

# The Illegal trial of Jesus



Bob Chapman



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by

**Bob Chapman** MA, BA

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## **Acknowledgement**

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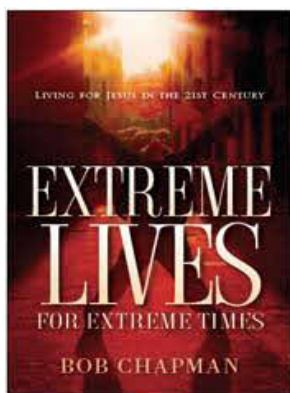
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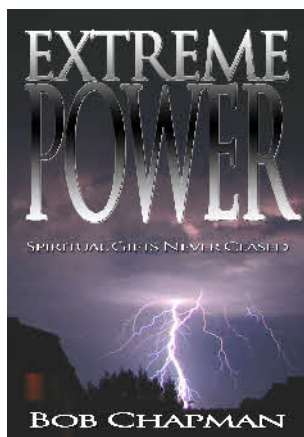


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## **Teaching & discipleship seminars**

Bob is available to preach as well as teach church and Bible College seminars on Christian living and discipleship from his books.

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## Preface

**“Jerusalem**, Friday. The Israeli Supreme Court has rejected a request by an Israeli Lawyer to rule that Jesus Christ got an unfair trial. Mr. Yitzhak David said that he made the appeal in the hope that it might reduce the anti-Semites of the world – by even on person.

The court ruled that the issue was historic, not juridical, and that Mr David had not proved he suffered personal damage through what he called a ‘miscarriage of justice’ against Christ.

The three Judges first asked the Lawyer why the Supreme Court should make the ruling. Mr David replied, “Because you are the first national Jewish court to arise since the time of Jesus”.

The judges argued that Jesus as tried by the Roman occupiers of Israel, not by a civilian court. Mr David said that Christ was brought to trial before the Sanhedrim, the Jewish Court of ancient times. The court insisted that Christ was sentenced by the Romans and that the issue should be brought before an Italian court.

Mr. David (26) said that he was acting on behalf of his client, Mr. David Bitan. Both men are Orthodox Jews

and live in the Red Sea port of Eilat. "I am not interested in whether Jesus Christ was guilty or innocent of the charges brought against him," Mr. David said later. "I want a hearing on how the trial was conducted. Jesus was sentenced by a Roman Court and it was prejudiced against Jews. The trial was not in accordance with the due process of law. I believe that a judgement by the High Court of Israel would at least diminish anti-Semitism in the world. It might take the ground away from under the feet of the anti-Semites. They would have one cause less to hate us." 1970 A.A.P.

# Under Hebrew Law

## Introduction

“Smite the Shepherd and the sheep shall be scattered” Zechariah 13:7. For the Lord Jesus Christ to be a Saviour, He must first of all be a sacrifice. This was the sacrifice which men shouted for, after a brief, but condemning trial. They lifted their voices in blood-thirsty unison, which echoed through the streets of Jerusalem. “Crucify him, Crucify him” they screamed beneath the porch of the Roman Governor Pilate, who thought the sentence unworthy of such a man. With the cry still ringing in his ears and, no doubt, much fear of the people in his heart, Pilate released Christ unto the crowd.

The trial over, and the sentence passed, Christ was led to the hill, which He shall never forget. He passed through the thronging crowd, which skirted the dusty path leading to the crucifixion site. Expressions of hatred and confusion masked the masses as He passed. Was the Saviour of mankind remorseful of His decision, “Not my will, but thine be done” (Matt. 26:39)? Could there have been a smile of joy upon that drawn, bruised and bloody face? Why was this man, who had been found guilty for being too divine by the Jews, and yet too worldly by the Romans, being led to His crucifixion accompanied by criminals? These questions shall continue to puzzle man.

His mind may have wandered back to the last moments, which He spent with His Father in prayer. A deep recollection of the words that were ministered unto Him, no doubt, lifted His spirit so that He could accept this manner of sacrifice. The loneliness, which surrounded His very being, ate into His heart after His disciples denied and deserted Him.

### **The walk with the Father**

Also accompanying His loneliness was the condemning bonds of death, which would be ministered by the judgement of men. This contributed to the fulfillment of centuries of prophecy concerning the slaughter of Christ the Lamb of God.

Christ enjoyed precious moments that final night which He spent in the presence of His disciples. They could not perceive the nearness of His passing. They knew nothing of the anguish that wrestled with the soul of this man whom they adored. Neither did they realize the suffering that was about to burden the body and the mind of Christ. This was a burden that Christ must carry alone. He had once pleaded with mankind to place their burdens upon Him. "Come unto me, all who labour and are heavy laden, and I will give you rest". (Matt. 11:28)

The burden that was about to be lowered upon Him, He had to bear it alone. Nobody could, or would, stand in for Jesus. He was about to turn His whole willingness to serve over to the Father so that He might lift the burden of sin from mankind.

Christ and the disciples had met in an upper room to attend the Passover feast. Unbeknown to the disciples, Christ would, that night, be delivered into the hands of men. At the close of their devotion, Christ stated, “You will all fall away because of me this night”. (Matt. 26:31)

The shadows of loneliness edged their way through the trees that embraced the garden paths of Gethsemane. The Lord could feel their cold fingers close about Him as He walked to the place of prayer. The hour rapidly approached when not only would His disciples depart from Him, but also His Father would forsake Him for a season. The Good Shepherd was about to accept the sins of the sheep.

It was in a garden many centuries before that the first Adam lost for mankind the heritage of covenant with God. Now here, within the Garden of Gethsemane, Christ prepared for reconciliation and the new covenant. “If because of one man’s trespasses, death reigned through that one man, much more will those who receive the abundance of grace and the free gift of righteousness reign in life through the one man Jesus Christ”. (Romans 5:17)

Though this garden had been a frequent gathering place for Christ and His disciples, it would be Christ’s last visit. Christ had often walked and talked to His Father amidst the beauty that adorned this garden. Many nights were spent humbly and prayerfully propped upon the carpet of grass that grew among the surroundings. What better place could the Lord find then

among the creation of His Father?

Pacing out the remaining distance to the selected place of prayer, Christ fell upon His face and lifted His voice to the Father with love and humility. Glorification of the Father reigned supreme upon the lips of Christ. His open heart poured forth an attitude of perfect submission. Love and obedience to the Father sweetened the bitterness of the cup, which He was about to drink from. Knowing no sin, but knowing of it, drove Christ forward with a willingness of heart. The sin of the past and the sin of the future would be lifted from mankind. This would require a submission on the part of man, and the cleansing action of the blood of Christ. There existed, that night, in the garden of Gethsemane, a soul who had never sinned. A soul who was about to accept the sins of the world by becoming the sacrificial offering God required.

His prayer was prayed amidst the beauty He had seen His Father create. His prayer was breathed forth with the air His Father had spoken into existence at the creation. His prayer was offered with love and obedience and His Father heard the words of His Son whom He had loved from the beginning.

Christ rose from the presence of His Father and went forth to meet His betrayer. Judas, during the offering of Christ's prayer, had been busy arranging Christ's betrayal and was now returning from His mission with the chief men of the city. Christ could see the flickering torchlight intensify as the distance

decreased between Him and those seeking Him. His heart could have mourned for the moment of love that He had just shared with His Father. But onward, in love, Christ, the Good Shepherd went forth into the presence of those who sought to scatter His sheep.

### **The kiss of the Treasurer**

Jesus breathed deeply the perfumed scent of the garden and threaded His way forward to meet the agitated torch-bearing crowd. Each step that He took placed Him closer to His betrayer. Jesus knew His enemy and the reason for his intrusion. He could already feel his kiss upon His cheek. Lifting His spirit with thoughts of the will of His Father, Jesus pressed on.

Judas, accompanied by the crowd, arrived at the entrance to the garden. His eyes were piercing the darkness in search of his onetime Master and Teacher. A brief moment passed and then he caught sight of Jesus among the trees. Judas stepped forward and kissed Jesus on the cheek. The Son of God had been identified. The seal of death encompassed Him. Jesus showed no hint of aggressiveness, but went quietly according to the will of His Father.

Judas, the only Judean (from the town of Kerieth) among the twelve, could not, as yet, comprehend the extent of his deed. His mind, no doubt, was upon the reward money he had received. Judas throughout his discipleship was indeed fond of money. The Lord had

appointed him to the position of Treasurer, which intensified his love for money. Thus, his maturing sin of greed brought about his destruction.

In his short sightedness, Judas believed a political upheaval was imminent. Such an upheaval would establish Israel as the dominant kingdom of the world. The belief, which was common at the time, was a result of the prophetic messages of old, which spoke of a King and his kingdom. This, as we know today, refers to the Christian Kingdom of the Lord, which was established when Christ ascended and sat down on the right hand of the Father. Such empirical thoughts, coupled with images of riches and prestige, most likely influenced Judas to do what he did.

As time passed, this man sank increasingly deeper into sin. His eyes did not see the stupidity of his ambition. His greed blurred personal enlightenment, thus hiding Jesus' grandeur from his view. Judas, no doubt, appreciated the conviction and authority with which Jesus preached and healed, but blinded by his greed and ambition, he missed the mark. Judas, the reward seeker, forfeited the richest reward of all: eternal life.

Standing alone at the entrance to the garden, Judas would have felt he and the other disciples had been betrayed. Contemplating this thought, he would have watched the flickering torches blend with the city's lights as Jesus was marched to the court of Annas.

## **The illegal arrest and private examination**

**\*1** “The Bible record discloses three distinct elements of illegality in the arrest of Jesus; (1) The arrest took place at night in violation of Hebrew law; (2) it was effected through the agency of a traitor and informer, in violation of a provision in the Mosiac code and of a Rabbinic rule based thereon; (3) It was not the result of a legal mandate from a court whose intentions were to conduct a legal trial for the purpose of reaching a righteous judgement”.

With the Arrest of Christ occurring at night, (John 18:3,12) the arresting party violated the first Hebrew law. It was illegal to carry out the proceedings of a capital trial at night. This law did not cover the trial alone, but also the procedure from the arrest to the crucifixion.

Judas, a witness, upon his employment by the Sanhedrim, brought about the second violation of the law. The witness of an accomplice was inadmissible according to Hebrew law.

**\*2** “The arrest of Jesus was ordered upon the supposition that he was a criminal; this same supposition would have made Judas, who aided, encouraged, and abetted Jesus in the propagation of his faith, an accomplice. If Judas was not an accomplice, Jesus was innocent, and his arrest was an outrage, and therefore illegal”.

Leviticus 19:16-18 states, “Thou shalt not go up

and down as a talebearer among thy people: neither shalt thou stand against the blood of thy neighbour: I am Jehovah. Thou shalt not hate thy brother in thy heart: Thou shalt surely rebuke thy neighbour, and not bear sin because of him. Thou shalt not take any vengeance, nor bear any grudge against the children of the people; but thou shalt love thy neighbour as thyself: I am Jehovah”.

Though this may appear to be a concern of moral standings, the construction of the Hebrew law must be taken into account. Hebrew religion was founded upon God’s law thus the judicial law was founded upon this religion.

Judas was a talebearer. Evidence concerning the whereabouts of Christ was relayed to the Chief Priest by the mouth of Judas. Judas also stood against the blood of his neighbour. The arrest, trial and execution of Christ, brought about the shedding of a neighbour’s blood. That which has already been relayed to the reader concerning this man Judas, builds a basis for hate. The traits of Judas surely bear the marks of a grudge or vengeance. Finally, did he not violate the greatest commandment of all? The commandment Christ Himself used so often; “Love thy neighbour as thyself” (Mark 19:19)?

**\*3** “And yet this informer, conspirator, and malefactor was employed by the chief priests in effecting the arrest of Jesus. Was not a fundamental rule of Mosaic law violated? Will it be argued that the rule operated against Judas, but not against the Chief

priests? If so, It must be remembered that no wicked instrument could be used in promoting Hebrew justice. Officers of the law were not permitted to require a citizen to do an act, which was forbidden by the law. If Jesus was innocent, then the arrest was illegal. If He was guilty, then Judas, His disciple and fellow-worker, was an accomplice; and no accomplice could be utilized in furtherance of justice, under Hebrew law, either in the matter of arrest or in the establishment of guilt as a witness at the trial”.

The illegal manner in which Jesus was arrested was only the beginning of the violation of procedures. Jesus was now led to Annas, The father-in-law of Caiaphas, who was the high priest that year (John18:13). The account of the delivery to Annas is only recorded in the Gospel of John. John makes mention of Annas questioning Jesus. After Annas had questioned Jesus, he sent him to the court of the high priest Caiaphas, where the Sanhedrim, or part of it, had gathered. Here, Jesus faced the judgement of these men, who tried and condemned him.

This private examination of Jesus, by Annas began with a question concerning the doctrine which Jesus and His disciples had been teaching (John18:19). The question and the manner in which it was asked was illegal. Annas had no authority to sit in judgement alone. Another point of illegality was the carrying out of the hearing at night. This increased the malpractice on the part of Annas.

According to Hebrew law, no Judge could preside

alone. A minimum of three was called for in the lowest Hebrew Court of law. The minor Sanhedrim presided with twenty-three members.

Finally, the great Sanhedrim required seventy-one members. It was a violation of the law of God that one sit in judgement alone, (James 4:12).

\*4 “Again, preliminary examination of accused persons were not allowed by Hebrew law. In American States and in some other countries, a man suspected of a crime and against whom any information or complaint has been lodged, is frequently taken before an examining magistrate to determine whether he should be discharged, admitted to bail, or sent to prison to wait the action of a Grand Jury. At such a hearing, the prisoner is usually notified that he is at liberty to make a statement regarding the charge against him; that he need not do so unless he desires; but that if he does, his testimony may be subsequently used against him at the regular trial of the case. But such proceedings, according to Salvador, were forbidden by ancient Hebrew law. The preliminary examination, therefore, by Annas and Caiaphas was illegal”. The irregular proceedings by Annas, could have been a plot to gather further evidence, which could have been produced at the regular hearing. Whatever the intentions of this man were, one can see the illegal manner in which he carried them out. As a private citizen, Annas had no authority to judge Jesus in Private.

Jesus answered Annas in a manner according to

His legal rights as a Jewish citizen (John 18:20-21). Pure Hebrew justice poured forth from the mouth of Jesus. His words signified His knowledge of His rights, and the illegal judicial position that His questioner had taken. The well-aimed words of truth found their mark. The official position of Annas had been challenged. A guard, who struck Jesus on the mouth, defended Annas' position.

Under Hebrew law, a witness could be classed as an accuser, and his testimony was classed as evidence.

\*5 “We have seen under Hebrew law, the witness and the accusers, and their testimony was at once the indictment and the evidence. We have also seen that Hebrew prisoner could not be compelled to testify against himself, and that his uncorroborated confession could not be made the basis of a conviction. “Why ask thou me? Ask them that heard me, what I have said unto them”. This was equivalent to asking, “Do you demand that I incriminate myself when our law forbids such a thing? If I am not an evildoer, bear witness of the evil, that is, let witnesses testify to the wrong doing, that I may be legally convicted. If I am not guilty of a crime, why am I thus maltreated?”

Christ's appeal for a legal testimony, though pointed, produced results. Christ called for protection and justice according to Hebrew law. The effect was the production of witnesses who, no doubt, were not truthful concerning their testimony, but nevertheless were witnesses. Upon the arrival of those witnesses, the formal trial began. The trial was, according to

Hebrew law, only formal when witnesses could be gathered.

## **The illegality of the hearing conducted at night**

**\*6** “Hebrew jurisprudence positively forbade the trial of a capital case at night. The infraction of this rule involves the question of jurisdiction. A court without jurisdiction can pronounce no valid verdict or judgement. A court has no jurisdiction if it convenes and acts at a time forbidden by law”.

The arrest of Jesus was at night. This fact establishes a foundation for a very serious offence according to Hebrew law. It is believed by most scholars that the arrest of Jesus took place between the hours of twelve that night and one the next morning. This was the day before the special Sabbath or high day (John 19:31).

The first trial took place between the hours of two and three. Then at daybreak, the second trial was conducted. This was, no doubt, intended as a cover-up for the violation of the law concerning the trial at night. It also created other legal implications, because the Hebrew law required two trials. The matter concerning the time is of no real consequence, for it is beyond dispute that the first trial before the Sanhedrim was at night.

Considering that the Sanhedrim did know of the law that forbade them to conduct a hearing at night, why then did they conduct it? Let us consider these two possibilities.

**\*7** “The question has been frequently asked: Why

did the Sanhedrim meet at night in violation of the law? The answer to this is referable to the treachery of Judas, to the fact that he sought opportunity to betray him unto them in the absence of the multitudes, and to the thought of the Master: But this is your hour, and the power of God. Luke tells us that the Sanhedrim ‘Feared the people’, Luke 22:2”.

Jesus throughout His ministry was in their presence, but they failed to arrest Him. This was the will of the Father, that no one could take the life of His Son until He was ready for Him to lay it down, (John 14:30).

Another reason worth considering is that the chief priests were plotting in craftiness (Mark 14:1, Matt. 26:4). Judas obviously was the missing piece to their sly puzzle. Then, with all the pieces in place, and by the will of God, they arrested Jesus. The plot had been carried out in secret, and now the arrest and the trial had to be conducted in the same manner.

The first day of the Passover feast had begun, and among the pilgrims who had arrived were many that loved Jesus. Jesus had influenced many to follow Him, due to His humble entry into the city. To hold the trial in the daylight hours would have brought about the testimony of many friends of Jesus. This of course would have disrupted the plans of the Sanhedrim and resulted in the release of Jesus.

**\*8** “And it will be seen that this determination to arrest and try Jesus at night, in violation of the law,

became the parent of nearly every legal outrage that was committed against him. The selection of the midnight hour for such a purpose resulted not merely in the technical infraction of law, but rendered it impossible to do justice either formally or substantially under rules of Hebrew criminal procedure”.

## **No observance of the morning sacrifice**

The trial of Jesus can be likened to the growth of weeds in a garden of false witnesses. The growth spread, choking the truth that grew in splendor. This deceptive foliage flourished in the hearts of men until they could not observe their own form of law.

**\*9** “No session of the court could take place before the morning sacrifice”. This form of illegality is determined by three possible means. It was either, irregularity or material error as modern jurists would say. Secondly, a repetition of the original fault, that being the trial at night. Thirdly, the most prominent, is that the rule is in connection with the Hebrew religion and Hebrew law.

**\*10** “It is historically true that a session of the Sanhedrim in the Psalmist days of the Jewish Commonwealth was characterized by all the religious solemnity of a service in the synagogue or the temple. It is entirely probable, therefore, that the morning sacrifice was made by law an indispensable prerequisite to the assembling of the supreme tribunal of the Jews for the transaction of any serious business. On any other supposition the rules of the law cited above would have no meaning. We have reason to believe, then, that the offering of the morning sacrifice was a condition precedent to the attachment of jurisdiction, and without jurisdiction the court had no authority to act. That the morning sacrifice was offered each day, whether the court assembled or not, as a religious requirement, does not alter the principle of the law

above enunciated”.

Concerning the time that was set aside for the offering of the morning sacrifice, we see that it could not have been honoured. The sacrifice had to be made at dawn before the sun rose. A study of the scripture related to the trial indicates no time was taken to respect it. The Sanhedrim did meet that morning, but it was only in conjunction with the trial. Therefore this indicates the abstinence from the sacrificial offering. Neglect, not only of the Hebrew law, but of Jehovah also, fertilized the weeds in the deceitful garden they had created. Jesus was slowly and inevitably condemned illegally.

## **Eve of the Sabbath and festival violated**

**\*11** They shall not judge on the eve of the Sabbath, nor that of any festival. Mishna, Sanhedrim IV.1”

**John 19:31** ”The Jews therefore, because it was the Preparation, that the bodies should not remain on the cross upon the Sabbath (for the Sabbath was a high day), asked of Pilate that their legs might be broken, and that they might be taken away”.

The members of the Sanhedrim were so eager to condemn Jesus that they continually violated the law. No trial could, as stated above, be held either on the eve of the Sabbath or the following festival day.

**\*12** “Concerning the Sabbath day provision, Maimonides offers the following reason for the rule: “As it is required to execute the criminal immediately after the passing of the sentence, it would sometimes happen that the kindling of a fire would be necessary, as in the case of one condemned to be burned; and this act would be a violation of the law of the Sabbath, for it is written, ‘Ye shall kindle no fire in your habitations on the Sabbath day’ Exodus 35:3”.

Adjourning of the court procedure, according to Hebrew law, was only allowed for a single night. This is entirely different from the modern day proceedings, which allow a court to adjourn for any period. The Hebrew hearings would continue until the judgement was completed and the sentence was ann-

ounced.

As has been previously, no trial could be conducted upon the Sabbath. Therefore it was necessary that the courts refrain from meeting on the day proceeding the Sabbath and feast days. This would of course enable the courts to uphold tradition and not violate the law.

Now the trial of Christ was conducted, not only upon a Sabbath, but a feast day also. Knowledge of the Jewish chronological dais aids the reader to understand how this was possible. Their day began at one sunset and ended upon the following one. They, of course, had no mechanical means of dividing the day into twenty-four hourly parts, as we have today. They reckoned day from sunrise to sunset and night from sunset to sunrise. Their system of hours varied in length as did their days, depending on the season.

**\*13** “Now Jesus was tried by the Sanhedrim on the 14th Nisan, according to the Jewish calender; or between the evening of Thursday, April 6th, and the afternoon of Friday, April 7th, A.D. 30 according to our calendar. The 14th Nisan began at sunset on April 6th and lasted until sunset April 7th.

This was a single Jewish day, and within this time Jesus was tried and executed. According to our calendar, the trial and the execution of Jesus took place on Friday, April 7th. This was the day preceding the Jewish Sabbath, which came on Saturday, according to our reckoning. And on a day preceding the Sabbath

no Jewish court could lawfully convene””.

John 18:28, states that the feast of the Passover had already begun. This indicates more deeply, the illegality of the hearing. They had carried out the trial in strict disobedience to the law, which they were obligated to keep. In violating this law, they broke another. The scribes always recorded the trials of Sanhedrim, but they were not allowed to pen on the Sabbath or a holy day. It was therefore not possible to hold the trial of Christ on the day mentioned without violating the law. To suggest that it was not necessary to have a record, simply implies irregularity on behalf of the Sanhedrim?

## **The one-day trial was illegal**

The Hebrew nation had a high regard for human life. This is noticed not only in day to day activities, but also in the case of criminal affairs. They conducted a hearing with precaution, care and delay. This was in keeping with their religious respect for a man's life. The life of a man was given to him from God. Therefore, to be able to dispose of it, it was necessary to obey the law of God. Religious belief such as this guided the Hebrew judges as far as capital crime was concerned. The Mishna makes mention of the strictness of this observance: "The Sanhedrim, which so often as once in seven years condemned a man to death, is a slaughter house". Mishna Sanhedrim IV.1

**\*14** "A criminal case resulting in the acquittal of the accused may terminate the same day on which the trial began. But if the sentence of death is to be pronounced, it cannot be concluded before the following day". Mishna Sanhedrim IV.1

In the case of a human life, the Sanhedrim would preside for at least two days, because a sentence of condemnation could not be arrived at before a night had passed. This allowed the judges time to sleep, pray, fast, and meditate. In the case of an acquittal, the hearing would conclude in one day.

**\*15** "At the close of the first day's trial they left the judgement hall and walked homeward, arm in arm, discussing the merits of the case. At sunset they began to make calls on each other, again reviewing

among themselves the facts in evidence. During the intervening night they abstained from eating heavy food and from drinking wine. They carefully avoided doing anything that would incapacitate them from correct thinking. On the following day they returned to the judgement hall and retired the case”.

The trial of Jesus was conducted in the space of one day. He was arrested, tried, condemned and executed in the same day. This shows the illegal nature of his hearing and execution. Though there were two trials, the gospel accounts confirm that they happened on the same day. The following scriptures refer to the first trial, Matt. 26: 57-66; Mark 14:55-64. The following scriptures relate to the second trial, Matt. 27:1; Mark 15:1; Luke 22:66-71.

This therefore confirms that the Judges did not take the nightly rest as was customary. Even if they did rest, they would have still broken the law concerning the Sabbath day and the feast day. It appears from a deeper study of the trial that there never was any legality to it.

## **Unanimous verdict of the Sanhedrim**

**\*16** “A simultaneous and unanimous verdict of guilt rendered on the day of the trial has the effect of an acquittal. Mendelsohn, ‘Criminal Jurisprudence of the Ancient Hebrews’. Page 141” This rule is stated by the Lawyers as being the strangest of its kind in the world. Other courts of law throughout the world have allowed a convicting verdict to be reached unanimously. The Hebrews would not accept such a vote or it would become an acquittal.

According to Hebrew law, this form of verdict reaching was not as we think. In a modern court there exists Lawyers to defend, but in the court of the Sanhedrim, the Judge was both prosecutor and defender. Understanding this we realize that if a unanimous vote was cast, then the prisoner was without a defender. This was an indication to the Jews that there must be a conspiracy on behalf of the Judges. It also indicated mob violence. This type of judgement would leave no mercy, the most essential part of any Hebrew justice.

The sentence would be reached by a majority vote of at least two. One would not be sufficient, and thus brought about an acquittal. According to the rules of the Great Sanhedrim, which had a membership of seventy-one, it required a vote of at least thirty-seven to convict, but thirty-six to acquit. This same rule was carried out according to whether there was a full house or not. The lowest number that had to be present to vote was twenty-three.

In the case of a brutal and obviously convicting case, it would seem an absurd manner of judgement. But no matter how bad or undeniable the crime, there had to be at least one defender or a majority vote for the court to function. If it was carried out in a manner opposing this law, then it was not a valid trial.

Mark 14:63,64. This scripture states that the Sanhedrim came to a unanimous decision, thus making the trial and sentence of Jesus invalid. Though Mark's gospel is the only record of such a vote, the other gospels do not deny it. The Jewish scholars would like to disprove the account of Mark, but their efforts to do so have only thrown a greater light upon his testimony.

\*17 "Rabbi Wise, 'Martyrdom of Jesus', and Signor Rosadi, 'The Trial of Jesus', calls attention to the fact that the verdict was unanimous. The former seeks to ridicule Mark as an authority because a unanimous verdict was illegal under Hebrew law, and the distinguished Hebrew writer does not conceive that Hebrew judges could have made such a mistake. Such argument, reduced to ultimate analysis, means, according to Rabbi Wise, that there were certain rules of Hebrew law that could not be and were never violated".

Much controversy has arisen concerning the number of members that were present for the trial. This statement is only trying to place the friends of Jesus, who were members of the Sanhedrim, on the spot. If they were present, the question is asked, did they vote against Jesus? Luke 23:51 indicates that one of His friends did not vote with them. If he did not vote with

them and there was a unanimous decision, would he have been present? The discussion is not whether Jesus' friends were present, but that the Sanhedrim voted unanimously. Those who were sitting in judgment condemned Jesus with one voice.

Many commentators have denied that the Sanhedrim was in full sitting. They feel that the writers were not expressing literally what they saw or knew. If this was so, it still does not subtract from the fact that the Sanhedrim, no matter how many were present, voted unanimously. The only time that a verdict could not be reached was if the membership present was less than twenty-three. Therefore, the illegal action of conspiracy and mob violence was carried out on behalf of the Sanhedrim.

These points may be debated and wrested for centuries, but still they will not subtract from the unanimous vote of the Sanhedrim, which condemned Jesus.

## Three illegal procedures

This chapter will take into account the illegal aspect of three points. (1) The condemning sentence was pronounced in a place forbidden by law. (2) The rending of the clothes of the High Priest. (3) The ballot was irregular.

**\*18** “A sentence of death can only be pronounced so long as the Sanhedrim holds its session in the appointed place. Maimonides, Sanhedrim, XIV”.

“And he that is the high priest among his brethren upon whose head the anointing of oil was poured, and that is consecrated to put on the garments, shall not uncover his head, nor rent his clothes”, Leviticus 21:10; 10:6.

“The members of the Sanhedrim were seated in the form of a semicircle at the extremity of which a secretary was placed, whose business it was to record the votes. One of these secretaries recorded the votes in favour of the accused, then those against him. Mishna, Sanhedrim IV.3”

The Great Sanhedrim, it is recorded, assembled in an apartment of the national temple in Jerusalem, known as the Hall of Hewn Stones. This was the arrangement made for capital trial only. It was forbidden, according to the Jewish scholars, for a capital trial to be conducted outside of this building. They were to remain in the building, which God had selected throughout the entire trial.

From the gospel accounts it is clearly evident, that Christ was not tried in such a place, but rather in the court of Caiaphas. In defense of this evidence, the Jews suggested that the place of judgement, was shifted soon after Roman invasion.

They go on to say that not only did they move it once, but many times, as often as the occasion called for it. Scholars, it appears from history, have continually debated this point. Consider the words of Chandler.

**\*19** “In opposition to this, Edersheim says: ‘There is truly not a tittle of evidence for the assumption of commentators that Christ was led from the palace of Caiaphas into the council chamber (Lishkhath Haggazith). The whole proceedings took place in the former, and from it Christ was brought to Pilate’. St. John emphatically declares: ‘then they led Jesus from Caiaphas into the hall of judgement’. This hall of judgement was the Praetorium of Pilate. Edersheim, ‘Life and Times of Jesus the Messiah’, Vol. 12, Page 556, n.i.”

**Point one:** We note that Jesus was tried outside of the regular meeting place, thus violating a law not made by men, but by God.

**Point two:** Throughout the Old Testament we read of many individuals who rent their clothes. They range from servants to kings, but not once is it recorded of a High Priest. This was a commandment ordained by God, and most certainly it was observed.

Mark 14:63-64 brings to light the action of Caiaphas who, no doubt, was shocked when he heard the so-called, blasphemous words of Jesus. By his mistake, Caiaphas broke the Mosaic law and degraded his position and authority as High Priest (Leviticus 10:6). Caiaphas had rent his garments and his position with a rend that could not be repaired.

**\*20** “In the times of Christ it seems to have been a custom among Jews to rend the garments as a sign of horror and execration, whenever blasphemous language was heard”.

Even though that which was stated above was Mosaic Law and not Talmud Law, each had its respective authority in the life of the Jew. But, the Talmud had no power to alter any Pentateuch law given by God.

**\*21** “It is true that the Talmud, while professing subordination to the Pentateuch, finally virtually superseded it as an administrative code. But the doctors never repealed a Mosaic injunction, since it was an emanation of the mind of Jehovah and could not be abrogated by human intelligence”.

**Point three:** Consider finally, the balloting of the judges, noting firstly, the procedure for a capital trial. According to Hebrew law, each judge would stand in his respective place and voice his vote concerning the innocence or guilt of the accused. He would also state the reason for his verdict. A system was devised, whereby the youngest would deliver his vote prior to

the elders so that they would not influence him. The High Priest was generally the oldest and thus the last to vote. Two scribes recorded each vote, plus its reason. And of course as previously mentioned, each capital trial was to convene over two days.

The votes of the first day were compared with the arguments of the second day. Those who had voted for acquittal on the first day, were not able to vote again the second day. Votes for conviction could be restated if the reason was good. A vote for conviction on the first day disqualified a vote for conviction on the second day, if the reason on the second day was different from the first. Because of this confusing issue, some scholars say that a third scribe was employed to produce a more accurate recording.

As this was the regular procedure, we are allowed to assume that the trial of Christ was carried out in this manner, because we are not allowed to presume error in a court of law. Concerning the ballot, the gospel accounts can be taken into consideration either by record or word construction.

**\*22** “In this connection, let us review the language of the scriptures. ‘Ye have heard the blasphemy: what think ye? And they all condemned him to be guilty of death’. Is it not clearly evident from this passage that the balloting was not done singly, the youngest voting first, as the Hebrew law required? Can it not be seen at a glance that the Judges voted en masse? If they did, was it possible for the scribes to record the votes and make a note of the reasons assigned, as the law

required? If these things were not done, were the proceedings regular?

According to Matthew: Caiaphas, before calling for votes exclaimed: 'He hath spoken blasphemy'. (Matthew 26:65) Instead of doing this, should he not, under the law, have carefully concealed his opinion until the younger members of the court had voted? Is it not a matter of history that the opinion of the High Priest was regarded as almost infallible authority among the ancient Hebrews? Did not this premature declaration of guilt on the part of the High Priest rob the subordinate judges of freedom of suffrage?" From the violations mentioned, we note that the verdict was reached, not by law, but by the illegal action of a mob.

## Members disqualified to try Jesus

**\*23** “The robe of the unfairly elected judge is to be respected not more than the blanket of the ass. Mendelsohn, ‘Hebrew Maxims and Rules’ p. 182”. “As Moses sat in judgement without the expectation of material reward, so also must every judge act from a sense of duty only. Mendelsohn, ‘Hebrew Maxims and Rules’ p. 177”.

“Nor must there be any judicial bench either a relation, or a particular friend, or an enemy the accused or the accuser. Mendelsohn, ‘Criminal Jurisprudence of the ancient Hebrews’ p. 108”. “He (the Hebrew Judge) was, in the first instance, to be modest, of good repute among his neighbours, and generally liked. Benny, ‘Criminal Code of the Jews’, p. 38”

“Nor under any circumstances, was a man known to be at enmity with the accused person permitted to occupy a position among his judges, Benny, ‘Criminal Code of the Jews’, p. 37

“The gospel record discloses the fact that the members of the Sanhedrim were legally disqualified to try Jesus. This disqualification was of two kinds: (1) A general disqualification, under Hebrew law, to act as judges in any case; (2) A special disqualification to sit in judgement upon the life of Jesus”.

During the time of Jesus, the qualification of the Judges of Judea was undergoing a drastic change. This was due to the corrupt manner of Roman politics.

The judicial fitness of the Hebrew nation was the most perfect in the world. The Great Sanhedrim represented a most perfect mental, moral, and physical development during the days of the psalmist. If a man was handicapped in any of these categories, he could not obtain membership. He was not only to be learned in the written law, but also the unwritten. Judicial experience was vitally necessary. He must have obtained judicial standing in three positions, which were to have been occupied in succession, beginning at a lower local court and gradually progressing to a successful position in the high court.

His usage of language was to have been of the highest standard, enabling him to understand those of the nations existing at the time. His moral standards were to be as follows: popular but modest, no slave to haughtiness, and well attired. Then finally, he had to possess poise, strength and be courageous with a friendly attitude toward the accused.

It is believed that the revolt, which was on hand, caused the worst of the Jewish society to come to light. The Sanhedrim was in an upheaval, with many members committing criminal acts, not only privately, but publicly. The seats that they were occupying were purchased, which immediately disqualified their judicial position. This was indeed so in the condemnation of the accused Jesus.

The Talmud is rich in evidence concerning the qualification of those that held office:

**\*24** “The porch of the sanctuary cried out four times. The first time, Depart from here, descendants of Eli; ye pollute the Temple of the Eternal. The second time let Issachar Ben Keifar Barchi depart from here, who polluted himself and profaneth the victims consecrated to God. The third time, Widen yourselves, ye gates of the sanctuary and let Israel Ben Phabi, the willful enter that he may discharge the functions of the priesthood. Yet another cry was heard, Widen yourselves, ye gates, and let Ananias Ben Nebedeus, the gourmand, enter that he may glut himself on victims”.

These mentioned, were members of the Great Sanhedrim at the time of Christ. They had been referred to as the controlling spirits of the Great Sanhedrim. Were their qualifications legal according to Hebrew law? With the purchase of their seats, they were certainly not influenced by the example of Moses who sat in judgement, not expecting a reward. Surely their actions not only disqualified their judicial position, but also their robes as cited in the introduction.

**\*25** “The ancient Hebrew judges, in the days of Israel’s purity and glory, submitted their claims to judicial preferment to the suffrage of a loving and confiding people. They climbed the rungs of the judicial ladder by slow and painful degrees. Integrity and ability marked each advance toward the top. Was this the process of promotion in the case of Caiaphas and his fellow judges? Did their bought and corrupted places brand them with the anathema of the law?”

**\*26** “The members of this court were, in the language of Jost, ‘burning enemies’ of Jesus, and were therefore disqualified, under Hebrew law, to act as his judges: (2) They had determined upon His guilt, and had sentenced him to death before the trial began; and had thus outraged not only a specific provision of Hebrew law, but also a principle of universal justice”.

There arose hatred among the Sanhedrim toward the cause of Jesus. To mention the extent of this hatred, a complete study of the life of Christ would be necessary. Due to this factor, let us consider only a minute number of reasons.

In courts of law, no man can be disqualified for hatred toward the crime itself. It really should be the duty of the judge to have such an attitude. The disqualification is enforced when the judge has a personal hatred for the criminal. It is stated, that a judge cannot occupy his position when the judgement of life, liberty and property of the person he hates are at stake.

**\*27** “The hatred that disqualified the members of the Sanhedrim, under Hebrew law, was that kind of hatred that had been generated by personal interest and experience. The most merciless invective, barbed with incomparable wit, ridicule, and satire, had been daily hurled at them by Jesus with withering effect. With a touch more potent than that of Ithuriel’s spear he had unmasked their wicked hypocrisy and had blazoned it to the skies. Every day of his active ministry, which lasted about three years, had been spent in

denouncing their shameless practices and their guilty lives”.

Though these statements are strong, they are heavily laden with truth. These men, whom these words describe, were of this report. They had become wrapped in pride because of the so-called, infallible, authoritative attitude that they possessed. Their attitude brought about many of the words that Jesus used to cut their egos, (Matthew 21:23,23:14-15).

**\*28** “Consider for a moment the difference in the spheres of Jesus and his enemies. He, an obscure prophet from Nazareth in Galilee; they, the leaders of Israel and the guardians of the temple of Jerusalem. Hem the single advocate of the new dispensation; they, the manifold **the** upholders of the old. He, without earthly authority in the propagation of his faith; they, clothed with the sanction of the law and the prestige of a might past. Imagine, then, if you can, the intensity of the hatred engendered by the language and the conduct of Jesus.

That we may fully appreciate the tension of the situation let us cast a single glance at the character of the scribes. Endersheim has written these wonderfully graphic lines about them: “He pushes to the front, the crowd respectively giving way, and eagerly hanging on to his utterances, as those of a recognized authority. He has been solemnly ordained by the laying on of hands; and is the Rabbi, ‘My great one’, ‘Master Amplitudo’. Indeed, his hyper-ingenuity in questioning has become a proverb. There is no measure of his

dignity, nor yet limit to his importance. He is the lawyer, the 'well-plastered pit', filled with water of knowledge, 'out of which not a drop can escape', in opposition to the 'weeds of untilled soil' of ignorance. He is the divine aristocrat, among the vulgar herd of rude and profane 'country people', who 'know not the law', and are cursed. Each scribe outweighed all the common people, who must accordingly pay him every honour; such as the respect paid to their sayings that they were to be absolutely believed, even if they were to declare that to be at the right hand which was at the left, or vice-versa".

How these words of Jesus must have struck the hearts of these men. His words of irony, no doubt, knifed deep to lay open the intentions of those involved. These statements could assuredly be enriched by many words of praise, but those uttered by Christ alone revealed Him as the Son of God.

From the assertions made concerning the Sanhedrim members, we are able to note a definite manner of hatred on their behalf. They were definitely opposed to the words of the Galilean and naturally hated exposure by such a one. This, as we have already mentioned, certainly disqualified their judgement of Jesus. Though it may appear to be provoked religious aggression in the eyes of some, to others it is personal injustice. As Christ had not rebuked the public as well, could it not be classed as a private affair?

It is also believed that Caiaphas and Annas had a partnership among the moneychangers, whom Jesus

drove, out of the temple. Therefore Jesus had not only scourged their manner of life with His tongue, but with their corrupt income also. Could this action therefore be assumed as religious or personal? A continuation of these disputes is not necessary, as it is evident that the members of the Sanhedrim were definitely disqualified to try Jesus.

To sentence Jesus to death even before they conducted a trial disqualified those who were to sit in judgement. To sit in judgement, one must not be of a bias or prejudice nature. Reference could be made to the actions of a murderous mob on a rampage, when judges have this attitude. There exists, in such a case, no regard for the testimony. An indulgence in such action by the Sanhedrim disqualified their judicial position in the trial of Christ.

It is noted throughout the gospel accounts, that the members of the Sanhedrim had plotted for some time and had waited for the opportunity to place the crown of death upon the head of Christ. Accompanying their prejudgment was the acquiring of false witnesses.

The Judges were forbidden, according to Hebrew law, to seek any witnesses at all. As mentioned earlier, they were to defend the accused and could only seek to produce evidence for the acquittal, not condemnation. They ignored this only to violate the law more intensely, by seeking false witnesses. Deuteronomy 19:18-21 indicates how strongly the Lord felt about such matters; "And the judges shall make diligent inquisition: and, behold, if the witness be a false

witness, and have testified falsely against his brother; then shall ye do unto him, as he had thought to do unto his brother: so thou shalt put away the evil from the midst of thee. And those that remain shall hear, and fear, and shall henceforth commit it no more any such evil in the midst of thee. And thy eye shall not pity; life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot”.

Regardless of this prohibited action, they continued to condemn Jesus. This action only intensified the light of their inability to judge Jesus. Not one, it appears from the scripture, was qualified to judge Jesus, (Mark 14:55). As conclusive proof, let us couple the quote with (Mark 14:65), bringing to light the unseemly manner in which the members abused Christ physically; spitting upon and striking His face. Some sources would like to blame the servants for this action, but the scripture presented denies this, thus casting the blame wholly upon the members.

## **Merits of defense were not considered**

In any criminal trial there exists two parts: an accusation, and a defense. Under law it is essential that both parts be appreciated. No justice can be administered properly without the employment of both. In the case of removal of the defense, the citizen would be denied freedom and subjected to the fancy of the court.

It appears, from the records of Hebrew law that this rule was certainly not adhered to at the trial of Jesus. “Then shall thou inquire, and make search, and ask diligently”. Deuteronomy 13:14

**\*29** “The judges shall weigh the matter in the sincerity of their conscience”. Mishna, Sanhedrim IV.5 As the judges were to pose as the defenders, their system was therefore slightly different to the modern day court in which counselors preside. The witnesses, who were then cross-examined by the judges, made the charges. Finally, a verdict was reached. History tells us that such procedure was adequate and the criminal’s rights considered deeply. With this in mind we notice that the Sanhedrim not only disregarded it, but also paid no attention to Mosaic code either.

**\*30** “The thou shalt inquire, and make search, and ask diligently. The Mishna supplements the fundamental law by this direction: ‘Judges shall weigh the matter in sincerity of their conscience’. From what we know of the peculiar tendency of the Hebrew system to favour the accused, we are justified in assuming

that the two rules just cited were framed for the protection of the prisoner more than for the security of the commonwealth”’.

Though many questions arise at this point concerning the trial of Christ, only a few have to be cited to bring to light the illegality employed here. Did Caiaphas concerning his proposed inquiry of the accused’s relationship with the Jews administer a diligent effort? Was the sincerity of the conscience employed? These questions can be answered by a brief study of the text involved. Chandler highlights the points concerning the accusation of false witnesses:

**\*31** “Is it not clearly evident from the record that the false witnesses contradicted themselves, were rejected and dismissed, and that Jesus was then condemned upon his uncorroborated confession that he was the Christ, the Son of God?”

According to Hebrew law, the defendant’s witnesses were examined after the leading witnesses, but this was not adhered to at the trial of Christ. No where is there mentioned of a defensive witness during the trial. Therefore, it was illegal to convict Jesus upon the words of His testimony.

**\*32** “The record is clearly and unequivocal that the conviction of Jesus was upon his uncorroborated confession. This was illegal. When Caiaphas said, ‘I adjure thee by the living God that thou tell us whether thou be the Christ, the Son of God’, Jesus answered,

‘Thou has said’, that is, ‘I am’, according to Mark. Here is an issue squarely joined between the Commonwealth of Israel and Jesus of Nazareth.

It was incumbent upon the state to establish his guilt by two competent witnesses who agree in all essential details. If these witnesses were not present, or could be secured, it was the duty of the court to discharge Christ at once, this law was provided and demanded. But this was not done”.

No witnesses were presented as a defense for Jesus; thus the court could not consider such evidence. Although the judges felt that Christ’s statements were false, they had no grounds for a verdict according to the law. To refuse the accused a defense was illegal and definitely unjust. According to Hebrew law, such action was referred too as mob violence. This being true, then how could they possibly defend the accused in such a case? It was at this point that the Sanhedrim became blind with condemnation.

The Sanhedrim had all authority to reject the testimony of both Christ and His witnesses, by claiming a blasphemous and false report. This unnecessary action of the Sanhedrim denying Christ His defense has been ridiculed for years. Not because of their illegal condemnation, but their outrageous violation of legal matters so as to inflict personal anger upon Christ.

Finally, while reviewing what has been stated concerning the illegal action discussed in this chapter, consider these following statements.

**\*33** “We should constantly keep in mind that Jesus was entitled to have the two requirements, ‘Then shalt thou inquire, and make search, and ask diligently’, and ‘The judges shall weigh the matter in the sincerity of their conscience’, applied not only for but against him. That is, before the Hebrew Commonwealth rested its case against him, he had a right to demand that a *prima facie* case be made, or in case of failure to do so, that he be at once discharged. This rule was pointed and imperative under ancient as under modern law, and before the merits of the defense were required to be considered the state had to close its case against the defendant, with a presumption of guilt against him, as a result of the introduction of competent and satisfactory evidence.

If rules of law had been properly observed in the trial of Jesus, the question of the merits of his defense would never have been raised; for it was practically impossible to convict him under the circumstances surrounding the night trial in the palace of Caiaphas”.

## **Under Hebrew Law Conclusion**

We can rightfully assume that the trial of Jesus, though only minutely covered on these pages, was illegal. We have noted that the members of the Great Sanhedrim violated the Hebrew law and the holy word of God. Their outrageous action brought about the death of the Lamb of God, as the sacrifice He was intended to be according the will of God, Isaiah 53. Though His trial was masked with deceit, it brought about the most wonderful death that Christians have grown to adore and appreciate.

The words of Peter on the day of Pentecost confirm their action, and the action of God after the death of His Son, Acts 2:22,23.

To fully cover the trial, we must also examine the actions of the Roman authorities. Christ, after His outrageous condemnation at the hands of the Jews, was delivered up to the Roman officials to confirm His death sentence. Let us therefore proceed to cover the trial at the feet of Pilate, the Roman representative in Jerusalem.



# Under Roman Law

## Introduction to Pontius Pilate

Pilate was the son of a renegade Spaniard, who gained fame as a Roman General. His father was decorated with the pilum (javelin) for distinctive service at the battle of Cantbrian. This award, which his father received, influenced the family's name: Pilate. Though little is known of Pilate's youth, it is believed that he served in the German campaign. After peace was obtained, he pursued pleasures in Rome, where he married Claudia, the daughter of Augustus. Her mother, historians tell us, was of ill repute and distasteful in the mouths of many. Her adulterous activities brought about the birth of Claudia, who was the illegitimate child of a Roman knight. The courtship of Claudia and Pilate began when she was only fifteen years of age. No nobility can be recognized in this courtship, as it was brought about by lustful desires on the part of Pilate. This of course originated from the reputation of her mother.

Upon marrying her, Pilate was refused the rights of relationship and was speedily removed to his government position in Judea, where at a later date, Claudia would join him. This was authorized upon special request, which was granted by Caesar. The law stated that the wives could accompany their husbands only

at their own risk, but it can be noticed throughout history that many wives were with their husbands in government positions. These facts have been mentioned so as to corroborate the gospel accounts of the existence of Claudia and her dream.

The character of Pilate was very reckless and rather tactless. Those that held the position before him had observed the position with caution toward the prejudices of the Jews. They had never exhibited any form of Roman allegiance. The respectful observation was such, that a certain Roman Legate of Syria forbade his troops to march through Jewish territory, and so marched them around it.

Pilate, who had become the sixth procurator of Judea, abused this tradition by marching through Jerusalem at night carrying lighted images of Tiberius. This aroused the Jews, who proceeded to plead with Pilate to abstain from such practice. The closing of Pilate's ears upon their request aroused an exploding disturbance. This kindled the anger of Pilate, who finally took action.

The Jews were gathered in one place and warned of a pending death if they would not deny their allegiance to the holy city. Rather than submit themselves to Roman authority, the Jews were willing to die. This display of loyalty touched Pilate, who revoked his threat and removed the images of Roman authority. This embarrassing defeat over Pilate became a stumbling block for the rest of his career in Judea. This is only one of the many accounts of the prejudice of

Pilate toward the Jewish religion.

Concerning the character of Pilate, Philo gives a brief but descriptive outline:

**\*\*1** “Corruptibility, violence, robberies, ill-treatment of the people, grievances, continuous executions without even the form of a trial, endless and intolerable cruelties”. It is said that all men have a tender side. Such is this man Pilate. The gospel accounts of Pilate portray him as tender hearted and delicate. This of course brings about a feeling of both resentment and love toward Pilate.

**\*\*2** “The pure hearted, gentle-minded authors of the gospels, instead of painting him as a monster, they have linked conscience to his character and placed mercy in his heart, by their accounts of his repeated attempts to release Jesus”. Chandler makes reference to a passage, which certainly summarizes the character of Pilate.

**\*\*3** “The true character of the Roman judge of Jesus is thus very tersely given by Dr. Ellicott: ‘A thorough and complete type of Roman man of the world: stern, but not relentless; shrewd and world worn, prompt and practical, haughtily just, and yet, as the earthly writers correctly perceived, self-seeking and cowardly; able to perceive what was right, but without moral strength to follow it out’”.

The end of Pilate’s reign was brought about by a mistake, which involved the slaying of a number of

Jews. The Samaritians had gathered under false pretense upon a mountain, where there was supposedly some sacred mosaic writings. Before the uncovering could begin, Pilate, thinking they had gathered to revolt, attacked them. Many were slain in the action that took place. The Jews promptly complained to the Governor of Syria who removed Pilate from his position. Pilate was then ordered to Rome, but failed to stand trial due to the death of Tiberius.

The bloody and eventful reign of Pilate lasted ten years. His death is mingled with mystery and legend and unfortunately remains unknown. He had served as an instrument in the hand of the Father and passed from this earthly life, which he abused, to the judgment of God.

## Jesus Before Pilate

Following the close of the Hebrew trial, Jesus was led to the judgement seat of Pilate by the entire Sanhedrim. The Sanhedrim's objective in presenting Jesus to Pilate was to obtain confirmation of the decision to execute Jesus. Pilate's Praetorium, unfortunately, did not occupy any permanent locality. History supports the theory that he probably shared the enormous and splendidly decorated palace of Herod.

By the time they arrived at the palace gates, the Passover was in session. It is obvious that they had not taken into consideration their previous judicial blunders because here at the gates of the Procurator, they questioned a ritual of Levitical custom, which forbade such action during the Passover festival.

Pilate took into consideration their action and the significance of their adhering to this custom, and proceeded to meet them outdoors, which was the usual Roman custom anyhow. The site for the hearing was arranged in the following manner:

**\*\*4** "His judgement seat was doubtless raised immediately in front of the entrance and between the great marble wings of the palace. Pilate's tribune or bema was located in this space of the elevated spot called Bagaatha, an Aramaic word signifying and eminence, a 'Hump'. The location on an eminence was in accordance with a maxim of Roman law that all criminal trials should be directed from a raised tribunal where everybody could see and understand

what was being said and done”.

The language that was used for this trial was assumed to be Greek. Latin was the common language used throughout the Roman provinces, but it is not believed to have been the language at the trial of Christ. With the accused and the hearing site chosen, Pilate began to question the accused.

**\*\*5** “ ‘What accusations bring ye against this man?’” This question is keenly suggestive of the presence of a judge and of the beginning of a solemn judicial proceeding. Every word rings with Roman authority and administrative capacity. The suggestion is also prominent that accusation was a more important element in Roman criminal trials than inquisition. This suggestion is reinforced by actual dictum from the lips of Pilate’s successor in the same place: ‘It is not the manner of Romans to deliver any man to die, before that he which is accused have the accusers face to face, and have license to answer for himself concerning the crime laid against him’”.

The following question uttered by Pilate, produced an answer of evasion by the scribes. “If this man were not an evil doer, we should not have delivered him up to thee”. John 18:30

The Jews expected Pilate to reject a retrial and justify the sentence upon their verdict. They were trying to infer that the Sanhedrim’s judgement reigned supreme over the Roman’s. They desired Pilate’s seal of approval for the execution, but not his

jurisdiction. Pilate, though blind toward their intentions abusively replied, "Take him yourselves and judge him according to your law", John 18:31. This statement clearly shows Pilate knew nothing of the capital offense with which Jesus had been charged.

The Sanhedrim replied that they had no authority to put Jesus to death, John 18:31. This disclosure of Pilate confrontation with the Jews has been questioned many times with general agreement being reached with these two possibilities:

**\*\*6** "A certain class of critics contend that the procurator granted to the Jews in this instance the right to carry out capital punishment, as others have maintained was the case in the execution of Stephen. This construction argues that Pilate knew at once the nature of the accusation. Another class of writers contend that the Governor, by this language, merely proposed to them one of the minor penalties which they were already empowered to execute. The objection to the first interpretation is that the Jews would have been delighted to have such power conferred upon them, and would have exercised it; unless it is true, as has been held, that they were desirous of throwing the odium of Christ's death upon the Romans.

The second construction is entirely admissible, because it is constant with the theory that jurisdiction in capital cases had been withdrawn from the Sanhedrim, but the trial and punishment of petty offenses still remained with it.

A third and more reasonable interpretation still is that when Pilate said, 'Take ye him and judge him according to your law', he intended to give expression to the hatred and bitterness of his cynical and sarcastic soul. He despised the Jews most heartily, and he knew that they hated him. He had repeatedly outraged their religious feelings by introducing images and shields into the city. He had devoted the Corban funds to unhallowed purposes, and had mingled the blood of the Galileans with their sacrifices. In short, he had left nothing undone to humiliate and degrade them. Now there was another opportunity. By telling them to judge Jesus according to their own laws, he knew that they must make a reply, which would be wounding and galling to their race and national pride. He knew that they would have to confess their sovereignty and nationality. Such a confession from them would be music to his ears.

The substance of his advice to the Jews was to exercise their rights to a certain point, to the moment of condemnation; but to stop at that place where their sweetest desires would be gratified with the exercise of the rights of sovereignty and nationality". Whichever point one chooses concerning the interpretation of the actions of these men, it is noticeable that the Jewish party had a problem. Their intentions were smothered and their hope of a seal of approval for the execution by the Roman authorities was defeated.

The Sanhedrim was obviously suffering from despair and began a barrage of accusations, Luke 23:2. These accusations were fresh and no doubt false.

They had not been presented as evidence in the previous hearing the night before. Also the members of the Sanhedrim were now reversing their charge of blasphemy to treason, which adjusted their charge from religion to politics. To even obtain a hearing, they had to produce accusation of a political nature, not of a religious nature. Their shrewdness and determination were most certainly showing through. This was due to the problem that offenders of the Jewish law could not be tried under Roman law.

**\*\*7** “The first count in the indictment, that was perverting the nation, was vague and indefinite, but was undoubtedly against Roman law, because it was in the nature of sedition, which was one of the forms of treason under Roman jurisprudence. This charge of perverting the nation was in the nature of the revival of the accusation of sedition which they had first brought forward, by means of the false witnesses before their own tribunal, and that had been abandoned because of the contradictory testimony of these witnesses. The second count in their indictment, that he had forbidden to give tribute to Caesar, was of a more serious nature than the first”.

To abstain from paying taxes in Roman times was a serious offense. It displayed an offensive attitude toward Roman authority and reign. The Jews on this occasion were accusing Jesus of such an act.

Christ’s claim to be king was the greatest offense with which He was charged. If this charge was valid, then the sovereignty of Caesar had been insulted.

Such an accusation tried Pilate's loyalty to Caesar, for it was now his duty to delve deeper into the accusation. Also the Jewish reputation of previous attempts to set up sovereign rule influenced Pilate's inquiry.

It appears from the gospel record that Pilate paid little attention to the first and the second charges, but was eager to question the third. "Pilate therefore entered again into the Praetorium, and called Jesus and said unto him, Art thou the king of the Jews? Jesus answered, Sayest thou of thyself, or did others tell it thee concerning me?" John 18:33-34.

Jesus' reply was to question the nature of the question, whether it was Roman or Jewish. This was done with the intention of identifying the intent of Pilate's question, as to its nature, whether its origins were worldly or spiritual. To the Roman intent he would have given a negative reply, but to the Jewish intent his answer would require a spiritual and affirmative answer.

Pilate proceeds to answer Jesus, "Jesus answered, Sayest thou this of thyself, or did others tell it thee concerning me? Pilate answered, Am I a Jew? Thine own nation and chief priests delivered thee unto me: what hast thou done? 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", John 18:34-36.

The reply of Jesus is twofold. It is aimed, not

only at Roman politics, but also at the Jewish religiosity. Chandler proceeds to exegete Jesus' reply with clarity and deep thought..

**\*\*8** “By this time he meant that there was no possible rivalry between him and Caesar. But in making his denial, he had used two words of grave import: My Kingdom. He had used one word that impacted upon the ears of Pilate: the word kingdom. By using that word, according to Pilate’s reasoning, Jesus stood self-convicted...’ Art thou king then?’ Rising from the simple humility man to the glory and grandeur of God, Jesus used the most wonderful, beautiful meaningful words in literature of the earth: ‘Thou sayest that I am a king. To this end I was born, and for this cause came I unto the world, that I should bear witness unto the truth. Everyone that is of the truth heareth my voice’, John 18:37”.

The kingdom of Christ was spiritual and far from the material kingdom Pilate imagined. Pilate could not obtain understanding of a kingdom not made with hands. It was a kingdom of wondrous glory and splendour, but not able to be seen. Pilate’s evaluation of kingdoms was based on existing examples.

Pilate went on to ask Jesus, “What is the truth?” This question was asked without any intention of accepting the answer. Pilate felt that this peasant could not possibly give an answer to the question all Rome had been asking for decades. Pilate had once involved himself in an unfruitful search for truth, which increased his lack of faith in any answer Jesus

might give him. Pilate, disturbed and unsuccessful in his attempts to convict Jesus, could have possibly reasoned in this manner:

**\*\*9** “the mob outside tells me that this man is Rome’s enemy. Foolish though. We know who Caesar’s enemies are. We have seen and heard and felt the enemies of Rome – Barbarians from beyond the Danube and the Rhine – great strong men, who can drive a javelin not only through a man, but a horse, as well. These are Caesar’s enemies. This great and melancholy man, whose subjects are mere abstract truths, and whose kingdom is beyond the skies, can be no enemy of Caesar”. “...and when he had said this, he went out again unto the Jews, and said unto them, I find no crime in him”, John 18:38.

If this was the case, why didn’t Pilate release Jesus and protect him from the Jewish people? With consideration to a previous statement concerning the cowardly nature of Pilate, we can assume he was fearful of the populace.

The Jews, apparently angered by Pilate’s decision, spoke forth another accusation to strengthen their previous claim. “But they were more urgent, saying, He stirred up the people, teaching throughout all Judea, and beginning from Galilee even unto this place,” Luke 23:5.

**\*\*10** “this charge was intended by the Jews to serve a double purpose: To strengthen the general accusation of high treason recorded by St. Luke; and

to embitter and poison the mind of the judge against the prisoner by telling Pilate that Jesus was from Galilee. In ancient times Galilee was noted as the hotbed of riot and sedition. The Galileans were brave and hardy mountaineers who feared neither Rome nor Judea. As champions of Jewish nationality, they were the fiercest opponents of Roman rule; and in the final catastrophe of Jewish history they were the last to be driven from the battlements of Jerusalem. As advocates and preservers of the purity of the primitive Jewish faith, they were relentless foes of Pharisaic and Sadducean hypocrisy as it was manifested by the Judean keepers of the temple. The Galileans were hated, therefore, by both Romans and Judeans; and the Sanhedrists believed that Pilate would make short work of Jesus if he learned that the prisoner was from Galilee.

But a different train of thought was existed in the mind of the Roman Governor. He was thinking about one thing, and they about another. Pilate showed himself throughout the trial a craven coward and contemptible timeserver. From beginning to end, his conduct was a record of cowardice and subterfuge. He was constantly looking for loopholes of escape. His heart's desire was to satisfy at once both his conscience and the mob. The mention of Galilee was a ray of light that fell across the troubled path of the cowardly and vacillating judge. He believed that he saw an avenue of escape. He asked the Jews if Jesus was a Galilean. An affirmative reply was given. Pilate then determined to rid himself of responsibility by sending Jesus to be tried by the Governor of the

province to which he belonged. He felt that fortune favoured his design; for Herod, Tetrarch of Galilee, was at the very moment in Jerusalem in attendance upon the Passover feast. He acted at once upon the happy idea; and, under the escort of a detachment of the Praetorian Cohort, Jesus was led away to the palace of the Maccabees where Herod was accustomed to stop when he came to the holy city”.

## Herod Questions Jesus

Jesus, accompanied by the Roman guard and an abusive Jewish Sanhedrim, entered the palace of the Maccabees. The journey from the Praetorium, which was only a minute number of streets away, took only minutes.

Herod Antipas, the man before whom Jesus would appear, was a son of Herod the Great. Herod was governor of the region of Galilee and Perea, which was decreed by the Roman authorities. History reports this man to be of ill repute, which was the case of many rulers of that day.

**\*\*11** “The pages of sacred history mention the name of no more shallow and contemptible character than this petty princeling, this dissolute Idumean Sadducee. Compared with him, Judas is eminently respectable. Judas had a conscience which, when smitten with remorse, drove him to suicide. It is doubtful whether Herod had a spark of that celestial fire which we call conscience. He was a typical oriental prince whose chief aim in life was the gratification of his passion”.

To Jesus Herod was “The fox” (Luke 13:22), the executor of John the Baptist. The murderer of many of the ten wives he possessed in his life. And finally, a man driven to deeper corruptness by lascivious passions for unscrupulous women. Evil and deceitfully wicked attributes could have brought no better words to the mouth of Jesus.

It is not certain why Pilate sent Jesus to Herod, but it certainly pleased him, (Luke 23:8). Herod had been anxiously waiting for this very moment when he could cast his eyes upon this miracle worker from Nazareth. Herod's early fear of Jesus had driven him to send messengers to warn Jesus to flee. This, as is recorded, brought no fear to the heart of Jesus for his reply was addressed to "The fox". The boldness of the reply illustrates the love of Jesus for God and His will.

Herod's regard for Jesus was derived mainly from his desire for merriment and magic from this miracle worker whose wonders had amazed all Galilee and Jerusalem for the last three years. This desire to be entertained clouded the mind of Herod who was flattered that Pilate was avoiding his responsibility and placing the case upon Herod's shoulders.

Herod continued to delight in the significance of this opportunity, but being influenced by political desires thought it best to avoid authorizing the execution of Jesus. He was desirous of the people's allegiance and co-operation in his province. He, of course, did not shun his judicial obligation as it was his desire to please the Roman authorities as well as the angry multitude that had delivered Jesus to him.

Herod proceeded to examine Jesus. The scripture records that he questioned Him with many words (Luke 23:9). Throughout the whole ordeal Jesus remained silent. No doubt this silence bewildered Herod, who felt that Jesus would have seized upon this opportunity to display his talent in the presence of

a royal audience. Throughout His silence, the Jewish Chief Priest and the scribes continually accused Him, (Luke 23:10).

**\*\*12** “This verse from St. Luke clearly reveals the difference in the temper and purposes of the Sanhedrists on the one hand, and of Herod on the other. The latter merely intended to make of the case of Jesus a farcical proceeding in which the jugglery of the prisoner would break the monotony of the day and banish all care during the idle hour. The priests, on the other hand, were desperately bent upon a serious outcome of the affair as the words ‘vehemently accused’ suggest. In the face of their repeated accusations, Jesus continued to maintain a noble and majestic silence”. Was it correct for Jesus to refrain from answering Herod? Was Herod entitled to an answer?

Luke does not go into detail concerning the questions asked by Herod. Therefore it is not essential to debate these unanswerable questions. Jesus, no doubt, knew His judicial rights and realized that Herod was in no position to sit in judgement outside of his provincial reign. This insulting and abusive display by Herod toward Jesus, no doubt, delighted many Jews.

**\*\*13** the meaning of the mockery of Herod was simply this: Behold O Pilate, the illustrious candidate for the kingship of the Jews. Behold the imperial gown of the royal pretender”. Herod returned Jesus to Pilate who then acquired the task of authorizing the execution of Jesus. The friendship between Herod and Pilate was restored at the conclusion of Herod’s en-

counter with Jesus.

## **Final appearance before Pilate**

The plot previously mentioned, which Pilate prepared unfortunately produced no final verdict, but a display of debauched mockery and insult upon the character of Jesus. Herod did not cooperate with Pilate's scheme and he was now faced with the total responsibility of announcing the execution of Jesus.

“And Pilate called together the chief priests and the rulers and the people, and said unto them, Ye brought unto me this man, as one that perverteth the people: and behold, I, having examined him before you, found not fault in this man touching those things whereof ye accuse him”, Luke 23:13-14. Luke's statement concerning the aftermath of the appearance of Jesus before Pilate, shows Pilate's conviction concerning Jesus. Pilate could not find fault with Jesus.

Pilate, in a plea to satisfy his conscience and the people, had Jesus scourged. This act was an insult to justice and the Roman authority. Jesus' innocence protected Him from such action. He should have been released and removed from the presence of those violent Jews.

Pilate finally noticed his defeated position and decided to release Jesus unto the people, in accordance with a custom of the Jewish festival. This unfortunately dissolved quickly, and Pilate was still confronted with his problem. Chandler wrote a worthy description of the people's action on that day:

**\*\*14** “Pilate resolved to escape from his confusion and embarrassment by delivering Jesus to the people, who happened to appear in great numbers at the very moment when Christ returned from Herod. The multitude had come to demand the usual Passover deliverance of a prisoner. The arrival of the crowd of disinterested strangers was inopportune for the priests and the elders who were clamoring for the life of the prisoner in their midst. They marked with keen discernment the resolution of the governor to release Jesus. They were equal to the emergency, and began to whisper among the crowd that Barabbas should be asked.

And they had then a notable prisoner, called Barabbas. When therefore they were gathered together, Pilate said unto them, Whom will ye that I release unto you? Barabbas, or Jesus who is called the Christ? For he knew that for envy they had delivered him up. And while he was sitting on the judgement seat, his wife sent unto him, saying, Have thou nothing to do with that righteous man; for I have suffered many things this day in a dream because of him, Matthew 27:16-19.”

What a comparison: Barabbas a thief and murderer, or Jesus the sinless Son of God? The mob of bloodthirsty Jews sought to make appeasement for the assumed insults upon their character. This decision remained firm and the death of Jesus was their desire. Pilate, no doubt, a little confused and somewhat frustrated, was now more deeply burdened. During the riotous action of the mob, a messenger arrived from

his wife, who pleaded with him to refrain from any action against Jesus. Her plea was the result of a dream she dreamt earlier.

**\*\*15** “In the apocryphal report of Pilate to the Emperor Tiberius of the facts of the crucifixion, the words of warning sent by Claudia are given: ‘Beware said she to me, beware and touch not that man, for he is holy. Last night I saw him in a vision. He was walking on the waters. He was flying on the wings of the wind. He spoke to the tempest and to the fishes of the lake; all were obedient to him. Behold, the torrent in Mount Kedron flows with blood, the statues of Caesar are filled with the filth of Cemonial, the columns of the interium have given away and the sun is veiled in mourning like a vestal in the tomb. O, Pilate, evil awaits thee if thou wilt not listen to the prayer of thy wife. Dread the curse of the Roman Senate, dread the power of Caesar.’”

Though this letter was filled with warning and concern, Pilate’s decision was not altered. Pilate feared the Jewish multitude that had grown tense and anxious concerning the decision of Pilate. They feared he was about to reject their desire for an execution, and dismiss the case. They therefore cried out once more for the blood of Jesus, John 19:7.”

The anxious Jews now reversed the charges against Jesus from political to religious. This was due to the uncertainty of the stability of their earlier charges. Pilate, upon hearing their cries for blood was filled with superstition and fear, which influenced this dis-

cussion:

**\*\*16** “Pilate came forth from the judgement hall a second time determined to release the prisoner; but the Jews, marking his decision, began to cry out; ‘Away with him, away with him, crucify him’. Madened by the relentless importunity of the mob, Pilate replied scornfully and mockingly: ‘Shall I crucify your king?’ The cringing, hypocritical priests shouted back their answer: ‘We have no king but Caesar’. And on the kingly idea of loyalty to Roman sovereignty they framed their last menace and accusation. From the quiver of their wrath they drew the last arrow of spite and hate, and fired it straight at the heart of Jesus through the hands of Pilate”.

Viciously and without remorse, the Jews sought to accomplish their desired goal. They finally bent Pilate’s will with bloody hatred and rose triumphant, crying, “Crucify him!” Jesus was then turned over to the people, Mathew 27:26-31.

## Conclusion

### **Like a lamb led to the slaughter** (Isaiah 53:7)

Jesus the complete and most honourable sacrifice was lifted up between heaven and earth. There He became the acceptable price for man's sins. There He died and shed His blood that many might live in the love and fullness of God, thus fulfilling the words of the prophets. His mouth was sealed by the wickedness of men. His life, though sinless, was falsely accused and taken from Him. But He yet lives.

This study has shed some light on the false trial of Christ and those who violated the law. Even though He was beguiled and deserted by those He loved; the will of His Father was fulfilled.

Today Christians rejoice over His death, burial and resurrection because of the salvation from sin it brings to mankind.

Condemned falsely and put to death by man; Jesus rose triumphant over death to share with mankind the eternal blessings of His love. Praise God!

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