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The Illegalities of Jesus' Religious and Civil Trials **By Laurna Berg**

INTRODUCTION

The trials of Jesus before the religious and Roman authorities, while perhaps initially appearing to be contradictory accounts briefly addressed in the gospel record, are transformed into incredibly dramatic narratives when enlightened by the political, social, religious, and conceptual understanding provided by harmonizing the biblical material, understanding the historical context, and consulting the primary original sources.

All four gospel accounts reflect complementary information essential to understanding the sequence of events transpiring during the late evening and early morning hours between Jesus' celebration of the Passover with His disciples, and His crucifixion. Roman legal jurisprudence was renowned and has become foundational to western civilization, and Jewish legal jurisprudence based upon the revealed word of God in the Old Testament has been meticulously maintained and highly regarded, however when these two systems were invoked in addressing the Jewish accusations brought against Jesus, the result was arguably the most infamous trial in the history of mankind.

Yet against this dark background of illegality, human treachery, and frailty, the sovereign hand of God providentially fulfilled numerous Old Testament prophecies. The religious and Roman trials were both necessary. Without the charge of the religious trial, Pilate would probably have not taken action against Jesus resulting in His crucifixion. Without the sentence of the civil trial, Jesus would have been opposed by the Sanhedrin, perhaps stoned, but certainly not crucified.

PRELIMINARY ACTIVITIES

The Conspiracy

The public ministry of Christ had been marked by controversy and opposition. The people and their leadership had ample opportunity during His three-year public ministry to observe and evaluate Jesus' words and works confirming His messianic claims. The gospel accounts record responses of faith among the people, as well as mounting hostile rejection and opposition from the leadership, including the Pharisees, Sadducees, former high priest Annas, current high priest Caiaphas, the chief priests, and the Sanhedrin.

Jesus clashed with the Pharisees, who had elevated oral tradition to the point where it actually invalidated the written word of God. During Jesus' public ministry controversy

arose with the Pharisees over the Sabbath. After Jesus had clarified the proper observance of the Sabbath, the Pharisees' response was to counsel together as to how they might destroy Him (Mt 12:1-14). Jesus had inaugurated His public ministry by cleansing the Temple courtyard, location of Annas' bazaar in which profits were made in the sale of sacrificial animals and the exchange of currency into Temple shekels (Jn 2:12-22). This directly challenged Annas (former high priest A.D. 6-15), the chief priests responsible for the Temple service and liturgy, and the Sadducees, composed primarily of aristocratic priestly families. Since these leaders conducted various Temple activities under the express authority and permission of Rome, they feared that Christ's activities could incite the crowds, prompting Roman intervention. Later in Jesus' public ministry, the raising of Lazarus also initiated the chief priests and the Pharisees to convene the Sanhedrin, discussing their concern that all the people will follow Jesus, and that the Romans will come and take away both their place and their nation (Jn 11:47-53). Caiaphas (current high priest A.D. 18-36) suggested to the religious leaders that it would be expedient for one man (Jesus) to die so that the whole nation should not perish. From that day on they planned together to kill Jesus.

After Christ's triumphal entry into Jerusalem inaugurating His final week of ministry (Mt 21:1-11), Christ cleansed the Temple a second time, much to the fury of the indignant chief priests and scribes (Mt 21:12-16). Jesus' responses silenced the chief priests and elders in their challenge to his authority (Mt 21:23-27). Jesus also answered and effectively silenced the Herodians, Sadducees, and Pharisees (Mt 22:15-46). This only served to intensify their opposition, as the chief priests and elders again conspired together by gathering in the court of the high priest Caiaphas, plotting to seize Jesus by stealth and kill Him. They deliberately chose not to proceed against Him during the festival of Passover and Unleavened Bread, for they feared a riot among the crowd of people (Mt 26:3-5). They would seize Him privately, after the festival crowds had disbursed, and then kill Him.

Judas' offer to betray and identify Jesus provided an unexpected opportunity that gladdened the chief priests (Mt 26:14-16; Mk 14:11; Lk 22:5). Additionally, Judas' betrayal of Jesus for thirty pieces of silver fulfilled Old Testament prophecy (Ex 21:32; Zech 11:12-13; Jer 18:1-4; 19:1-3).¹ Judas' cooperation was instrumental in inaugurating the religious and civil proceedings for several reasons. First, Judas was necessary to identify Jesus in a location away from the crowds to facilitate His arrest. The leaders could recognize Jesus, having interacted with Him publicly on numerous occasions, however, Judas would enable them to arrest Jesus privately. Second, Judas was necessary to provide an initial formal indictment or accusation before the Roman governor, Pontias Pilate, after which Roman soldiers would be authorized to make the arrest.² Third, Judas would be needed during the Roman civil trial as a prosecuting witness. When the agreement had been reached, Judas then began to look for an opportunity to betray Jesus.

¹ See selected list of Old Testament prophecies fulfilled in conjunction with Christ's trials on the chart entitled, "The Religious Jewish and Roman Civil Trials of Jesus Christ," on page 14 of this paper.

² J. Dwight Pentecost, *The Words and Works of Jesus Christ* (Grand Rapids: Zondervan Publishing House, 1981), 470.

The Arrest

During Jesus' final Passover meal with His disciples in the upper room, after having washed the disciples feet, Jesus dismissed Judas (Jn 13:21-30). Following Jesus' Upper Room Discourse, the institution of the Lord's Supper, and His High Priestly prayer (Jn 14-17), Jesus and the eleven disciples proceeded to the Garden of Gethsemane on the Mount of Olives, east of Jerusalem. Judas knew the location, and brought the religious leaders, chief priests, officers of the chief priests (Temple police)³ and Pharisees to this remote setting to arrest Jesus privately away from the crowds. Judas identified Jesus with a kiss, fulfilling Old Testament prophecy (Ps 41:9; 55:12-14). Judas also arrived with the armed Roman cohort, evidently obtained from Pilate after Judas had initiated formal charges against Jesus (Mk 14:43; Jn 18:3-9). The armed Roman cohort⁴ was authorized to arrest Jesus. Jesus, who could have summoned twelve legions of angels (Mt 26:52-54), a far greater number than was attempting to arrest Him, demonstrated His authority by declaring "I Am," causing the entire arresting party (Judas, religious leaders, and Roman soldiers) to fall to the ground. Then He healed Malchus' ear and obtained the release of His disciples, in fulfillment of prophecy (Zech 13:1, 6-7), before allowing Himself to be bound and arrested.

The sequence of events, having begun with Passover at sunset, followed by the traditional meal (four hours), singing of hymns and walking across the Kidron to the Mount of Olives (perhaps several hours), and Jesus' agony in prayer, would indicate the arrest was made late at night. This is emphasized by the fact that the arresting party carried "lanterns and torches."

The Jewish religious leaders opposed Christ for His refusal to recognize their traditions, developed and expanded from God's original written Law over hundreds of years, and their religious authority. However, in their zeal to execute Jesus, numerous infractions of their own written Law and oral traditions occurred. Even at this early point, they violated the clear admonition of the Torah that justice should not be distorted by the taking of a bribe (Ex 23:8; Deut 10:17; 16:19-20).⁵ Second, no criminal proceedings were to occur after sunset.⁶ Third, the Sanhedrin could only investigate charges brought before them, and could not originate charges.⁷ Fourth, Sanhedrin members could not participate in the arrest.⁸

³ Merrill C. Tenney, "John," in *The Expositor's Bible Commentary* (Grand Rapids: Zondervan Publishing House, 1981), 9:169. The Temple police were a select group of Levites assigned to twenty-one separate posts, commanded by a captain, to maintain Temple security. They had failed on a previous occasion to arrest Jesus (Jn 7:32, 45-47).

⁴ F. F. Bruce, *New Testament History* (Garden City, New York: Doubleday and Company, Inc., 1969), 195, suggested that this would be "an auxiliary cohort with a paper strength of 760 infantry and 240 cavalry."

⁵ See list of alleged illegalities on pages 12-13 of this paper.

⁶ Mishnah: *Sanhedrin* 4:1.

⁷ Mishnah: *Sanhedrin* 5:1.

⁸ Mishnah: *Sanhedrin* 4:1.

THE JEWISH RELIGIOUS TRIALS OF JESUS

The First Jewish Religious Trial of Jesus

The first Jewish religious trial of Christ is recorded in Jn 18:13-23. Jesus was taken to the palace of Annas, a complex of buildings surrounding an open courtyard, in the southwestern section of Jerusalem,⁹ where Annas questioned Jesus about his disciples and His teaching. Jesus replied that He had taught openly in the Temple and synagogues, had spoke nothing in secret, and pointed out that legally Annas should be questioning witnesses, not the accused. One of the religious officials then struck Jesus.

Annas had served as high priest from A.D. 6-15, until he was removed from office by Valerius Gratus for usurping Roman authority. According to Jewish law, the high priest reigned for life, however under Roman rule, the Roman procurator authorized the appointment of the high priest.¹⁰ Therefore Annas continued to exert tremendous influence personally,¹¹ and well as through the high priestly rule of his five sons,¹² his son-in-law Caiaphas (reigning high priest from AD 18-36), and his grandson.¹³

Numerous illegalities occurred during this preliminary religious trail. First, no trials were to occur before the morning sacrifice.¹⁴ Second, all trials were to be public and secret trials were forbidden.¹⁵ Third, all Sanhedrin trials were to be held in the Hall of Judgment in the Temple area.¹⁶ The interpolation of the account of Peter's warming himself before the fire in the courtyard of the high priest, with the officers and others present, prior to the cock crowing, emphasized that these events occurred at night and that the proceedings occurred privately in the compound of Annas and Caiaphas. Fourth, capital cases required a minimum of 23 judges,¹⁷ however there does not appear to be a quorum of 23 Sanhedrin members present, possibly because of the sudden unexpected nature of the arrest, and the late hour. Fifth, the assumption of innocence until proven guilty was a hallmark of Jewish and Roman jurisprudence.¹⁸ Sixth, the accused could not testify against himself.¹⁹ Seventh, there were to be at least two or three witnesses, and

⁹ J. W. Shepard, *The Christ of the Gospels: An Exegetical Study* (Grand Rapids: William B. Eerdmans Publishing Company, 1947), 573-575.

¹⁰ D. A. Carson, "Matthew," in *The Expositor's Bible Commentary*, ed. Frank E. Gaebelin (Grand Rapids: Zondervan Publishing House, 1984), 8:524.

¹¹ Josephus, *Antiquities* XX.10, speaks of the dominion of the nation during this period being entrusted to the high priest.

¹² Bruce, *New Testament History*, 64 note. Annas' five sons and their period of officiating as high priest are as follows: Eleazar (A.D. 16-17), Jonathan (A.D. 36-37), Theophilus (A.D. 37-41), Matthias (A.D. 42-43), and Annas II (A.D. 61-62)

¹³ Bruce, *New Testament History*, 64 note. Annas' grandson was Matthias, son of Theophilus, who presided as high priest c. A.D. 65-68.

¹⁴ Mishnah: *Sanhedrin* 4:1.

¹⁵ Mishnah: *Sanhedrin* 1:6.

¹⁶ Mishnah: *Sanhedrin* 11:2.

¹⁷ Mishnah: *Sanhedrin* 4:1.

¹⁸ Charles Caldwell Ryrie, *The Ryrie Study Bible* (Chicago: Moody Press, 1976), 1636, note.

¹⁹ Mishnah: *Sanhedrin*. There are extensive regulations concerning the giving of testimony and testing of witnesses, yet there is no provision for the accused to testify against himself.

their testimony had to be in perfect agreement (Deut 17:6-7; 19:15-20). Eighth, the accused should not be mocked, beaten, or mistreated (Num 35:9-34).

The Second Jewish Religious Trial of Jesus

The second Jewish religious trial of Jesus is recorded in Mt 26:57-68, Mk 14:55-65, Lk 22:63-65, and John 18:24. Jesus was taken before Caiaphas, Annas' son-in-law and the current high priest (AD 18-36).²⁰ Caiaphas, who had previously suggested that it would be expedient for one man to die for the people (Jn 11:47-53), had been gathering together the scribes and elders. The chief priests and the entire Sanhedrin²¹ kept trying to obtain false testimony against Jesus in order to put Him to death. The Sanhedrin acted as the Jewish Supreme Court, being composed of 71 judges: the high priest, 24 chief priests, 24 elders, and 22 scribes.²² It would appear that Nicodemus, a ruler of the Jews and member of the Sanhedrin who came to Jesus by night (Jn 3:1-21; 7:50-51; 19:39; Lk 22:66), and Joseph of Arimathea, a righteous man and member of the Sanhedrin who buried Jesus (Lk 23:50-53; Mt 27:57-60), were not present during these proceedings.

Many false witnesses came forward, and finally two agreed, declaring, "This man stated, 'I am able to destroy the temple of God, and to rebuild it in three days.'" Having obtained a charge, the high priest then demanded that Jesus make a defense. Jesus refused to answer, fulfilling Old Testament prophecy (Isa 53:7), and not complying with their illegalities. Finally, the high priest placed Jesus under oath, declaring, "I adjure You by the living God, that You tell us whether You are the Christ, the Son of God?" Jesus' answer, quoting Daniel 7:13, confirming that He was the Christ, the Son of God, a fact which they would all recognize at His second coming, was clearly understood as blasphemy by the high priest, who tore his robes, and by those present, who agreed that no further witnesses were necessary. The verdict was declared - Christ was guilty of blasphemy. The penalty was declared - He was deserving of death. Then they spat in His face, beat Him with their fists, slapped Him, and mocked Him. Luke ironically noted that although they had found Jesus guilty of blasphemy, they were actually blaspheming against Him in their behavior and words (Lk 22:65).

Numerous illegalities occurred during this religious trial, in addition to those points noted above involving the preliminary religious trial, including the trial being conducted at night, in a personal residence, in private, without proper witnesses, with the presumption of guilt. Additional illegalities include, first, that capital cases require proper procedure

²⁰ Josephus, *Antiquities* XVIII. ii. 2; iv. 3.

²¹ Walter W. Wessel, "Mark," in *The Expositor's Bible Commentary*, ed. Frank E. Gaebelein (Grand Rapids: Zondervan Publishing House, 1984), 8:768, indicated that the "entire" Sanhedrin or "all" the Sanhedrin does not indicate that all 71 members were present, but merely that a quorum of 23 were present. The three primary sources on the Sanhedrin are 1) the New Testament records, 2) the writings of Josephus, who made the first explicit reference to the Sanhedrin in a discussion of Antiochus III (Josephus, *Antiquities* XII), and the Mishnah tractate *Sanhedrin*, compiled by AD 200.

²² Arnold Fruchtenbaum, "Radio Manuscript Number 9: The Trial of Christ" (Tustin, California: Ariel Ministries, 1983), 7.

for the trial.²³ Proper trial procedure begins with arguments for acquittal (defense presenting the case for innocence), to then be followed with arguments for conviction (prosecutors presenting the case for guilt). In Christ's case, the arguments for guilt were presented first, and no arguments for innocence were presented. Second, all the judges of the Sanhedrin may argue in favor of acquittal, not all may argue in favor of guilt.²⁴ Third, when the charge was blasphemy, guilt could only be established when the defendant had actually pronounced the very name of God.²⁵ Jesus had merely quoted Daniel, although everyone present clearly understood His claim. Fourth, a person could never be condemned on the basis of his own testimony alone (Deut 17:6-7; 19:15-20). Fifth, the high priest was forbidden to tear his garments (Lev 10:6; 21:10). Sixth, the charge was not to originate with the judges, who were merely to investigate charges brought to them.²⁶ Seventh, the verdict must be announced during the daytime, and could not be announced at night.²⁷ Eighth, in cases of capital punishment, the trial and the verdict of guilt must not both occur on the same day, therefore the verdict of guilt must be announced the following day.²⁸ Ninth, for this reason, trials were not to be held on the eve of a Sabbath or other festival.²⁹ Tenth, the sentence could not be announced at night.³⁰ Eleventh, the sentence could only be pronounced the day after the guilty verdict.³¹ Twelfth, a person condemned to death could not be beaten, scourged, or mistreated (Num 35:9-34). Thirteenth, voting for the death penalty had to be conducted individually, beginning with the youngest, so the youngest would not be influenced by the voting of the elder members.³² In Christ's trial this procedure does not appear to have been followed. Fourteenth, a unanimous decision for guilt demonstrated innocence for it was impossible for a minimum of 23 members or a maximum of 71 members to agree without plotting.³³

The Third Jewish Religious Trial of Jesus

The third Jewish religious trial of Jesus is recorded in Mk 15:1a and Lk 22:66-71. This action was primarily as an attempt to place a veneer of legality upon the previous blatantly illegal proceedings. The chief priests, elders, scribes, and the whole council held a consultation early in the morning in the Sanhedrin council chamber, the Hall of Judgment or Hall of Hewn Stone within the Temple complex.³⁴ They reconfirmed the charge of blasphemy, based upon their questioning of Jesus and His personal testimony, without the confirmation of any witnesses. The agreement was unanimous, and the entire group present arose and brought Jesus before Pilate.

²³ Mishnah: *Sanhedrin* 4:1.

²⁴ Mishnah: *Sanhedrin* 4:1.

²⁵ Mishnah: *Sanhedrin* 7:5.

²⁶ Mishnah: *Sanhedrin* 5:1.

²⁷ Mishnah: *Sanhedrin* 4:1.

²⁸ Mishnah: *Sanhedrin* 4:1.

²⁹ Mishnah: *Sanhedrin* 4:1.

³⁰ Mishnah: *Sanhedrin* 4:1.

³¹ Mishnah: *Sanhedrin* 4:1.

³² Mishnah: *Sanhedrin* 4:1.

³³ Mishnah: *Sanhedrin* 4:1, and Fruchtenbaum, *Trial*, 3.

³⁴ Shepard, *The Christ*, 580.

Numerous illegalities occurred during this third religious trial. Again, there were no witnesses. Jesus was condemned on His own testimony. No evidence for innocence, or guilt, was presented. The verdict was unanimous, and announced immediately without the required interval of one day.

THE ROMAN CIVIL TRIALS OF JESUS

The First Roman Civil Trial of Jesus

The first Roman civil trial of Jesus is recorded in Mt 27:11-14, Mk 15:1b-5, Lk 23:1-7, and Jn 18:28-38. It occurred before Pontius Pilate, the Roman procurator of Judea (A.D. 26-36), in the Praetorium in the Antonia Fortress,³⁵ adjacent to the Temple complex, or alternately, in King Herod's old palace on the west side of the city near the Jaffa gate.³⁶ Pilate, having released the Roman cohort to arrest Jesus the preceding evening, was apparently waiting. When they arrived, Pilate went out to them and asked for the accusation in accordance with Roman law. Judas was no longer available to make the specific charge to initiate the formal trial, having committed suicide (Mt 27:3-5; Acts 1:18). Therefore the Jewish leaders attempted to compel Pilate to sentence Jesus without a trial. Pilate, not having received a specific Roman accusation, informed them that they could try Jesus according to their Jewish law.

The Jewish leaders replied that they could not legally implement capital punishment, for that right had been exclusively secured by Rome.³⁷ This was in fulfillment of the OT prophecy signifying that Jesus would die by crucifixion (Jn 18:32; Isa 52:13-53:12; Ps 22), for the standard means for Jewish capital punishment was stoning (Acts 7:54-60). Since blasphemy was not a capital crime to Pilate, for Rome tolerated many religions, the Jewish leaders then charged Jesus with misleading the nation, forbidding the payment of taxes to Caesar, and claiming to be a king. Each of these three accusations amounted to a charge of treason against Rome.³⁸ Pilate, having received the accusation of treason,

³⁵ Wessel, "Mark," 775-776, and J. G. Vos, "Pilate," in *The Zondervan Pictorial Encyclopedia of the Bible* Zondervan (Grand Rapids, Michigan: Zondervan Publishing House, 1975), 4:790, identify this as the traditional site shown to most visitors to Jerusalem.

³⁶ Carson, "Matthew," 567, located the trial before Pilate in Herod's old palace, citing Josephus *Antiquities* XX. v. 3; *War* II xv. 5, and Philo *Legatio ad Gaium* 38. The word "Praetorium" could refer to a palace, or a judicial or military seat. Wessel, "Mark," 773, noted that the official residence of the Roman procurator was at Caesarea, on the Mediterranean coast, and his residence on visits to Jerusalem would have been Herod's palace.

³⁷ Bruce, *New Testament History*, 200. The Jewish stoning of Stephen and James were exceptions, possibly occurring between procuratorships, and such illegal activity threatened the removal of the high priest by the Romans for failure to maintain order in compliance with Roman regulations. D. A. Hagner, "Sanhedrin," in *The Zondervan Pictorial Encyclopedia of the Bible* (Grand Rapids, Michigan: Zondervan Publishing House, 1975), 272, noted the Jewish Talmud (*Sanhedrin* 1:1; 7:2) recorded that the right of capital punishment was taken from Israel forty years prior to the destruction of the Temple. Standard Roman practice reserved capital punishment to be at the discretion of the provincial governor.

³⁸ Pentecost, *The Words and Works*, 471.

entered the Praetorium and questioned Jesus, inquiring whether He was the king of the Jews, that is, a competitor to Caesar. Jesus' response convinced Pilate that Jesus was not a threat to Caesar, and Pilate went out again to the Jews and made his first declaration of Christ's innocence (Jn 18:38b). The chief priests and elders made numerous verbal accusations against Christ, and even Pilate was quite amazed at Jesus' silence. Finally, when Pilate learned that Jesus was from Galilee, Pilate decided to send Jesus to Herod Antipas, who had jurisdiction over Galilee, and was in Jerusalem for Passover. The primary Jewish illegality was replacing the religious charge of blasphemy with the capital civil charge of treason. The primary Roman illegality was the failure of Pilate to release an innocent person.

The Second Roman Civil Trial of Jesus

The second Roman civil trial of Jesus is recorded in Lk 23:8-12. Herod Antipas, the tetrarch of Galilee and Perea (4 B.C. – A.D. 36), was the son of King Herod the Great (37 – 4 B.C.), who had authorized the massacre of the Bethlehem infants (Mt 2:16-18). Herod Antipas had executed John the Baptist at the instigation of his wife Herodias, although Herod had enjoyed discussions with John and knew that John was a righteous man (Mt 14:1-12; Mk 6:14-29). Herod had even associated Jesus' miraculous powers with the ministry of John the Baptist. Some time later Jesus, having been warned that Herod Antipas desired to kill him, referred to Herod Antipas as "that fox" (Lk 13:31-32). Pilate and Herod were enemies as a result of a series of altercations. First, early in Pilate's rule, Pilate had brought military standards bearing the imperial image into Jerusalem, provoking widespread riots.³⁹ Pilate was ultimately forced to remove the military standards.

Second, Pilate constructed a twenty-five meter aqueduct to provide additional water to Jerusalem from the highlands south of the city, and raided the Temple treasury to pay for the construction, amidst Jewish protests and riots.⁴⁰ Pilate's soldiers killed many rioters. Third, Pilate introduced Roman gilded shields into Jerusalem, placing them in the palace of Herod the Great, desecrating Jerusalem and infuriating the people. Herod Antipas and his three brothers complained to Pilate, who did nothing, and then to Emperor Tiberius, who instructed Pilate to remove the shields.⁴¹ Fourth, Pilate's soldiers had executed some Galilean worshipers and mingled their blood with their sacrifices in the Temple courtyard (Lk 13:1). The intensity of animosity between Pilate and the Jews may be reflected in Philo's comment that the Jews "exasperated Pilate to the greatest possible degree, as he feared lest they might go on an embassy to the Emperor, and might impeach him with respect to other particulars of his government – his corruptions, his acts of insolence, his rapine, his habit of insulting people, his cruelty, and his continual murders

³⁹ Josephus, *The Jewish Wars* II. xix. 2-3; *Antiquities* XVIII. iii. 1.

⁴⁰ Josephus, *The Jewish Wars* II. ix. 4; *Antiquities* XVIII. iii. 29. Vos, "Pilate," 4:791.

⁴¹ Philo, *Legatio ad Gaium* 38. Harold W. Hoehner, "Chronological Aspects of the Life of Christ" in *Bibliotheca Sacra* 131 (October-December 1974), 344-45, has dated this event at A.D. 32.

of people untried and uncondemned, and his never-ending, gratuitous and most grievous inhumanity.”⁴²

Pilate authorized Jesus to be taken from the Roman Praetorium to Herod’s palace. Herod was glad to see Jesus, for he had heard about Him for some time and hoped to see Him perform a miracle. The chief priests and scribes continued accusing Jesus vehemently, and Herod questioned Him at some length, yet Jesus remained silent. Herod and his soldiers treated Jesus with contempt, mocked Him, dressed Him in a gorgeous robe,⁴³ and returned Him to Pilate.

Legally, no progress had been made in establishing a valid accusation to be brought before the Roman court.⁴⁴ Jesus had been mocked and mistreated a second time. In releasing Jesus back to Pilate, Herod effectively declared His innocence. This event, while contributing to an incredible miscarriage of justice, actually established a friendship between Herod and Pilate.

The Third Roman Civil Trial of Jesus

The third and final Roman civil trial of Jesus was recorded in Mt 27:15-26, Mk 15:6-15, Lk 23:13-25, and Jn 18:39-19:16. It is notable that Pilate made numerous attempts to release Jesus, in addition to making three additional declarations of Jesus’ innocence. Pilate told the assembled chief priests, Sanhedrin, and people that he and Herod had found Jesus innocent. Pilate then offered to release Jesus or Barabbas. Coincidentally, Barabbas had been found guilty of insurrection against Rome, and Jesus had been found innocent of treason, or insurrection, against Rome. Pilate received a message from his wife,⁴⁵ telling him of her dream warning him to have nothing to do with Jesus, who was a righteous man. Pilate again offered unsuccessfully to release Jesus, to which the crowd demanded the release of Barabbas and the crucifixion of Jesus.⁴⁶

Pilate’s next attempt to release Jesus was a compromise in which Pilate had Jesus scourged. Roman scourging was accomplished using a whip with long leather thongs, with bits of bone and metal attached to the ends. The victim’s clothing was removed, and two men, one on each side of the victim, performed the flogging. Jewish flogging was limited to forty stripes (minus one) while there was no limit to Roman flogging. The long thongs would wrap around the victim’s body, the flesh would be torn away, and prisoners

⁴² Philo, *Legatio ad Gaium* 38

⁴³ Scarlet robes were worn by military officers, magistrates, kings, and emperors, and were mentioned in II Macc 12:35; Josephus, *Antiquities* V. i. 10; Herodotus III. 139 (discussing Darius the Great).

⁴⁴ A. N. Sherwin-White, *Roman Society and Roman Law in the New Testament* (London: Oxford University Press, 1963), 28ff., and Bruce, *New Testament History*, 202, discuss whether Antipas may have inherited the extraordinary Roman rights of extradition granted by Emperor Augustus to his Father King Herod the Great. It is more likely that Pilate sent Jesus to Herod as a courtesy to Herod and to absolve himself of responsibility.

⁴⁵ It is possible that Pilate’s wife was present, for the Roman Senate allowed a provincial magistrate to be accompanied by his wife (Tacitus, *Annals* III. 33-35).

⁴⁶ Josephus, *Antiquities* XX. ix. 3, mentioned the custom to release a prisoner. Carson, “Matthew,” 568, also noted that Mishnah:*Pesahim* 8:6 cited the custom of releasing a prisoner.

often died from this punishment.⁴⁷ Isaiah 52:14 prophesied Jesus' scourging stating that He would be disfigured and unrecognizable. After Jesus was scourged, mocked with a crown of thorns, and beaten, Pilate presented Jesus before the crowd, again declaring Jesus' innocence, for Pilate found no fault in Him. But the crowd demanded His crucifixion. Pilate told them to do it themselves, and the Jews answered that Jesus should die because he claimed to be the Son of God. This new charge, perhaps in conjunction with his wife's troubling dream, caused Pilate to fear. Pilate then interviewed Jesus again, and made yet another attempt to release Jesus. Large noisy demanding crowds were not unusual in Judea.⁴⁸

However this crowd charged Pilate with not being Caesar's friend. Pilate had originally obtained his position of procurator through Sejanus,⁴⁹ however Sejanus had been found guilty of treason and executed. Pilate was currently under investigation by Emperor Tiberius because of his association with Sejanus. Pilate had clashed with the Jews earlier, and complaints had been sent to Rome. His fear of the crowd's threat was valid. It was nearing the sixth hour (9 A.M), and Pilate made his final offer to release their king, to which the chief priests answered, "We have no king but Caesar." Pilate washed his hands⁵⁰ before the multitude, still sitting on the judgment seat, absolving himself of responsibility and declaring his innocence of Jesus' righteous blood. Then all the people assumed responsibility for the death of Christ and answered, "His blood be on us, and on our children." Pilate, the leading Roman official in Judea, then released Barabbas, a proven and convicted enemy of Rome, and delivered Jesus, who by His own testimony was no threat to Rome, to be crucified.

Legally, the trial was a sham. The accusation was changed twice. There were no witnesses, or testimony. There was no defense presented. Jesus' innocence was repeatedly declared by Pilate and Herod. Ironically, there is an interesting word play on the names of Jesus and Barabbas, for Jesus⁵¹ Barabbas, "Jesus, the son of the father," was released while Jesus, the Son of the Father, was crucified in his place. The crowds' demand for the release of Barabbas and crucifixion of Jesus dramatically pictured the substitution of the innocent one dying in the place of the guilty, which is exactly what occurred on the cross (1 Jn 2:2).

⁴⁷ Wessel, "Mark," 775, includes a medical description of Roman flogging, noting that victims of Roman floggings seldom survived. See also Pentecost, *The Words and Works*, 474, and Josephus, *The Jewish Wars* II. xxi. 5; VI. v. 3.

⁴⁸ Josephus, *Antiquities* XVIII. viii. 3.

⁴⁹ Bruce, *New Testament History*, 201, and Carson, "Matthew," 559-560, indicate Sejanus fell from power and was executed in October 19, AD 31. Sejanus' anti-semitic proclivities have been extensively documented, as have Pilate's cruel and insensitive actions: Josephus, *Antiquities* XVII. ii. 2., iii. 1-2; Philo, *Legatio ad Gaium* 38, Flaccum 1.

⁵⁰ Carson, "Matthew," 570. This was a Jewish custom (Deut 21:6; Ps 26:6), not a Roman one.

⁵¹ Bruce, *New Testament History*, 203, notes that several textual witnesses for Mt 27:16f, indicate Barabbas' first name was Jesus.

CONCLUDING ACTIVITIES

The incredible impact of the events occurring during these few hours continued to reverberate within the lives of the individual participants.

Judas committed suicide after confessing, “I have sinned, for I have betrayed innocent blood” (Mt 27:4).

Pilate wrote the inscription recording the charge against Jesus on the cross in official Latin, current Greek, and vernacular Aramaic: “This is Jesus of Nazareth, the King of the Jews” (Mt 27:37; Mk 15:26; Lk 23:35; Jn 19:19),⁵² and refused to change the wording to accommodate Jewish requests (Jn 19:21-22). Pilate granted permission for Joseph of Arimathea to bury Jesus’ body (Jn 19:38), and agreed to allow Roman soldiers to seal and to guard the tomb in response to Jewish demand (Mt 27:62-66). Pilate later authorized his troops to attack and murder Samaritan pilgrims searching for golden objects from the tabernacle allegedly buried by Moses on Mt. Gerazim. The Samaritans complained to Pilate’s superior, Vitellius, the Roman governor of Syria, resulting in Pilate removal from office as procurator and his recall to Rome in A.D. 36 by Emperor Tiberius. Pilate was banished to Gaul where one tradition⁵³ indicated he committed suicide. Other traditions⁵⁴ suggest Pilate repented before his death, that his wife became a Christian, that the Coptic church⁵⁵ observed June 25 as a day honoring Pilate as a saint and martyr, and that Mount Pilatus in Switzerland was the site of his death.⁵⁶

Herod Antipas traveled to Rome to seek the title of king in A.D. 39 at the urging of his wife Herodias, was betrayed by his nephew (Herodias’ brother Herod Agrippa I), and as a result was banished by Emperor Caligula to Lyons, France, where he died with Herodias in poverty.⁵⁷

Annas, who had been the driving force behind the arrest, trial, and crucifixion of Christ, also witnessed Peter and John defend their preaching of the Gospel and the resurrection of Jesus before the Sanhedrin (Acts 4:6). Annas is not mentioned again in scripture.

Caiaphas, as high priest, was a Sadducee strongly opposed to the resurrection. His bitter persecution of Peter and Paul before the Sanhedrin (Acts 4:6), imprisonment of the apostles and persecution of the growing church (Acts 5:17-21, 27), stoning of Stephen (Acts 7:1), and authorization for the Pharisee Saul to ruthlessly pursue Christians in Damascus to be returned to Jerusalem (Acts 7:1) all reveal his relentless character. While he is not mentioned again in scripture, his prophesy concerning the substitutionary atonement of the death of Jesus Christ was accurately fulfilled.

⁵² Pentecost, *The Words and Works*, 482-483.

⁵³ Eusebius, *Ecclesiastical History*, II. 7.

⁵⁴ Acta Pilati, 46 (dating from the 4th or 5th century AD), cited by Vos, “Pilate,” 4:792.

⁵⁵ Vos, “Pilate,” 4:792, citing A. Souter in *Hastings: Dictionary of Christ and the Gospels*, 2:366.

⁵⁶ There is a small chapel near the summit of Mt. Pilatus commemorating Pilate’s’ conversion and death.

⁵⁷ Josephus, *Antiquities* VII. i-ii.; *War* II. ix. 6.

One consequence of not pursuing justice was expulsion from the land of promise (Deut 16:19-20). That Jewish generation, including the Pharisees, Sadducees, chief priests, elders, and people, placed themselves under a curse, and many perished in the devastation associated with the Roman destruction of Jerusalem in A.D. 70, in which the Temple was destroyed and the Jews were disbursed worldwide (Deut 28, Lev 26). The Sanhedrin was permanently dissolved and ceased to exist after AD 70.⁵⁸

Jesus was crucified, buried, and resurrected on the third day. He appeared to many over a period of 40 days and ascended to the right hand of God in heaven. He will reign and rule forever as King of Kings, and one day every knee will bow and every tongue confess that Jesus Christ is Lord.

The disciples proclaimed the gospel and many died as martyrs to their faith. The gospel is still being proclaimed and believed today.

CONCLUSION

The trials of Jesus before the religious and Roman authorities, while perhaps initially appearing to be contradictory accounts briefly addressed in the gospel record, are transformed into incredibly dramatic narratives when enlightened by the political, social, religious, and conceptual understanding provided by harmonizing the biblical material, understanding the historical context, and consulting the primary original sources. The trials of Jesus remain a gross travesty of justice, despite attempts to maintain a semblance of legality, yet they were necessary. Without the charge of the religious trial, Pilate would probably have not taken action against Jesus resulting in His crucifixion. Without the sentence of the civil trial, Jesus would have been opposed by the Sanhedrin, perhaps stoned, but certainly not crucified. The sovereign hand of God in providing Jesus as the propitiation for the sins of the whole world is clearly evident (1 Jn 2:2), and He is still sovereignly orchestrating events today.

In capital cases the witness is answerable for the blood of the innocent one who is wrongly condemned, to the end of the world.

Mishnah: *Sanhedrin* 4:5

*And we know that God causes all things to work together for good
to those who love God,*

to those who are called according to His purpose.

Romans 8:28

⁵⁸ D. A. Hagner, "Sanhedrin," 5:270.

ILLEGALITIES OCCURRING DURING THE RELIGIOUS TRIAL OF CHRIST

1. No arrest or verdict was to involve the taking of a bribe, for bribery blinds the clear-sighted and subverts the cause of justice (Ex 23:8; Deut 10:17; 16:19-20).
2. In capital cases the trial must be held during the daytime (Mishnah: *Sanhedrin* 4:1).
3. No criminal proceedings were to occur after sunset (Mishnah: *Sanhedrin* 4:1).
4. Judges could only investigate charges brought to them, and could not originate charges against the defendant (Mishnah: *Sanhedrin* 5:1).
5. Sanhedrin members were judges and could not participate in the arrest (Mishnah: *Sanhedrin* 4:1).
6. No trials were to occur before the morning sacrifice (Mishnah: *Sanhedrin* 4:1).
7. All trials were to be public, and secret trials were forbidden (Mishnah: *Sanhedrin* 1:6).
8. All Sanhedrin trials were to be held in the Hall of Judgment in the Temple compound (Mishnah: *Sanhedrin* 11:2).
9. Capital cases required a minimum of 23 judges (Mishnah: *Sanhedrin* 4:1).
10. The accused was assumed to be innocent until proven guilty (Ryrie, 1636 note).
11. The accused could not testify against himself (Mishnah: *Sanhedrin*).
12. There were to be at least two witnesses, or three, and their testimony had to be in perfect agreement (Deut 17:6-7; 19:15-20).
13. The accused could not be mocked, beaten, or mistreated (Num 35:9-34).
14. Capital cases required proper procedure for the trial, to begin with arguments for acquittal (the defense arguing for innocence), then to be followed with arguments for conviction (the prosecutors arguing for guilt) (Mishnah: *Sanhedrin* 4:1).
15. In capital cases all the judges of the Sanhedrin may argue in favor of acquittal, but not all may argue in favor of guilt (Mishnah: *Sanhedrin* 4:1).
16. When the charge was blasphemy, guilt could only be established when the defendant had actually pronounced the very name of God (Mishnah: *Sanhedrin* 7:5).
17. A person could never be condemned on the basis on his own testimony alone (Deut 17:6-7; 19:15-20).
18. The high priest was forbidden to tear his garments (Lev 10:6; 21:10), although rabbinic tradition declared it was prescribed for blasphemy for the judges to stand on their feet and tear their garments (Mishnah: *Sanhedrin* 7:5).
19. In capital cases the verdict must be announced during the daytime, and could not be announced at night (Mishnah: *Sanhedrin* 4:1).
20. In capital cases, the trial and the verdict of conviction must not both occur on the same day, therefore the verdict of conviction must be announced the following day (Mishnah: *Sanhedrin* 4:1).

21. For this reason, trials were not to be held on the eve of a Sabbath or other festival (Mishnah: *Sanhedrin* 4:1).⁵⁹
22. The sentence could only be pronounced the day following the guilty verdict (Mishnah: *Sanhedrin* 4:1).
23. Voting for the death penalty had to be conducted individually, beginning with the youngest, so the youngest would not be influenced by the elder members (Mishnah: *Sanhedrin* 4:2).
24. A unanimous decision for guilt demonstrated innocence for it was impossible for a minimum of 23 members or a maximum of 71 members to agree without plotting (Mishnah: *Sanhedrin* 4:1).

In capital cases the witness is answerable for the blood of the innocent one
who is wrongly condemned, to the end of the world.

Mishnah: *Sanhedrin* 4:5

⁵⁹ Mishnah: *Sanhedrin* 11:4, which specified that a false prophet **should** be put to death on one of the three great feasts so “all the people shall hear and fear” is perhaps a latter Jewish apologetic addition (c. A.D. 200) to counter Christian claims of illegality committed during the trial of Christ.

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