

The Arrest and Trial Of Jesus

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1 Introduction

The death and resurrection of Jesus are certainly the key events in all of scripture. They are the basis of our salvation. However, we should also pay close attention to the events leading up to Jesus' death. Strangely enough, they can be a source of comfort to those who are victims of oppression and injustice. Here is a quote from the book **Generous Justice** by Timothy Keller

In Jesus Christ God identified not only with the poor, but also with those who are denied justice. Dr. James Montgomery Boice once preached a sermon entitled "The Illegalities of Christ's Trial." Examining the account of Jesus's trial before the Sanhedrin in John 18 he listed all the ways the trial was a miscarriage of justice: . . . Many people say, "I can't believe in God when I see all the injustice in the world." But here is Jesus, the Son of God, who knows what it is like to be the victim of injustice, to stand up to power, to face a corrupt system and be killed for it. He knows what it is like to be lynched. I'm not sure how you believe in a God remote from injustice and oppression, but Christianity doesn't ask you to believe in that. That is why John Stott is able to say, "I could never myself believe in God if it were not for the Cross. In the real world of pain, how could one worship a God who was immune to it?"

In the following we will look at the basics of Hebrew law and see how Jesus' arrest and trial violate almost every aspect of this law. For those today who are denied justice, they can take comfort in the fact that Jesus understands. Much of the following material is based on the two volumes of **The Trial of Jesus from a Lawyers Standpoint** by Walter M. Chandler (1908).

2 The Arrest and Trials of Jesus as Recorded in the Gospels

Matthew 26:3–5

Then the chief priests and the elders of the people assembled in the palace of the high priest, whose name was Caiaphas, and they plotted to arrest Jesus in some sly way and kill him. "But not during the Feast," they said, "or there may be a riot among the people."

Matthew 26:47–67

While he was still speaking, Judas, one of the Twelve, arrived. With him was a large crowd armed with swords and clubs, sent from the chief priests and the elders of the people. Now the betrayer had arranged a signal with them: "The one I kiss is the man; arrest him." Going at once to Jesus, Judas said, "Greetings, Rabbi!" and kissed him. Jesus replied, "Friend, do what you came for." Then the men stepped forward, seized Jesus and arrested him. With that, one of Jesus' companions reached for his sword, drew it out and struck the servant of the high priest, cutting off his ear. "Put your sword back in its place," Jesus said to him, "for all who draw the sword will die by the sword. Do you think I cannot call on my Father, and he will at once put at my disposal more than twelve legions of angels? But how then would the Scriptures be fulfilled that say it must happen in this way?" At that time Jesus said to the crowd, "Am I leading a rebellion, that you have come out with

swords and clubs to capture me? Every day I sat in the temple courts teaching, and you did not arrest me. But this has all taken place that the writings of the prophets might be fulfilled.” Then all the disciples deserted him and fled. Those who had arrested Jesus took him to Caiaphas, the high priest, where the teachers of the law and the elders had assembled. But Peter followed him at a distance, right up to the courtyard of the high priest. He entered and sat down with the guards to see the outcome. The chief priests and the whole Sanhedrin were looking for false evidence against Jesus so that they could put him to death. But they did not find any, though many false witnesses came forward. Finally two came forward and declared, “This fellow said, ‘I am able to destroy the temple of God and rebuild it in three days.’” Then the high priest stood up and said to Jesus, “Are you not going to answer? What is this testimony that these men are bringing against you?” But Jesus remained silent. The high priest said to him, “I charge you under oath by the living God: Tell us if you are the Christ, the Son of God.” “Yes, it is as you say,” Jesus replied. “But I say to all of you: In the future you will see the Son of Man sitting at the right hand of the Mighty One and coming on the clouds of heaven.” Then the high priest tore his clothes and said, “He has spoken blasphemy! Why do we need any more witnesses? Look, now you have heard the blasphemy. What do you think?” “He is worthy of death,” they answered. Then they spit in his face and struck him with their fists. Others slapped him and said, “Prophecy to us, Christ. Who hit you?”

Matthew 27:1–2

Early in the morning, all the chief priests and the elders of the people came to the decision to put Jesus to death. They bound him, led him away and handed him over to Pilate, the governor.

Mark 14:43–65

Just as he was speaking, Judas, one of the Twelve, appeared. With him was a crowd armed with swords and clubs, sent from the chief priests, the teachers of the law, and the elders. Now the betrayer had arranged a signal with them: “The one I kiss is the man; arrest him and lead him away under guard.” Going at once to Jesus, Judas said, “Rabbi!” and kissed him. The men seized Jesus and arrested him. Then one of those standing near drew his sword and struck the servant of the high priest, cutting off his ear. “Am I leading a rebellion,” said Jesus, “that you have come out with swords and clubs to capture me? Every day I was with you, teaching in the temple courts, and you did not arrest me. But the Scriptures must be fulfilled.” Then everyone deserted him and fled. A young man, wearing nothing but a linen garment, was following Jesus. When they seized him, he fled naked, leaving his garment behind. They took Jesus to the high priest, and all the chief priests, elders and teachers of the law came together. Peter followed him at a distance, right into the courtyard of the high priest. There he sat with the guards and warmed himself at the fire. The chief priests and the whole Sanhedrin were looking for evidence against Jesus so that they could put him to death, but they did not find any. Many testified falsely against him, but their statements did not agree. Then some stood up and gave this false testimony against him: “We heard him say, ‘I will destroy this man-made temple and in three days will build another, not made by man.’” Yet even then their testimony did not agree. Then the high priest stood up before them and asked Jesus, “Are you not going to answer? What is this testimony that these men are bringing against you?” But Jesus remained silent and gave no answer. Again the high priest asked him, “Are you the Christ, the Son of the Blessed One?” “I am,” said Jesus. “And you will see the Son of Man sitting at the right hand of the Mighty One and coming on the clouds of heaven.” The high priest tore his

clothes. “Why do we need any more witnesses?” he asked. “You have heard the blasphemy. What do you think?” They all condemned him as worthy of death. Then some began to spit at him; they blindfolded him, struck him with their fists, and said, “Prophecy!” And the guards took him and beat him.

Mark 15:1

Very early in the morning, the chief priests, with the elders, the teachers of the law and the whole Sanhedrin, reached a decision. They bound Jesus, led him away and handed him over to Pilate.

Luke 22:47–54

While he was still speaking a crowd came up, and the man who was called Judas, one of the Twelve, was leading them. He approached Jesus to kiss him, but Jesus asked him, “Judas, are you betraying the Son of Man with a kiss?” When Jesus’ followers saw what was going to happen, they said, “Lord, should we strike with our swords?” And one of them struck the servant of the high priest, cutting off his right ear. But Jesus answered, “No more of this!” And he touched the man’s ear and healed him. Then Jesus said to the chief priests, the officers of the temple guard, and the elders, who had come for him, “Am I leading a rebellion, that you have come with swords and clubs? Every day I was with you in the temple courts, and you did not lay a hand on me. But this is your hour — when darkness reigns.” Then seizing him, they led him away and took him into the house of the high priest. Peter followed at a distance.

Luke 22:63–23:2

The men who were guarding Jesus began mocking and beating him. They blindfolded him and demanded, “Prophecy! Who hit you?” And they said many other insulting things to him. At daybreak the council of the elders of the people, both the chief priests and teachers of the law, met together, and Jesus was led before them. “If you are the Christ,” they said, “tell us.” Jesus answered, “If I tell you, you will not believe me, and if I asked you, you would not answer. But from now on, the Son of Man will be seated at the right hand of the mighty God.” They all asked, “Are you then the Son of God?” He replied, “You are right in saying I am.” Then they said, “Why do we need any more testimony? We have heard it from his own lips.” Then the whole assembly rose and led him off to Pilate. And they began to accuse him, saying, “We have found this man subverting our nation. He opposes payment of taxes to Caesar and claims to be Christ, a king.”

John 18:2–14

Now Judas, who betrayed him, knew the place, because Jesus had often met there with his disciples. So Judas came to the grove, guiding a detachment of soldiers and some officials from the chief priests and Pharisees. They were carrying torches, lanterns and weapons. Jesus, knowing all that was going to happen to him, went out and asked them, “Who is it you want?” “Jesus of Nazareth,” they replied. “I am he,” Jesus said. (And Judas the traitor was standing there with them.) When Jesus said, “I am he,” they drew back and fell to the ground. Again he asked them, “Who is it you want?” And they said, “Jesus of Nazareth.” “I told you that I am he,” Jesus answered. “If you are looking for me, then let these men go.” This happened so that the words he had spoken would be fulfilled: “I have not lost one of those you gave me.” Then Simon Peter, who had a sword, drew it and struck the high priest’s servant, cutting off his right ear. (The servant’s name was Malchus.) Jesus commanded Peter, “Put your sword away! Shall I not drink the cup the Father has given me?” Then the detachment of soldiers with its commander and the Jewish officials arrested Jesus.

They bound him and brought him first to Annas, who was the father-in-law of Caiaphas, the high priest that year. Caiaphas was the one who had advised the Jews that it would be good if one man died for the people.

John 18:19–22

Meanwhile, the high priest questioned Jesus about his disciples and his teaching. “I have spoken openly to the world,” Jesus replied. “I always taught in synagogues or at the temple, where all the Jews come together. I said nothing in secret. Why question me? Ask those who heard me. Surely they know what I said.” When Jesus said this, one of the officials nearby struck him in the face. “Is this the way you answer the high priest?” he demanded. “If I said something wrong,” Jesus replied, “testify as to what is wrong. But if I spoke the truth, why did you strike me?” Then Annas sent him, still bound, to Caiaphas the high priest.

John 18:28–32

Then the Jews led Jesus from Caiaphas to the palace of the Roman governor. By now it was early morning, and to avoid ceremonial uncleanness the Jews did not enter the palace; they wanted to be able to eat the Passover. So Pilate came out to them and asked, “What charges are you bringing against this man?” “If he were not a criminal,” they replied, “we would not have handed him over to you.” Pilate said, “Take him yourselves and judge him by your own law.” “But we have no right to execute anyone,” the Jews objected. This happened so that the words Jesus had spoken indicating the kind of death he was going to die would be fulfilled.

3 Hebrew Criminal Law

The Hebrew system of justice is founded on two documents: the Pentateuch and the Talmud.

- The Pentateuch (also known as the Mosaic Law) consists of the first five books of the Old Testament.
- The Talmud was a collection of traditions and commentaries that were passed down orally from generation to generation over many centuries.

The Talmud consisted of two parts, the Mishna and the Gemara. The Mishna consisted primarily of laws and regulations. The Gemara contained commentaries and opinions. The content of the Talmud was passed down orally from generation to generation. It was not committed to writing until after the destruction of the temple in 70 AD. The Talmud is very large. If translated into English, it is estimated that it would occupy 400 volumes of 360 pages each. There were three types of courts in the Hebrew system

1. The Great Sanhedrin consisting of 71 members;
2. Minor Sanhedrins, each consisting of 23 members;
3. Lower Tribunals, each consisting of three members.

The highest court was the Sanhedrin. It was this court that convicted Jesus. The number of members on the Sanhedrin (71) was derived from Numbers 11: 16–17

The Lord said to Moses: “Bring me seventy of Israel’s elders who are known to you as leaders and officials among the people. Have them come to the Tent of Meeting, that they may stand there with you. I will come down and speak with you there, and I will take of the Spirit that is on you and put the Spirit on them. They will help you carry the burden of the people so that you will not have to carry it alone.

Seventy elders plus Moses makes 71. A quorum of 23 judges was required for a trial. Any members who had an interest in the case or had a grievance against the accused could not sit as judges.

There were strict requirements for membership in the Sanhedrin. A member must

1. be of Hebrew lineage
2. be learned in the Law
3. have worked their way up through the lower courts, i.e., they had experience in legal matters
4. have thorough knowledge of the sciences (astronomy, medicine, etc.)
5. be an accomplished linguist, familiar with the languages of surrounding nations
6. be modest, popular, of good appearance, not haughty
7. be pious, strong, courageous

The Sanhedrin was divided into three chambers as follows:

1. The chamber of the priests;
2. The chamber of the scribes, or doctors;
3. The chamber of the Elders.

Each chamber was usually composed of 23 members, which together with the president and vice-president gave the number 71. The chamber of priests was composed exclusively of those who held the rank of priest. The chamber of scribes included Levites and laymen well versed in the law. The chamber of elders was composed of men held in high esteem by the nation. It is known that at the time of Jesus there were 12 former high priests in the chamber of priests. One of the members of the chamber of scribes was Gamaliel. Joseph of Arimathea and Nicodemus were members of the chamber of elders. The president of the Sanhedrin was often the high priest, but this was not required. Historically the office of high priest had been handed down from father to son, starting with Aaron. After Judea became a Roman province, the office of high priest became

a political appointment which usually went to the highest bidder. During this time the high priest was replaced almost yearly.

Under Hebrew law there were four methods of capital punishment:

1. Beheading
2. Strangling
3. Burning
4. Stoning.

Beheading was the punishment for murder and communal apostasy from Judaism to idolatry. Strangling was the punishment for adultery, kidnapping, false prophecy, and bruising a parent. Burning was the punishment for various forms of incest. Stoning was the punishment for magic, idolatry, blasphemy, cursing a parent, violating the Sabbath, child sacrifice, and violating filial duties (such as the prodigal son).

In beheading the accused was strapped to a post and his head severed with a sword. In strangling the accused was buried up to their chest and then strangled with a rope. Burning was the same as strangling except that a lighted wick was placed in the mouth of the condemned as soon as they became unconscious. In stoning the condemned person was stripped and thrown violently from the top of a steep hill or cliff. Usually the fall broke their neck or spine. If they were not dead from the fall, large rocks were thrown down to crush the victim. In all cases the executions were carried out by the complaining witnesses.

There are a number of distinctive features of the Hebrew court system

1. There could be no trial or questioning before a single judge. Only God was considered able to judge alone.
2. There were no lawyers or advocates for the accused. The judges were the defenders as well as the judges.
3. There were no public prosecutors.
4. The witnesses were the accusers. They provided both the indictment and the evidence. In capital cases, they were also the executioners.
5. At least two witnesses in addition to a prosecuting witness were required to present testimony against the accused in order to secure a conviction. Witnesses gave their testimony separately and always in the presence of the accused. A witness's testimony must cover the entire case. A testimony covering only one part of a sequence of events involved in the crime was not allowed. The Testimonies of all witnesses had to agree in every essential detail or the accused would be released.

6. Women, Family members, friends, and accomplices of the accused were not allowed to be witnesses.
7. A witness shown to be a liar was subject to the same punishment the accused faced. This is based on the command in Deuteronomy 19: 18–21.
8. The accused is not required to testify against himself. A confession is not considered as evidence unless two witnesses can validate it in detail.
9. Circumstantial or hearsay evidence were not allowed.
10. Everything was to be done in public. There were no closed sessions.
11. No session of a trial could be held at night. A session could not begin before the morning sacrifice (at daybreak) and each session must close before the evening sacrifice (at sunset).
12. No punishment or abuse against the accused could be administered prior to conviction.
13. An unusual rule was that a unanimous vote against the accused resulted in acquittal. It was reasoned that the accused in this case had no friend in the court.
14. No trial involving capital punishment could begin the day before a Sabbath or feast day.
15. Any sentence of death pronounced outside the hall Gazith (of hewn stones) is not valid.

The Hebrews had a dread of putting a fellow Israelite to death. Thus, a death sentence was not issued very often. The following is a quotation from the Mishna

The Sanhedrin, which so often as once in seven years condemns a man to death, is a slaughterhouse.

Let us now look at how an arrest and trial would normally proceed. The first step is a complaint to an official of the court by a witness. This complaint must contain the charge against the accused and the charge can not be changed at a later time. If this complaint is deemed worthy of a trial, the accused is arrested and the complaining witness is designated as the prosecuting witness. As in all of the court proceedings, the arrest must be made during daylight hours.

Prior to the start of the trial, the witnesses against the accused (the prosecuting witness and at least two others) were examined separately by a special committee of the court to see if their testimonies are valid and do not contradict one another. Testimonies found to be invalid are removed. In addition, irrelevant details are stripped from testimonies so as not to prejudice the court.

The trial itself would commence after the morning sacrifice at daybreak. It usually took at least an hour to assemble all the judges. The judges would enter the chamber and sit in a semicircle, the high priest in the middle. In front of the high priest would sit two scribes. One scribe would record the testimonies, arguments, and votes against the accused. The other would perform the same duties for the accused. The prisoner was placed in front of the high priest where all could see him.

The witnesses against the accused are examined first. The examination begins with a fixed set of seven questions called the Hakiroth. These questions are as follows:

1. Was it during a year of jubilee?
2. Was it an ordinary year?
3. In what month?
4. On what day of the month?
5. At what hour?
6. In what place?
7. Do you identify this person?

After these questions were satisfactorily answered, the next step was a rigid examination into the facts and circumstances relating to the commission of the crime and the connection of the accused to the crime. This process of examination and cross-examination was termed the Bedikoth.

Next, the witnesses for the defendant are heard. During this time, the accused is allowed to say anything in his behalf. If at any point it can be shown that the testimony of one of complaining witnesses is false or that it contradicts another witness, the defendant is immediately released.

Once the testimonies are heard, a debate begins. Nothing is allowed to be said against the accused until at least one judge speaks in his behalf. All the evidence is then examined and discussed in detail. Following the debate, a vote is taken. The vote proceeds from the youngest to the oldest so that the younger members will not be swayed by the vote of the more prestigious members. Each member stands in turn and casts his vote, giving reasons for the vote. A majority of two was required for conviction. A strange rule was that a unanimous vote for conviction would result in the immediate release of the defendant. The idea being that the defendant then had no friend in the court. If the defendant was acquitted, the trial was over. If convicted of a capital crime, a second trial was held the following day.

The day of the second trial was considered a fast day. In this trial, the evidence was reviewed and new arguments could be presented. At the end of this trial, another vote was taken. Any of the judges that had previously voted for acquittal could not change their vote. However, a judge that voted for conviction could change his vote to acquittal if he had good reasons.

The execution process begins immediately after a conviction. It must occur before sunset. There is a procession to the execution site. At the beginning of the procession there is a herald carrying a crimson banner on a pole. He cries out to the crowd along the way that ___ is being executed for the crime of ___ on the testimony of ___ and ___. He encourages anyone who has anything favorable to say about the accused to come forward. If someone comes forward with new evidence, the procession is halted and the prisoner is taken back to the judgment chamber for further deliberations. On arrival at the execution site, the prisoner is given a mixture of frankincense and myrrh added to vinegar or wine. Stupefaction follows, rendering the prisoner unconscious of his impending doom and insensitive to the agonies of death.

4 Illegalities in the Arrest and Trial of Jesus

The Arrest

1. All proceedings were prohibited at night, starting with the arrest and proceeding through the execution. There are a number of reasons for this. First, there were no electric lights, so there was the real possibility of misidentification. Second, it would be difficult to obtain witnesses. Third, darkness works against the openness desired in legal proceedings.
2. Under Hebrew law, Judas would have been considered a friend and an accomplice. Therefore, he should not have been allowed to participate in any judicial proceedings, including the arrest. Testimony by a friend, relative, or accomplice was considered unreliable and showed a lack of character. Therefore, it was not permitted.
3. The arrest was not the result of a legal mandate from a court whose intentions were to hold a legal trial. The arrest was not based on a definite charge.

Examination before Annas (or Caiaphas)

1. The examination was held at night. Again, this does not allow for a proper defense and is certainly not public.
2. No judge or magistrate, sitting alone, could interrogate an accused judicially or sit in judgment of him. It says in the Mishnah “Be not a sole judge, for there is no sole judge but One.”
3. The examination was not public. Hebrew law allowed no closed sessions.
4. Jesus was struck by an official. This was not allowed under Hebrew law.

The Indictment

1. Charges could only originate with a witness, not a member of the court.
2. The charge must be definite. Jesus was first charged with threatening to destroy the Temple. When that fell through, he was charged with blasphemy.

Proceedings of the Sanhedrin

1. Trials could not begin before the morning sacrifice (at daybreak). This meant that the trial had to be held during the day, but it also meant that prayer to God was the appropriate way to begin a trial.

2. Trials were not allowed to begin on a Sabbath or Biblical holiday (such as the Passover). In the case of capital crime, the trial could not begin on the day before a Sabbath or Biblical Holiday. The trials of Jesus took place on the first day of the Feast of Unleavened Bread and the eve of the Passover.
3. A trial for a capital crime could only be concluded in one day when the result was an acquittal. Otherwise, a second trial on the following day was required.
4. The sentence was based on an uncorroborated confession. A confession must be validated by two witnesses to be entered as evidence. Confessions were only allowed as evidence if confirmed by two witnesses.
5. The verdict was unanimous. He should have been released immediately. In Mark 14: 63–64 we read

The high priest tore his clothes. “Why do we need any more witnesses?” he asked. “You have heard the blasphemy. What do you think?” They all condemned him as worthy of death.

6. The high priest rent his clothes. See verses above. This was forbidden in Leviticus 21:10–11.

The high priest, the one among his brothers who has had the anointing oil poured on his head and who has been ordained to wear the priestly garments, must not let his hair become unkempt or tear his clothes.

It was perfectly acceptable for an ordinary citizen to tear his clothes as an expression of disgust, but it was improper for a high priest to do this.

7. The voting was not done in the proper order. All the younger members should have cast their vote before the high priest made his decision known.
8. At least some of the members of the Sanhedrin (including the high priest) should have been disqualified as judges (A judge was not to be biased against the accused). However, in Matthew 26:3–5 we find

Then the chief priests and the elders of the people assembled in the palace of the high priest, whose name was Caiaphas, and they plotted to arrest Jesus in some sly way and kill him. “But not during the Feast,” they said, “or there may be a riot among the people.”

9. There was no defense presented. The court could certainly have found witnesses that could have testified in Jesus’ behalf. The defense is an essential element of a trial.

5 The Roman Trial and Crucifixion

There is not much known about the Roman “trial” of Jesus. The Romans took great pride in their system of justice, but the provisions of their law only applied to Roman citizens. It is known that

the Romans allowed a great deal of freedom to non citizens in subject territories, but they retained tight control over those things that could affect their ability to govern. In particular, they retained control over capital punishment. The Jews tried to get Pilot to approve the result of their trial without specifying the charge. When this fell through they changed the charge from blasphemy to treason (an attempt to overthrow Caesar). It doesn't appear that Pilot conducted a full trial of Jesus. It was more like a preliminary examination to see if the charge had merit. Pilot twice announced that he found no merit to the charge. This should have ended the proceedings and Jesus should have been released. Pilot tried to hand Jesus over to Herod, when he found out that Jesus was from Galilee. Herod was intrigued by Jesus, but had no intention of taking responsibility for his trial. Pilot finally gave into the pressure from the Jewish crowd and handed Jesus over to be crucified.

It is not known exactly where the crucifixion took place, but it was outside the city. Usually the Romans placed the cross near a public road so that it could be seen by those passing by. The crosses were not usually as large as often pictured. They were generally only a foot or so larger than the height of the person. Sometimes they would use a tree to which they nailed the cross beam. The body was usually left on the cross for the animals to devour.

6 Conclusion

One of the things that allows us to have a personal relationship with Jesus is that we know that he faced the same types of temptations and the same types of situations that we do. And he did so without ever giving in to sin. We read in Hebrews 4:15–16

For we do not have a high priest who is unable to sympathize with our weaknesses, but we have one who has been tempted in every way, just as we are — yet was without sin. Let us then approach the throne of grace with confidence, so that we may receive mercy and find grace to help us in our time of need.

In the arrest and trial of Jesus we have seen that Jesus was subjected to many injustices by an oppressive regime. This provides hope for those today who are the victims of oppression and injustice. We know that Jesus has been there and understands.