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OUACHITA BAPTIST UNIVERSITY

**“THE TRIAL OF JESUS: A HISTORICAL LOOK AT THE JEWISH AND ROMAN
TRIAL PROCEEDINGS”**

HONORS THESIS

BY

VIVIAN PRYOR

APRIL 17, 2024

INTRODUCTION

The death of Jesus Christ is an event that sets Christianity apart from other religions. A blameless savior, believed to come and conquer all evil on earth, was killed before the eyes of his followers. At the seeming end of the story of Jesus's life, there was unimaginable confusion. Though the Scripture foretold the fate of Jesus, many followers of Christ felt as if their Savior had been defeated. For Christians, the crucifixion of Jesus Christ is the source of salvation. The death of an innocent man paid for the sins of those truly guilty. For self-proclaiming 2.38 billion (World Population Review) people the hope of their lives and salvation comes from a death sentence. It is furthermore presumed that the case of Jesus Christ is the most influential legal case of all time and the only one that impacted multitudinously more people than any other. This case is worth the study because it is the foundation for the hope and perpetuation of the lives of so many people. The basis of this faith is the innocence of Christ. However, does the Jewish or Roman law reflect this innocence? Some claim that Christ was unfairly tried. Others file this claim as ignorant. Jesus was believed to be perfect and without sin. How could someone blameless end up on the cross through legal proceedings? Does Jewish or Roman Law punish the innocent?

What Led to Jesus's Trial

A question many Christians still do not fully understand today is why Jesus was convicted in the first place. There are multiple answers to this question. The first being that Jesus fulfilled prophecy, placing him, for many, as the King of Israel. The conflict between Jesus and the Roman officials that arose from this is obvious as there was already a King of Israel. When Jesus first arrived in Jerusalem, he fulfilled the prophecy of Zechariah 9:9 (all scripture references are taken from the Christian Standard Bible). Zechariah states that Zion's king will

come “humble and riding on a donkey.” The nature of His entrance also mirrors that of Solomon who entered in this nature, claiming his throne. This entrance raised opposition as Jewish officials saw these priestly actions as claims to the throne. They did not believe Jesus was who he said he was. Therefore, Jesus fulfilling prophecy and resembling a previous king, infuriated the self-righteous Jews.

In Mark 11:15-17 Jesus entered the temple and began preaching against the way the people had corrupted His Father’s house. The antipathy this prompted towards Jesus is reflected in Mark 11:18. It is written that “The chief priests and the scribes heard it and started looking for a way to kill him. For they were afraid of him because the whole crowd was astonished by his teaching.” Crowds surrounded Jesus. This was a threat to the chief priest and scribes because the masses believed Jesus. This meant they were not being influenced by the Jews. They saw Jesus as a threat because he was “incorrectly” indoctrinating the people. He was growing such a following that struck fear in the priests and scribes.

Following his actions in the temple, the chief priests, scribes, and elders came to Jesus requesting to know by what authority he performed his actions and teachings in the temple. His response to such questioning was not to explain the authority by which he did these things but then to tell the parable of the vineyard (Mark 11:27-12:11). This parable deals with farmers who kill the son of their landowner. The fate that awaits the farmers in the end for their murder is death brought by the father. Those who came to oppose Jesus recognized that he was speaking this against them, warning of the fate that comes to those who reject the Son of God. This perpetuated the mission towards the arrest of Jesus as his opposers felt this threat (Evans, Final Days).

Christians are called to radically challenge the worldly ideals that have prevailed in a fallen time, all in reflection of the life of Jesus Christ. Jesus was a threat to the existing conditions of political and religious nature at the time of His ministry. This is the reason he attracted the grand opposition that led to his crucifixion. He threatened Jews who were comfortable in their positions, climate, and sin. Though the pursuit of the Jewish Religious leaders was fierce, only the Romans could determine Jesus's fate through a civil trial. Various motivations ended up leading to various strategies used by his Jewish opposition to solicit a conviction from the Roman officials.

CHAPTER I
JEWISH PROCEEDINGS

From birth, Jesus Christ allured attention. A baby born to a virgin, eventually a savior, was seemingly condemned to defeat by earthly governing authority. As Jesus conducted his ministry on earth, he reflected this nature of arousing suspicion. As he modeled life for Christians to be set apart, he set himself in the condemning sight of the Sanhedrin.

Reputable Sources

The Bible was written to communicate who God is and the nature of his love. Though not written for the exclusive purpose of providing historical records of governances such as the Sanhedrin, it achieves this. The Bible is one of many historical records this paper will be drawing from. Even with various governing bodies playing an important role in many of the events in the Bible, the Bible does not offer an expansive explanation of the workings of the Sanhedrin or Roman officials. To better understand the institutions presented in the Bible, attention can be directed to the other ancient legal sources. One of these, The Mishnah, is a Jewish text of oral laws and oral interpretations of the Torah. Some of the Mishnah's writings regarding the Sanhedrin can provide a greater context for the Jewish trial proceeding Jesus faced. There are some perceived discrepancies between the Mishnah, the Bible, and other records such as those of historian Josephus. Additionally, it cannot be presumed that each and every one of the codes scribed by the Mishnah were followed in Jesus's day. The Mishnah was also accepted by the Pharisees. It should not be concluded that the Sadducees, whose Sanhedrin influence we will examine later, also accepted all the Mishnaic laws (Porter, Jesus of History, pg. 116-117).

However, there are many excerpts from the Mishnah that have been generally accepted as explanations for how the Sanhedrin operated during the time of Jesus.

The other contributing author to the context surrounding the Sanhedrin in the trial of Jesus is Josephus. He was born into a priestly line. He was highly regarded, even from a young age, for his insight into affairs of Jewish law. He was involved in and allowed to participate in political and military circumstances of rather substantial historical significance such as the military commander of Galilee. This position was in opposition to the Roman forces in the First Jewish-Roman War; however, Josephus found favor with the emperor and was granted Roman citizenship. Upon taking up residence in Roman territory, Josephus wrote his notable literary works, "*Bellum Judaicum*" (*The Jewish War*), "*Antiquitates Judaicae*" (*The Antiquities of the Jews*), and "*Vita*" (*Life*). Many works of Josephus are reputable among scholars to serve as references for various occurrences in Jesus's time, notably regarding dealings with Jewish law and structure (Poole, Josephus).

Pharisees and Sadducees

When considering the makeup of the Sanhedrin, identifiable distinctions worth noting in this period were Pharisees and Sadducees. Pharisees are more commonly identified than Sadducees. Josephus identifies a key trial player, Annas, as a Sadducee. However, he, nor other historical accounts classify other prominent Sanhedrin members as Sadducees. Sadducees strictly followed the Law of Moses. They did not venture far outside this law. The Pharisees, in contrast, ventured beyond the biblical interpretations. The Pharisees additionally adhered to spoken laws from the Fathers. The Sadducees would not accept this as it was beyond the written law. Conclusions taken from Josephus's writings, though heavily disputed by many on the grounds that Josephus was writing to please the Roman rule, have been made stating that the Pharisees

had outweighing power in the Sanhedrin. However, the evidence is rather inconclusive. There are instances in which both groups can be seen exercising dominance over the other. Annas, a Sadducee, dominates as Jesus is brought to him first, and he is respected by the people. On the other side, there are moments where it is seen that the Pharisees had their successes too. For example, the imposition stated in the Mishna of the alternative strangling over stoning sentences can be seen as an allowance to appease the Pharisees who believed in resurrection (Brown, Death of the Messiah).

Who was the Sanhedrin?

A claim cannot be made for the definite structure of the Jewish administration in Palestine at the time of Jesus's trial. However, the New Testament and Josephus support the composition of the Sanhedrin, consistent with the description of Jesus's trial in Matthew, Mark, and John, composed of chief priests, priests, elders, and Pharisees or scribes. The Sanhedrin had authority over primarily religious matters along with some temporal authority (Brown, Death of the Messiah). The Sanhedrin's identity of acting as a court delivering verdicts is rather undisputed.

Many of the arguments against this sentiment of the design of the singular Sanhedrin can be disputed in light of a few shining factors. None of the primary texts we are drawing from solidifies the idea of more than one Sanhedrin-esq. body at this time. All arguments in favor of this only assume so due to the use of multiple terms for the Jewish governing body.

The Sanhedrin consisted of the elite authoritative and judicial assembly of the Jewish people. The specific identities of those who made up the Sanhedrin are not recorded in some form of archive. However, given what we know regarding the roles of those who make up the body of the Sanhedrin, we can infer the specific kinds of people present. The Sanhedrin was not

a collection of people waiting to be called on to draw judgment. These were people in other roles who were summoned when needed. It is not likely that the same exact individuals of the governing body were present at the time of Jesus's trial as that of Paul, Steven, or any other convict. Furthermore, the identity of these individuals listed in the New Testament includes three roles. The chief priest, a title most likely pertaining to persons with the authority to perform needed sacrificial duties and high priests who were no longer serving. Elders likely refers to scholars and/or high-status families. The term elder encompasses most of the Pharisees and Sadducees. The most commonly accepted belief surrounding the identity of the scribes is that they were highly educated individuals. Identifying these groups is helpful in light of the needed acceptance that the Sanhedrin, specifically that of Jesus's trial, could not have had a roster of expected or required individuals, instead, some representation consisting of these associations (Brown, Death of the Messiah).

When the Sanhedrin met, they required a quorum of 23. It is recorded that there were two scribes who sat to chronicle the accounts for and against the tried. The voting of the members started with the youngest and went to the eldest member. A guilty sentence could not be given on the day of the trial, but a "not guilty" sentence could (Edersheim, Life and Times).

A characteristic typical of any governing body is a meeting place. As the United States has its courthouses, the meeting place of the Sanhedrin is rightfully considered. As many elements pertaining to the Sanhedrin of Jesus's time, a definitive answer cannot be given. It is presumed that the most viable answer is a meeting place neighboring the Temple (Brown, Death of the Messiah).

The Role of the Sanhedrin in Jewish Society

The Jewish legal system consisted of three courts. The lowest was reserved in cities with populations less than 120 and could not extend death sentences. The second court had still significantly limited jurisdiction compared to the final court but could extend death sentences in certain cases. The top court was the Sanhedrin. The members of the courts obtained membership through ordination. The members of the Sanhedrin appointed the members to the lower two courts. Members of the Sanhedrin were decided by current members from lower courts or students who faced the members (Edersheim, Life and Times).

The Sanhedrin court functioned in many ways over its lifespan, acting as a judge, administrative, or simply executive. The nature of the Sanhedrin at the time of Jesus's trial was to act promptly and in necessity. This Sanhedrin was not solely judicial or solely executive. It was not solely religious or solely diplomatic. This legislative-adjacent body acted in both these roles concurrently. The nature of how they operated was contingent on how the present members felt the situation needed to be handled. Interpreting legal matters was a priority only when it was deemed expedient (Brown, Death of the Messiah).

The Sanhedrin was not only the main Jewish governance in Judea but also throughout the world. Among their granted duties, Rome also relied on the Sanhedrin to keep order. This is part of the reason that Judea was so unruly in comparison to other Roman occupants. They were being maintained by Jews when Jews were causing trouble (The Execution of Jesus).

The single main official in the trial of Jesus was Caiaphas. The only other name given to a Sanhedrin member is Annas. Jesus was taken first to Annas because he was the former high priest, still essentially the face of the Jewish ruling class. Annas was a seasoned high priest, coming from a long line of position holders. Herod the Great appointed Caiaphas to the position.

Caiaphas was extremely disliked yet feared just the same. He was highly greedy, insensitive, and irreverent (Stalker, Trial and Death).

Sanhedrin's Role in Jesus's Trial

The Sanhedrin is responsible for the death of Jesus. It is the Sanhedrin that held his first trial, and the Sanhedrin who influenced the crowds and sentence of Pilate. Their legal capacity in Jesus's Trial is highly debated. We will later investigate the issues of illegality in later chapters, but their role in the trial of Jesus is crucial.

It is undeniable that the Sanhedrin wished to see Jesus dead. This was not a trial to determine whether or not he was innocent. The Sanhedrin conducted this trial to find something to accuse Jesus of in front of the Romans, so they would condemn him to death. This case should not be used as an example of the functions of the Sanhedrin. This trial was not typical. The Sanhedrin's role began as they sought out false witnesses to testify against Jesus. This was done as a private matter. Therefore, false witnesses were found within the limits of the members of the Sanhedrin. The effects of this haste were felt as all the false witnesses contradicted. This strategy had to be neglected. The Sanhedrin then decided to bring forth those who were present in John 2:19 when he said he would "Destroy this temple, and I will raise it up in three days." The instance when Jesus made this claim was the first time encountered Annas's great greed. They brought forth the claim that he was going to destroy and rebuild the temple as if he were going to harm the place of worship. The rebuilding of a physical temple in three days could have also been misinterpreted as a heavenly miracle. There was a precedent of Jews who incited extremism being squashed by the Romans. This was the best the Sanhedrin could have hoped for from this charge being brought to Pilate. Even with this, however, there were discrepancies that will be discussed in further chapters that could have led to the Sanhedrin's continued efforts to find fault

with Jesus. In such pursuit, Caiaphas, the High Priest, asked Jesus if he was the Messiah. He answered them “You have said it,” Jesus told him. “But I tell you, in the future you will see the Son of Man seated at the right hand of Power and coming on the clouds of heaven.” When the Sanhedrin heard this, they took it as blasphemy. We will further examine the validity of this claim in Chapter 3, but this is what the Sanhedrin was looking for. This was what they needed to go to Pilate for their conviction. So, they handed him over, bound, to Pilate (Edersheim, Life and Times).

Though we see many instances that suggest the Sanhedrin acting in their role in this trial as inelegantly to create the case themselves, the Sanhedrin was very intelligent. This is a fact proved over time in their roles, but also as they brought Jesus to Pilate. They were sure to focus on the political threat that Jesus was, not the religious threat. Pilate would not be concerned with the religious issues, that was more for the Sanhedrin to handle themselves. They presented Jesus claiming that he forbade them from giving taxes to Caesar and claiming to be King. It was customary that the Sanhedrin only come to Pilate with a resolute indictment. The first thing said to the Sanhedrin in front of Pilate was “What charge do you bring against this man?” This was disgraceful for the Sanhedrin. They responded, urging him that Jesus was a criminal. Pilate knew that they envied Jesus, and this motivated the accusations. This is revealed in the next thing he tells them. He suggests they try Jesus on their own, against their law. If he believed the grave accusations, he would not have released him to the jurisdiction of the Jews. They revoked this idea, confessing that they did not have the power to condemn one to death. With this, they make their intentions clear. They put forth their claims that Jesus claimed to be the King and that he instructed them not to pay taxes. The claim against paying Caesar what is owed is blatantly wrong. Jesus can be quoted saying, “Give to Caesar the things that are Caesar’s, and to God the

things that are God's." This claim could be formulated by the Sanhedrin as an assumption from the claim that Jesus is God, therefore no other should receive taxes. Even this is a reach (Edersheim, Life and Times).

From this point forward the role of the Sanhedrin in Jesus's trial is no longer judicial. It is socially political. Many had gathered for the tradition of a prisoner being released during the Passover. Jesus was still a prisoner, even though Pilate could not find him at fault. The Sanhedrin stoked the crowd. They became champions against Jesus to the public. Their aim to convict him through fabricated claims was not going to work as Pilate would not cooperate. They turned to the crowd as their means of condemnation. It worked. They had the crowds calling for the execution of Jesus and the release of Barabbas. Any who opposed were suppressed by the Sanhedrin (Edersheim, Life and Times). Pilate gave the Sanhedrin what they came for. Jesus was turned over to be crucified.

CHAPTER II

ROMAN PROCEEDINGS

Who was the Roman Legislature?

Though the Jews played a large role in the ignition of the trial of Jesus, they eventually had to bring him to Pilate. The Jews found him guilty in their own sense on their own accounts, but that was not enough to condemn him to death. That power was reserved for the Roman governor of Judaea.

The only two Roman officials identified by name in the gospel accounts of the trial are Herod Antipas and Pontius Pilate. Herod Antipas was the son of Herod the Great. At the death of Herod the Great, Herod Antipas inherited a third of his father's kingdom. Herod was a Tetrarch, the ruler of Galilee and Peraea. As the Tetrarch, he had perpetuated a strong central government, just as his father had held. Raised as a Jew, Herod, operated under the control of the Romans. Rome gave the appearance of more autonomous territories under their rule, even though their rulers were still carrying out Roman interests (Hoehner, Antipas).

By far one of the most interesting and highly debated players in either trial of Jesus is Pilate. Pilate was the governor, or prefect, of Judea. Pilate was appointed by Tiberius Julius Caesar Augustus, the king of Rome, as prefect, following his time as a Roman knight. The office of prefect, or governor, is the highest Roman official in Judea. The prefect was the Roman presence and rule in Judea. He reflected the preference of Rome (Hoehner, Antipas).

Role of Roman Legislature in Society

The office held by Pilate, the Roman governor, had many responsibilities and roles in the society of Judea. The governor was tasked with collecting taxes. In terms of legal competencies,

the governor had the sole power over all capital cases. He was entrusted with the management of all law and order in Judea. This included supervising the Sanhedrin. The Judean governor had access to auxiliary troops (Chapman, Trial and Crucifixion).

At the time of Pilate's rule, cities' self-governance was significantly minimized. This is claimed because Rome is cited to have granted itself the right to intervene in any instance where Rome's interests were concerned. Whenever Pilate felt as if Roman safety or any interest were threatened, he was obligated to intervene in Jewish matters (Chapman, Trial and Crucifixion). Though Rome reserved the right to govern and intervene, they did not do so frequently. In Judea, great judicial power was given to the Jews. Rome did not prioritize forcing all their conquered people to become Roman by adhering to their ways of life. Peace was a priority. Even though, as aforementioned, the Jews of Judea were the most disruptive of the Roman territories, they were still granted their religious and minor judicial powers (Wilson, Execution of Jesus).

The aspect of Pilate that seems the most perplexing is the nature of his attitude toward Jesus and the Jews. Some researchers argue that the inclusion of Pilate's innocence ruling of Jesus in the Gospels is strictly religious writers fabricating to prove the innocents of their God, a vital aspect of their salvation. This belief is not consistent with the historical character of Pilate. The explanation of why Pilate gave in to the demands of the Jews, despite his better judgment is reflected in an instance from the beginning of this administration. Josephus's "*Antiquities of the Jews*" reflects that Pilate had ordered his soldiers to carry images of the emperor into the Holy City. When the Jewish people claimed these images as idolatresses, Pilate refused their removal. Five days later, surrounded by Pilate's soldiers threatening their lives if they did not concede, the Jews laid and claimed they would rather die than stand for this injustice. Pilate extracted his soldiers from the Holy City, yielding his authority. This is a reflection of the character of Pilate

that contributes to his actions in the trial of Jesus. We see this character theme even as Pilate approached what he thought to be the end of his dealings with Jesus. Once it was revealed that Jesus could be from Galilee, Pilate jumped at the opportunity to respect the procedure of sending criminals to their place of origin. So, Jesus was sent to Herod (Stalker, Trial and Death).

The Sanhedrin and Pilate bore many roles, one of which included political issues. As any Roman official at this time was, Pilate was strong and acted in the will of Rome. However, as any political official recognizes, politics can be transactional. It is not a fact but could be an explanation for Pilate's reaction to the Jews. They were out in multitudes calling for the crucifixion of Jesus. Pilate could have seen this as an expert political move to appease or at least be owed one by the Jews. The Jews were hard to govern. Pilate's conviction could have been a strategic political choice.

A common question is why Jesus had to be brought to the Romans. The most plausible answer is simply that the Romans had authority over crimes of immediate ramifications. The Sanhedrin did not have the power to carry out the death penalty. This was reserved for the Roman legal system (Brown, Death of the Messiah).

Josephus offers many instances that show Roman officials acting as their own entity, not in blatant congruence with Jewish law officials. In the case of a man tearing the Law of Moses, the Roman procurator ordered his execution. This might seem as if he was carrying out religious discipline for the Jews, but, in fact, had nothing to do with the religious aspect. He was condemned because he committed a public outrage, which was against Roman law (Brown, Death of the Messiah).

Jewish historical writing provides some insight into the nature of the legal systems at the time of this trial. However, how far the actions of the Jewish court got to be carried out was

definitely influenced by the Roman legal climate. While Herod was in power, he allowed the Sanhedrin authority over cases of pure religion and minor authoritative weight. The Roman rulers and their Procurators could and would insert their authority in any cases they deemed fit. Any cases found influentially political or of grand importance were reserved for the Roman ruler. All cases involving a Roman citizen were not authorized by any other than the Romans themselves. The High-Priest was regarded by Herod to be the executive agent of the Jews. He chaired all important cases. They dealt with the High Priest when it came to Jewish matters, not any other seemingly zealot, Jewish individuals (Edersheim, Life and Times).

Roman Legislature's Role in Jesus's Trial

Though one has power the other lacks, the Roman trial is still contingent, to a degree, on the Jewish trial. The interpretation of the transfer to Roman authority had been perpetuated by some that the Roman trial was just confirmation of the Jewish verdict because they lacked the power to carry out the execution. This is less likely than the notion that the two proceedings were decided independently. Pilate's distrust for the Jewish intentions and reluctance to give them what they desired showed the autonomy of the Roman trial. It is also seen when Pilate sends Jesus to Herod. Recognizing Herod's jurisdiction over the matter shows that Pilate was following Roman law, not just validating the Jewish wishes (Brown, Death of the Messiah).

The trial of Jesus is arguably the most famous trial in history, but certainly the most well-known Roman trial. Because of this, some can misconstrue this to have the convoluted picture in their heads that this is the blueprint for a Roman trial. However, much of what took place in the trial of Jesus was not necessarily typical. To start, the Roman characters we see in the trial are not customary. It was ordinary to have at least three parties present. Jesus dealt exclusively with Pilate until handed over by the sentries to Herod. The norm would have been to be seen by

Pilate, but also attendants and outer barristers for council. This was the case in formal trials such as Paul's, where it is said the judge consulted with a council prior to his verdict (Brown, Death of the Messiah).

The charge brought upon Jesus to Pilate is that he proclaimed to be the King of Jews. The causality of this charge in relation to the sentence Jesus received might seem straightforward, as a King of the Jews would be a threat to any other king, however, there is not a rock-solid conclusion. A possible issue with Jesus's charge could be the violation of the *Lex Julia de maiestate*. At this time any crimes of hostility against Rome were viable to be punished in a variety of ways, not excluding death. This was called perduellio. Over time, Roman lawmakers combined perduellio with laws concerning *de maiestate*, or the majesty, eventually rendering perduellio superannuated. These *de maiestate* laws evolved over time to include death penalties for insults against the Roman majesty. By the time of Tiberius, the Roman emperor whose reign Jesus was killed under, the commonality of summary execution spiked. Tiberius was very attuned to the act of treason, and *de maiestate* was grating during his reign. It is not hard to see how a connection could be made between the threat of Jesus claiming to be the King of the Jews and these *de maiestate* laws (Brown, Death of the Messiah).

An interesting aspect of Jesus's Roman trial was the lack of confession. When asked if he was King of the Jews, Jesus replied "You say so." In the first three gospels, these are the only words uttered by Jesus in the face of all the Jewish accusations. Historians claim that it was the basis that an officer of the law should give a sentence based on confession. In Jesus's case, what is there to base the sentence on? The gospels include the notions that Pilate also knew that the Sanhedrin was out to get Jesus and brought him to Pilate out of contempt for Jesus. Yet, it should be considered that if sentences are based on confession, yet one is not offering any, he is also not

offering a plea of not guilty. Could this be cause for arrest? Nevertheless, Jesus did not offer much defense in either way (Brown, Death of the Messiah).

One of the most peculiar aspects of this trial and surely the most influential in the final ruling is the crowd that had amassed. The verdict that came from this trial should not be confused as one coming from the crowds as a recognized body. The nature of the rule over Jerusalem was not lax. The Romans were not accustomed to granting the wishes of the popular Jewish assembly. The Jews were also not necessarily accustomed to demanding verdicts in this way as they believed law and judgment came from their God. To support this, we can see other examples such as Festus calling a formal trial for Paul in the face of large Jewish condemnation. Though the populus yearned for the summary execution, the Roman officials adhered to the procedure (Brown, Death of the Messiah).

Jesus Before Herod Antipas

Luke portrays the Roman trial before two judges: Pilate, then Herod Antipas, then back to Pilate. As previously mentioned, Pilate sent Jesus to Herod once he learned Jesus would be under his Galilean jurisdiction as a courtesy to Herod. Luke 23:8 says that Herod was eager to finally meet Jesus. It is most commonly presumed that his excitement was not with ill intent, because of some infraction of Jesus's. He likely wanted to see a miracle he had heard about. Not necessarily as an act from the Son of God, but to entertain him. Jesus did not even answer Herod. In light of this, Herod continued in his role as judge. The accusations were brought before him. The only charge that caught any attention of Herod was that Jesus claimed to be king. No accounts blatantly give Herod's verdict. However, it is said that upon hearing that Jesus had claimed to be king, Herod and his bodyguards mocked Jesus and sent him back to Pilate in a

bright robe. This is taken to show that Herod found no guilt in Jesus and regarded his claim to the throne as ridiculous (Hoehner, Antipas).

CHAPTER III

LEGITIMACY OF JESUS'S TRIAL

References and comments have been previously made regarding what took place in the trials of Jesus. The following accounts include the aforementioned scriptures. The purpose of this is to provide a strictly biblical account of the significant happenings of Jesus's trials to have a fresh basis for the analysis of the biblical happenings alongside the historical jurisprudence to come.

Biblical Account of the Jewish Trial

Judas Iscariot instigated the trial of Jesus. Judas left Jesus and his other disciples to approach the Chief Priest of the Sanhedrin. Upon his approach, he inquired what he could receive for betraying Jesus. The priest decided on thirty pieces of silver for the betrayal. At this moment, the gospels tell us that Judas "started looking for a good opportunity to betray Him." (Matthew 26:16) Jesus and his disciples were in the Garden of Gethsemane the night Jesus was taken away. While he was awaiting his betrayal, Jesus was talking with his disciples and praying fervently. Then a large crowd approached, accompanied by Judas. Judas established that he would identify Jesus with a kiss. As he did so, the Sanhedrin, with their clubs and swords, seized him.

The crowd took Jesus first to the home of Annas. Annas was a former high priest himself and the father-in-law of the serving high priest, Caiaphas. Annas asked Jesus about his teaching and disciples. Jesus answered by claiming he had "spoken openly to the world... I haven't spoken anything in secret" (John 18:20). He then suggests Annas question those who had heard the words of Jesus. One of the officials struck Jesus, as they did not approve of how he spoke to

Annas. Jesus responded by saying, “If I have spoken wrongly,” Jesus answered him, “give evidence about the wrong; but if rightly, why do you hit me?” (John 18:23). Annas then sent Jesus to Caiaphas, the ruling high priest.

Caiaphas was present at an earlier meeting of the Sanhedrin after Jesus raised Lazarus from the dead. Here, he led the creation of the plot to kill Jesus. When Jesus now arrived in front of Caiaphas, the Sanhedrin had assembled before him. They were searching for testimony against Jesus so that they could condemn him to death. Many people gave false testimonies. Some came forward claiming, “We heard him say, ‘I will destroy this temple made with human hands, and in three days I will build another not made by hands.’”(Mark 14:58) Mark states that their testimonies did not even agree on this, and Jesus had actually said he would “Destroy this temple, and I will raise it up in three days,”(John 2:19) meaning that when his body was destroyed he would rise again in three days. Jesus kept silent as the false witnesses testified. Finally, Caiaphas asked him if he was the Messiah. Jesus confirmed. Claiming in front of them that he was in fact the Son of Man whom they would eventually see seated at the right hand of Power and coming on the clouds of heaven. Caiaphas tore his clothes, calling for a decision. Each of them condemned him to death. The Sanhedrin then bound and led Jesus to Pilate.

Biblical Account of the Roman Trial

Upon the Sanhedrin’s arrival with Jesus at the Governor's headquarters, Pilate came out to them questioning what charges had been brought upon Jesus. They claimed, “We found this man misleading our nation, opposing payment of taxes to Caesar, and saying that he himself is the Messiah, a king.” (Luke 23:2) In response, Pilate asked Jesus if he was the King of the Jews. Jesus responded, “You say so.” When further questioned by Pilate on the accusations placed upon him by the Sanhedrin, Jesus refrained from any response. Pilate was amazed and found no

cause for the charge. The people continued to insist that Jesus had been stirring the people up along the way from Galilee. After confirming Jesus was Galilean, Pilate sent him to Herod as he had jurisdiction. Herod gladly asked Jesus many questions, yet he did not answer. Herod's attitude shifted to contempt, and he sent Jesus back to Pilate. In concurrence with Herod, Pilate still found Jesus innocent. He stated that he could find no evidence of the accusations. At the festival, Pilate customarily released one prisoner. He called upon the people asking if they desired the release of Jesus. The crowds, stirred by the Sanhedrin, demanded Barabbas instead. As for what should happen to Jesus, the crowds shouted for his crucifixion. Pilate, still unconvinced of his guilt, decided to give in to the pressure from the crowds and Sanhedrin. He had Jesus flogged and turned over to them. They then led Jesus to his crucifixion.

Issues of Legitimacy

The power and jurisdiction of the Sanhedrin and Roman judiciary are aligned with the crimes committed by Jesus. In the case of blasphemy, the Sanhedrin had the power to collect and convict a criminal. However, the matter of general jurisdiction is relatively the only aspect of this case that was consistent with the law. The Sanhedrin did not act in accordance with the Jewish laws as detailed throughout the Gospels and other historical rabbinic accounts.

The unlawful nature of this case starts with the arrest. Luke 22:25 mentions that Jesus asked the chief priest and elders who they were after the night of his arrest. The chief priest and elders are members of the Sanhedrin. Those who came to arrest him are those meant to judge his fate. They came in the absence of an indictment. There had not been any testimony provided to the Sanhedrin that gave any reason for the arrest of Jesus. In fact, they bribed Judas to lead them to him. Furthermore, at this point in the timeline, the only criminal is Judas, who took the bribe from the officials.

The New Testament places the first events of Jesus's trial at night. Jesus was brought to Annas for questioning. Annas was no longer the high priest, therefore the fact that Jesus was brought here first is not procedural. Annas still had influence as a judge because he was the incumbent and father-in-law of Caiaphas, but Annas did not have the power to provide a conviction. He eventually sent Jesus to the high priest, Caiaphas. This clearly violates Jewish law. The Mishnah recalls the law of this time to be that no capital trial shall be held at nighttime. This should have taken place in the daytime. The timing of this trial provides further evidence of the lack of foundation for this trial. The Sanhedrin decided before this illegal nighttime trial how they were going to rule. They wanted Jesus dead. They also did not want to waste any time as they formally condemned Jesus to death. (Mantel, History of Sanhedrin)

Mark 15:1 describes that the Sanhedrin bound and took Jesus to Pilate at daybreak. This trial did not take place during the day. It also did not even take a day to conclude. This violates Jewish law. The Mishnah states that when administering a death sentence, the trial must not conclude before the next day. It is most evident that the Sanhedrin was in a rush for the trial to conclude. There are many reasons behind this. One motivation seems to be the upcoming Passover. They wanted this to be over before then, as there were many things to be done for such an event (Mantel, History of Sanhedrin).

It is commonly accepted that Jesus's trial took place on the First Day of Unleavened Bread, the day before the Sabbath. This is another aspect of the trial that shows how quickly the Sanhedrin was trying to get their unsubstantiated conviction. They are breaking their own rules to have a quick and under-the-table trial. The Jewish law states that, at this time, no court could convene on the Sabbath or on one of the seven divine holidays (this includes the First Day of Unleavened Bread). Additionally, capital trials could not be held on Fridays or the day before

holidays. To have conducted this part of the trial legally the Sanhedrin would have had to wait till after the Sabbath to hold this trial. The irony here is interesting as they are disrespecting the sabbath and holy holidays in pursuit of who they are claiming is disrespecting their religion. This just perpetuates the idea that the Sanhedrin are corrupt in their religious piety.

The charges brought upon Jesus were brought with the evidence of false witness. False witnesses are illegal and punishable by death, yet Jesus was condemned to death on the statements from these liars. The false witnesses claimed Jesus said he was going to “destroy this temple made with human hands, and in three days I will build another not made by hands.”(Mark 14:58) Jesus actually said he would “Destroy this temple, and I will raise it up in three days.”(John 2:19) Jesus’s claim that the temple would be destroyed and raised did not warrant a crime. He was promising a miracle. Even if the Sanhedrin chose to interpret his claim correctly regarding the heavenly temple, this should not have been unfamiliar, as there were Jewish writings that spoke of this already (Mantel, History of Sanhedrin).

Even after the false witnesses were trying to show Jesus as plotting to destroy the temple, Caiaphas then asked if he was the Son of God. Jesus replied, “You have said it,” Jesus told him. “But I tell you, in the future you will see the Son of Man seated at the right hand of Power and coming on the clouds of heaven.” (Matthew 26:64) Here he does not specifically claim to be the Son of Man. The Son of Man he is speaking of is not investigated. Throughout his ministry, the Sanhedrin opposed Jesus’s teachings and his authority as the Son of God. However, now they decided to assume he is speaking of himself as the Son of Man. Additionally, the charge of blasphemy was incorrectly assigned. The Mishnah states that the only time such severe punishments are assigned for crimes of blasphemy is when the Tetragrammaton is used to curse

God. This would be using the Hebrew name of God, YHWH or JHVH, to curse God. This is not what Jesus has been accused of doing (Mantel, History of Sanhedrin).

The Roman trial is significantly distinct in its legal dealings, specifically regarding Pilate. Pilate had the authority and ability to sentence Jesus to death. He also had the legality granted by Roman law (specifically regarding the previously discussed *de maiestate* laws). Jesus claimed to be the King of the Jews. The defense could substantially be made for blasphemy threatening the Roman rulers. Debates about the illegality are commonly perpetuated by the accounts given in the gospels showing the conflict Pilate feels about the intentions of those who brought Jesus in front of him. Despite this, the facts of the case allowed the sentence to be carried out in accordance with the laws. The gospels, for whatever reason-plausibly to signify Jesus's innocence- provide this insight that does not contribute to the strictly legal account of this Roman trial. Henceforth, the illegality of the Roman trial of Jesus is only found in the fact that the case should not have been in front of Pilate as the Jewish trial that led here was not aligned with Jewish legal customs.

CONCLUSION

This thesis has not aimed to come to a conclusion on the exact proceedings of Jesus's trial. There are many interpretations of the aspects of this trial left to question by historians and Gospel authors. This paper walks through the history of the characters, social climate, and religious aspects that played a part in Jesus's Jewish and Roman trials. From any standpoint, Jesus was a man like no other. He prompted the religious officials of his day to disregard their laws and integrity in pursuit of his demise. This was a pursuit so fierce that the multitudes influenced an established Roman official to go against his better judgment. The most influential court case of all time is made even more dynamic when looked at through the lens of history.

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