remains a broad residue of Scripture in plain and unmistakable terms, the substance and effect of which is: that God has a plan for the world in which, of all nations, the Jews will play a most important part; and that that part will be the sequel to the rejection of the Messiah, Jesus Christ by Israel in c . A.D. 30.

According to the "literalists", the Scriptures show the action of God in history past, present and future; that the ultimate purpose of God is that the whole world shall have one system of government; that that system will be a righteous one; that all nations will render allegiance to one supreme ruler; that that Ruler will be Jesus Christ; that at that time the Jews will become the most important nation on earth; that they will be at the head of a great League of Nations, all rendering homage to Jesus Christ; that Christ will rule with a "rod of iron" brooking no opposition; that His reign will endure one thousand years and will in fact be the much spoken of and longed for "Millennium" — a thousand years of peace on earth; and that the prelude to all this will be the return of the Jews to the Promised Land (see for example Jeremiah 31:10; Isaiah 11:11-12; Joel 3:20; Amos 9:14-15; Ezekiel 37:15; Ezekiel 37:22; Ezekiel 34:12; Ezekiel 34:14, and Ezekiel 39:23) as a nation, but in unbelief in Jesus Christ, i . e . , they will return on national and historic grounds and not because they want or intend to accept Christ as their King-Messiah, or because they repent of their forefathers' and their own rejection of Him (see Ezekiel 36:24-28 and Jeremiah 32:37-41). The "Literalists" further say that the Scriptures show that after the return of the Jews to Palestine, the Jews will give allegiance to a false ruler or messiah (Daniel 7:25; 2 Thessalonians 2:1-17); and that when they withdraw that allegiance there will be a persecution against them which will excel in severity all previous persecutions (Daniel 12:1; Matthew 24:14-22); that they will be delivered from this persecution by the personal second advent of Jesus Christ (see for example Zechariah 12:9; Zechariah 13:6; Ezekiel 39:23 and Acts 1:11); that then, and not until then, they will reverse the national verdict of c . A.D. 30 by acknowledging Jesus Christ as their Messiah (Zechariah 12:10-14 and Isaiah 25:9); that Christ will then, at Jerusalem, judge the nations in respect of their attitude to the Jews during their great tribulation, rewarding those who befriended them and punishing those who ill-treated them (see for example Zechariah 14:1-16; Matthew 25:31-33 and Revelation 2:26); that at this time Jesus Christ will be proclaimed King of all the earth (Isaiah 2:2-4; Revelation 20:1-15); that Jerusalem will be the center of world government — an international city — and it, and the rebuilt Temple, will be the spiritual center of the world (see for example Zechariah 8:20, Zechariah 8:23; Isaiah 24:23; Micah 4:1-7; Psalms 72:8-11; 1 Corinthians 6:2; and Revelation 11:15, etc., etc.).

THE BALFOUR DECLARATION It is not within the scope of this study to embark upon a consideration of the Scriptures dealing with these matters or to discuss relevant world events. We recall, however, the terms of the famous Balfour declaration issued on behalf of the British Government in 1917. "His Majesty's Government view with favor the establishment in Palestine of a national home for the Jewish people, and will use

their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.”

JEWISH DETERMINATION In the month of July, 1947, the acting Chief Rabbi issued a message to Jews. It stated that Jews all over the world would again commemorate by fasting and prayer the anniversary in the Jewish calendar of the destruction by the Romans nearly 1,900 years ago of the Temple, the sanctuary of Israel's faith. The thoughts of mourners would turn to the 6,000,000 slain, and to the hundreds of thousands of survivors in Europe to whom only Palestine afforded deliverance from their bitter humiliation, sufferings and wanderings. “They, as we have learnt in these last months and days, are ready to make every sacrifice, undergo every hardship, and brave every peril to reach their goal where, we know, they are eagerly awaited by brothers and sisters in the land of Israel.”

RE-BIRTH OF A NATION On the 14th day of May, 1948, the Birth of a Jewish State of Israel was proclaimed at Tel Aviv at an assembly of members of the Jewish National Council. The proclamation said: “We members of the National Council, representing the Jewish people in Palestine and the Zionist movement of the world, met together in solemn assembly on the day of the termination of the British mandate for Palestine, and by virtue of the natural and historic right of the Jewish people and by resolution of the General Assembly of the United Nations, hereby proclaim the establishment of a Jewish State in Palestine to be called ‘Israel’.” The proclamation also said: “As from the termination of the mandate at midnight to-night and until the setting up of duly elected bodies in accordance with the constitution to be drawn up by the Constituent Assembly not later than October 1, 1948, the present National Council shall act as the provisional Government of the State of Israel. The State will be open to all Jewish immigrants, will promote the development of the country for all its inhabitants, will be based on the precepts of liberty, justice and peace taught by the Hebrew prophets, will uphold full social and political equality for all its citizens without distinction of race, creed or sex and will guarantee full freedom of education and culture.” The proclamation appealed to the United Nations to assist the Jewish people in building their State, and sought admission into the United Nations. It called upon the Arab inhabitants of the “State of Israel” to return to ways of peace and promised them full and equal citizenship and representation in the State bodies and institutions. Peace was also offered to the neighboring Arab peoples. The declaration concluded: “With trust in Almighty God we set our hand to this declaration in the city of Tel Aviv on this Sabbath eve, the fifth day of Iyar 5708 (according to the Jewish calendar) May 14, 1948.” At the time of writing the fate of the State of Israel is still in the balance. A RE-TRIAL?

Notwithstanding the passage of nearly two thousand years, signs are not wanting that the conscience of more than one devout Jew is uneasy about the treatment meted out to Jesus of Nazareth and, in particular, concerning the whole circumstances attending His trial.

One symptom of this stirring of uneasy consciences is to be found in the action of a certain Jewish lawyer of Denver Colorado, USA, who, it is reliably reported, on the 26th March, 1929, called together a number of leading Jews “for the purpose of discussing and deliberating upon the organization of a Jewish Society for the promotion of the Divine mission of Israel. In furtherance of that purpose, this Society will in due time select a representative who shall proceed to Jerusalem

to confer with our brethren there, who will thereupon issue a call to all Israel throughout all the nations of the world, for the assembly of our Great Sanhedrin at the Holy City of Jerusalem, to review the jurisdiction, judgments and decrees of the Sanhedrin acting at Jerusalem during the power and dominion of Rome, and especially to consider and review the life and trial of Jesus of Nazareth. And the Great Sanhedrin, after the impartial reception of evidence appertaining thereto, and after hearing every argument that may be presented by all competent Christian as well as Jewish scholars learned upon the subject, and after due and careful deliberation shall render a true decision and righteous judgment therein and thereby promote the spiritual welfare of all Israel throughout the world. May the Lord God guide and bless our acts and deliberations serving to promote these matters to a good and righteous conclusion.” This letter was signed by the lawyer as chairman of the Organization Committee. He is also said to have stated in a letter to one of the judges who admitted him to the Bar: “The conquest of Jerusalem by Great Britain is the inspiration of this movement. After ten years of constant conferences with our brethren there, with representative Jewish laymen throughout our country, I proceeded last year to have further conferences with our brethren there, and the enterprise was launched. It will now go forward, not dependent on the actions or the life or death of any man or men. I pray I may live long enough so I may have the opportunity of appearing as one of counsel before the Great Sanhedrin.” To a Colorado professor he wrote: “We have tentatively decided that the Sanhedrin shall be made up of twenty-three Rabbis of great learning and piety; twenty-four scientists and scholars of outstanding attainments and twenty-four practical, hard-headed business men, possessed of keen analytical minds. At least three years will be taken to form the Sanhedrin, seven years for the reception of evidence and four years for cool deliberation.” THE TRIAL CONTINUES There is a sense in which the trial of Jesus continues to this day and will continue to the end of time. It was not only an actual but a symbolic trial.

Mankind itself was on trial. Not only Jesus but His judges, His accusers and the multitude of spectators consisting of Jews, Romans and Greeks — a cross-section of humanity — were on trial. The Jews were engrossed with the glories of the Temple and their national destiny; the Romans with the might, majesty and power of Imperial Rome, the Greeks with the intellectual and cultural superiority of Athens. They all rejected Christ — and the love of God which gave Christ — and chose Barabbas — the intense nationalist. So has it ever been. Those who refuse to acknowledge the claims of Christ condemn themselves, for they choose the evil and reject the good; they grasp the shadow and lose the substance. Today, as always, the Cross of Christ both condemns and saves mankind. Jesus was the symbolic as well as the representative man. He personified goodness, righteousness and truth. Arrayed against Him were the forces of evil — religious bigotry, love of material power, narrow nationalism, the cynicism of the intellectuals and human selfishness. Might appeared to triumph over right. Few, if any, of those who took part in the tragic events of the 14- 15th day of Nisan (April, c . A.D. 30) realized that Jesus embodied the force that could transform the world. None had any consciousness that Jesus was ushering in a new era, a new way of life and attitude to God founded on a realization of the Fatherhood of God and the brotherhood of regenerate man — with Himself as “the Way.” The persecutors of Jesus did not realize that in crucifying Him they also crucified mankind, or that the results would be felt throughout the centuries. Men and nations are at enmity with each other because they are at enmity with God — and to their own detriment; for they deprive themselves of the happiness which comes from enjoying the fullness of the earth, the fruit of their labors and a conscience void of

offense towards God and man. In the words of Sir Stafford Cripps, "The one hope for the future of world civilization lies in the way of life which Christ has taught us. No inventiveness or ingenuity of men, no power of arms or force of wealth, no material gain or economic advance can save the world if it turns its back on the love of God. If man neglects the things of the spirit and puts aside the full armor of God, he will seal the doom of the future generations." When will mankind heed the words of Jesus: "seek ye first the kingdom of God, and his righteousness; and all these things (necessary material things) shall be added unto you"? The choice before the world is still:

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