

# The Trial of Jesus-Septimus Buss

THE TRIAL OF JESUS

ILLUSTRATED FROM TALMUD AND ROMAN LAW

BY THE

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## THE TRIAL OF JESUS

## A CONSECUTIVE NARRATIVE FROM THE FOUR GOSPELS

### THE JEWISH TRIAL

Arrangement for Betrayal. St. Matt. 26:3–5, 14–16.

Then were gathered together the chief priests, and the elders of the people, unto the court of the high priest, who was called Caiaphas; and they took counsel together that they might take Jesus by subtilty, and kill Him. But they said, Not during the feast, lest a tumult arise among the people.

Then one of the twelve, who was called Judas Iscariot, went unto the chief priests, and said, What are ye willing to give me, and I will deliver Him unto you? And they weighed unto him thirty pieces of silver. And from that time he sought opportunity to deliver Him unto them.

Arrest and Attempt at Rescue. St. Matt. 26:47–56.

Lo, Judas, one of the twelve, came, and with him a great multitude with swords and staves, from the chief priests and elders of the people. Now he that betrayed Him gave them a sign, saying Whomsoever I shall kiss, that is He: take Him. And straightway he came to Jesus, and said, Hail, Rabbi; and kissed Him. And Jesus said unto him, Friend, do that for which thou art come. Then they came and laid hands on Jesus, and took Him. And behold, one of them that were with Jesus stretched out his band, and drew his sword, and smote the servant of the high priest, and struck off his ear. Then saith Jesus unto him, Put up again thy sword into its place: for all they that take the sword shall perish with the sword.... Then all the disciples left Him, and fled.

St. Mark 14:51–52: And a certain young man followed with Him, having a linen cloth cast about him, over his naked body: and they lay hold on him; but he left the linen cloth and fled naked.

Examination before Annas. St. John 18:12–14, 19–24.

So the band and the chief captain, and the officers of the Jews, seized Jesus and bound Him, and led Him to Annas first.

The high priest therefore asked Jesus of His disciples, and of His teaching. Jesus answered him, I have spoken openly to the world; I ever taught in synagogues, and in the temple, where all the Jews come together; and in secret spake I nothing. Why askest thou Me? ask them that have heard Me, what I spake unto them: behold, these know the things which I said. And when He had said this, one of the officers standing by struck Jesus with his hand, saying, Answerest Thou the high priest so? Jesus answered him, If I have spoken evil, bear witness of the evil: but if well, why smitest thou Me? Annas therefore sent Him bound unto Caiaphas the high priest.

Trial before Caiaphas and the Council. St. Matt. 26:57–68.

And they that had taken Jesus led Him away to the house of Caiaphas the high priest, where the scribes and the elders were gathered together.... Now the chief priests and the whole council sought false witness against Jesus, that they might put Him to death; and they found it not, though many false witnesses came. But afterward came two, and said, This man said, I am able to destroy the temple of God, and to build it in three days. And the high priest stood up, and said unto Him, Answerest Thou nothing? what is it which these witness against Thee? But Jesus held His peace. And the high priest said unto Him, I adjure Thee by the living God, that Thou tell us whether Thou be the Christ, the Son of God. Jesus saith unto Him, Thou hast said: nevertheless I say unto you, Henceforth ye shall see the Son of man sitting at the right hand of power, and coming on the clouds of heaven. Then the high priest rent his garments, saying, He hath spoken blasphemy: what further need have we of witnesses? behold, now ye have heard the blasphemy: what think ye? They answered and said, He is worthy of death. Then did they spit in His face and buffet Him.

The Council at Daybreak. St. Luke 22:66–71.

And as soon as it was day, the assembly of the elders of the people was gathered together, both chief priests and scribes; and they led Him away into their council, saying, If Thou art the Christ, tell us. But He said unto them, If I tell you, ye will not believe: and if I ask you, ye will not answer. But from henceforth shall the Son of man be seated at the right hand of the power of God. And they all said, Art Thou the Son of God? And he said unto them, Ye say that I am. And they said, What further need have we of witness? for we ourselves have heard from His own mouth.

## THE ROMAN TRIAL

Arraignment. St. John 18:28–38.

They lead Jesus therefore from Caiaphas into the palace; and it was early; and they themselves entered not into the palace, that they might not be defiled, but might eat the Passover. Pilate therefore went out unto them, and saith, What accusation bring ye against this man? They answered and said unto him, If this man were not an evil-doer, we should not have delivered Him up unto thee. Pilate therefore said unto them, Take Him yourselves, and judge Him according to your law. The Jews said unto him, It is not lawful for us to put any man to death: that the word of Jesus might be fulfilled, which He spake, signifying by what manner of death He should die.

Accusatio. St. Luke 23:2.

And they began to accuse Him, saying, We found this Man perverting our nation, and forbidding to give tribute to Cæsar, and saying that He Himself is Christ a king.

Interrogatio. St. Matt. 27:13, 14.

Then saith Pilate unto Him, Hearest Thou not how many things they witness against Thee? And He gave him no answer, not even to one word: insomuch that the governor marvelled greatly.

St. John 18:33–35.

Pilate therefore entered again into the palace, and called Jesus, and said unto Him, Art Thou the King of the Jews? 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 the chief priests delivered Thee unto me; what hast Thou done?

Excusatio. St. John 18:36–38.

Jesus answered, My kingdom is not of this world; if My kingdom were of this world, then would My servants fight, that I should not be delivered to the Jews: but now is My kingdom not from hence. Pilate therefore said unto Him, Art Thou a King then? Jesus answered, Thou sayest that I am a King. To this end have I been born, and to this end am I come into the world, that I should bear witness unto the truth. Everyone that is of the truth heareth My voice. Pilate saith unto Him, What is truth?

Absolutio. St. John 18:38.

And when he had said this, he went out again unto the Jews, and saith unto them, I find no crime in Him.

Remission to Herod. St. Luke 23:5–12.

But they were the more urgent, saying, He stirreth up the people, teaching throughout all Judæa, and beginning from Galilee even unto this place. But when Pilate heard it, he asked whether the Man were a Galilæan. And when he knew that He was of Herod's jurisdiction, he sent Him unto Herod, who himself also was at Jerusalem in these days. Now when Herod saw Jesus, he was exceeding glad: for he was of a long time desirous to see Him, because he had heard concerning Him; and he hoped to see some miracle done by Him. And he questioned Him in many words; but He answered him nothing. And the chief priests and the scribes stood, vehemently accusing Him. And Herod with his soldiers set Him at nought, and mocked Him, and arraying Him in gorgeous apparel sent Him back to Pilate. And Herod and Pilate became friends with each other that very day: for before they were at enmity between themselves.

Proposal to scourge and release Jesus. St. Luke 23:13–16.

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 no fault in this man touching those things whereof ye accuse Him; no, nor yet Herod; for he sent Him back unto us; and behold, nothing worthy of death hath been done by Him. I will therefore chastise Him, and release Him.

Barabbas—Pilate's Wife. St. Matt. 27:15–26.

Now at the feast the governor was wont to release unto the multitude one prisoner, whom they would. 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 which is called Christ? For he knew that for envy they had delivered Him up.

And while He was sitting on the judgment-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.

Now the chief priests and the elders persuaded the multitudes that they should ask for Barabbas, and destroy Jesus. But the governor answered and said unto them, Whether of the twain will ye that I release unto you? And they said, Barabbas. (One who for a certain insurrection made in the city, and for murder, was cast into prison. St. Luke 23:19.) Pilate saith unto them, What then shall I do unto Jesus which is called Christ? They all say, Let Him be crucified. And he said, Why, what evil hath He done? But they cried out exceedingly, saying, Let Him be crucified.

Washing of hands. St. Matt. 27:24–26.

So when Pilate saw that he prevailed nothing, but rather that a tumult was arising, he took water, and washed his hands before the multitude, saying, I am innocent of the blood of this righteous Man; see ye to it. And all the people answered and said, His blood be on us, and on our children. Then released he unto them Barabbas; but Jesus he scourged and delivered to be crucified.

Mocking by the Soldiers. St. Matt. 27:27–31.

Then the soldiers of the governor took Jesus into the palace, and gathered unto Him the whole band. And they stripped Him and put on Him a scarlet robe. And they plaited a crown of thorns and put it upon His head, and a reed in His right hand; and they kneeled down before Him, and mocked Him, saying, Hail, King of the Jews! And they spat upon Him, and took the reed, and smote Him on the head. And when they had mocked Him, they took off from Him the robe, and put on Him His garments, and led Him away to crucify Him.

Ecce Homo. St. John 19:4–16.

And Pilate went out again, and saith unto them, Behold, I bring Him out to you, that ye may know that I find no crime in Him. Jesus therefore came out, wearing the crown of thorns and the purple garment. And Pilate saith unto them, Behold the Man! When therefore the chief priests and the officers saw Him, they cried out, saying, Crucify Him, crucify Him. Pilate saith unto them, Take Him yourselves, and crucify Him; for I find no crime in Him. The Jews answered him, We have a law, and by that law He ought to die, because He made Himself the Son of God. When Pilate therefore heard this saying, he was the more afraid; and he entered into the palace again, and saith unto Jesus, Whence art Thou? But Jesus gave him no answer. Pilate therefore saith unto Him, Speakest Thou not unto me? knowest Thou not that I have power to release Thee, and have power to crucify thee? Jesus answered him, Thou wouldest have no power against Me, except it were given thee from above: therefore he that delivered Me unto thee hath greater sin. Upon this Pilate sought to release Him; but the Jews cried out, saying, If thou release this Man, thou art not Cæsar's friend; every one that maketh himself a king speaketh against Cæsar. When Pilate therefore heard these words, he brought Jesus out, and sat down on the judgment-seat at a place called The Pavement, but in Hebrew, Gabbatha. Now it was the Preparation of the passover; it was about the sixth hour. And he saith unto the Jews, Behold, your King! They therefore cried out, Away with Him, away with Him, crucify Him. Pilate saith unto them, Shall I crucify your King? The chief priests answered, We have no king but Cæsar. Then therefore he delivered Him unto them to be crucified.

## INTRODUCTION

### CHAPTER I

#### REASONS FOR OPPOSITION TO JESUS

The death of the Lord Jesus Christ on the Cross of Calvary has been justly regarded as the most momentous event the world ever witnessed. It divides, as by a sharp line, ancient from modern history. The birth of Jesus inaugurated a new era. "His tomb," says Lamartine, "was the grave of the old world and the cradle of the new." Certainly no event that ever happened in all history has exercised so vast an influence as this. Whether the death of Jesus be looked at from the orthodox Christian point of view, as the atonement for the sin of the world, and the reconciliation of God and man,—or be regarded coldly as the condemnation of a Just Man who introduced a new and valuable form of ethical teaching,—or be designated merely as the execution of a Mesith, or seducer of the people, no one has ever doubted, or could doubt, that the whole face of the world's history has been transformed by this event. For nineteen centuries myriads of evangelists, preachers, and learned men have made it their earnest study. And still its absorbing interest is not exhausted, nor ever will be. St. John's hyperbole, with which he concludes his Gospel, will ever express a truth: "There are also many other things which Jesus did, the which, if they should be written every one, I suppose that even the world itself would not contain the books that should be written."

Let us enter upon the subject we have taken in hand by tracing briefly the steps which led the Pharisees and chief priests to determine upon the removal of Jesus by condemning Him to die. These steps are set before us very clearly by the fourth Evangelist. At the outset of His ministry, the maxims and doctrines, ethical and theological, enunciated by Jesus, proved attractive to the simple-minded peasants who listened to His teaching as He sat on the Mount of Beatitudes. They rejoiced to hear of the "Kingdom of Heaven" now to be set up on earth, of which He threw the doors open wide, and invited all to become inheritors. His teaching was democratic; no one, however humble, was shut out. And there was a further attraction, which astonished the multitudes; "He taught

them as One having authority, and not as their scribes.” These scribes claimed obedience to their teaching as having Divine authority by transmission from a previous great teacher, who in turn had received it from his predecessors by oral tradition through many generations up to the great lawgiver, Moses, who was taught by Jehovah Himself. But Jesus claimed a higher authority than theirs: His doctrine came direct from God.

The people were convinced that a great Prophet had come amongst them: they accepted the good news of the Kingdom, and, under the impression that the setting up of that Kingdom would involve deliverance from the Roman yoke, they were ready to proclaim Him King—nay, they would take Him by force and seat Him on the throne. Even the Pharisees at first showed a disposition to recognize Him as some Great One, and sent messengers to make inquiries.

On the whole, Jesus was in sympathy with the Pharisees. He held their belief in things spiritual—in the resurrection of the dead, and the life of the world to come. He was at one with them in their reverence for the Law, which, said He, “I came not to destroy, but to fulfil.” But He ran counter to them in their interpretation of that Law by their tradition, especially in their trivial and mischievous rules concerning ceremonial purification and Korban. They found fault also with Him for profaning the Sabbath day, eating with publicans and sinners, and for other breaches of the oral law. Further than this, they were roused to active hostility by His denunciation of them as vipers, hypocrites, whitened sepulchres, and wolves in sheep’s clothing. Their scribes, also, and lawyers came under His anathema, because they laid on men’s shoulders burdens grievous to be borne, and shut the Kingdom of Heaven against men. These denunciations threw the Pharisees into the arms of the Sadducees. They passed over into active enmity, and became the ostensible leaders of the opposition against Jesus.

But the Sadducees were the most bitter opponents of the new teaching. We hear but little of them in the Gospels: only when they came with the Pharisees to demand a sign from heaven, and when our Lord warned His disciples against the leaven of the Pharisees and Sadducees. But they were always in the background, watching closely all that happened, and ever ready to take measures to counteract the new teaching; not that they cared much that Jesus should uphold the doctrine of the resurrection, for they were sceptics and agnostics rather than theologians, but they dreaded the effect of His teaching upon the populace. This young Prophet was a “Mesith,” a seductor of the laity, a disturber of the peace: and they were, above all things, anxious to avoid any breach of the peace. Up to this time they had held a preponderating influence under Annas and his relatives; they were on friendly terms with the Roman authorities; considerable power and immense wealth were in their hands. And if only they were left alone, this desirable state of affairs would continue. They had no wish for reform, still less for revolution, and the Prophet of Nazareth was apparently leading a revolt. It was essential that His career should be checked, for otherwise there was danger of the intervention of the Romans, who would certainly restrict their own political and ecclesiastical powers, or even, it may be, take away their place and their nation. Too astute to take overt action on their own behalf, they pushed the Pharisees to the front. And thus, while to all outward appearance the Pharisees were the most active in all the proceedings taken against Jesus, it was in reality through Sadducean influence, in the end, that He was condemned.

The Herodians, like the Sadducees, were anxious to avoid collision with Rome: that was, in fact, the reason for their existence as a political party amongst the Jews.

The people at large, always fickle, swayed from side to side. At first the multitudes appeared as inquirers, “What then must we do?” Then they would wonder at His words of grace, and presently would cast Him down headlong from the brow of the hill whereon their city was built. Later on they were ready to proclaim Him their king. But they gradually became hostile, and made two deliberate attempts upon His life. When Jesus rode into Jerusalem over the Mount of Olives, they acclaimed Him as the promised Messiah, crying, “Blessed is the King that cometh in the name of the Lord.” But very soon after, at the instigation of the priests, they preferred Barabbas to Jesus, and demanded that Jesus should be crucified.

Thus all parties amongst the Jews ranged themselves in opposition to Jesus.

And all were, unconsciously to themselves, working out the Divine purpose, decreed from the foundation of the world, and foretold by the prophets, that the seed of the woman should bruise the serpent’s head, and that redemption should come to mankind through the death of Jesus Christ on the cross.

## CHAPTER II

### ORDER FOR ARREST AT THE FEAST OF TABERNACLES

It is St. John who details formally the successive steps by which it was hoped to secure the legal condemnation of Jesus.

At the Feast of Tabernacles, in the early autumn of A.D. 28, while Jesus was teaching openly in the Temple, the Jewish authorities arrived at a decision, and made a determined attempt to apprehend Him as a dangerous seducer of the laity. They overheard His teaching, and were anxious to seize Him. More than that, they were greatly disturbed by the manner in which that teaching was being received, for the people were shouting, some of them, “This is of a truth the prophet!” And others, still more blasphemously, “This is the Christ.” Accordingly the chief priests and the Pharisees sent officers to take Him (St. John 7:32).

Now, what was the nature of the authority that issued this order?

For answer, we must go to that section of the Talmud which treats of the Courts of Justice, viz. Sanhedrin, which is the fourth treatise of the fourth section of the Mishna, the Mishna itself being the more ancient part of the Talmud. The whole of the Talmud is

assumed to be based upon the Shema, which the Jews repeated twice each day, and which was regarded as distinctive of Jewish profession. "Hear, O Israel, the Lord our God is one Lord" (Deut. 6:4). From Mount Sinai, it was asserted, Moses received the whole body of Jewish law, as it is written (Ex. 24:12), "And the Lord said unto Moses, Come up to Me into the mount and be there: and I will give thee the tables of stone" (i.e. the ten commandments), "and the Law" (the written Law), "and the commandment" (the Mishna), "which I have written" (the prophets and the hagiographa), "that thou mayest teach them" (the Gemara). Thus all the Talmud, the Jews asserted, was given to Moses from Mount Sinai, and it was handed on by tradition, through forty "Receivers," before it was reduced to writing.

Dr. M. Mielziner, professor of Talmud at the Hebrew Union College at Cincinnati, who has devoted many years to the study of the Talmud, gives the following concise account of the origin of the Mishna:—

"The Mishna is the authorized codification of the oral or unwritten law, which, on the basis of the written law contained in the Pentateuch, developed during the second Temple and down to the end of the second century of the common era.

"The Oral Law consisted partly of legal traditions and usages which had been handed down from time immemorial; partly of enactments of the men of the Great Synod or the Sopherim, and subsequently of the Sanhedrin; and partly of the laws which proceeded from the discussions and decisions of the teachers, the Tanaim, in the Palestinian academies, established for the purpose of cultivating and transmitting that law. Its transmission was, for many centuries, confined to verbal communication, as it was considered a religious offence to reduce the tradition to writing. In order to assist their memory, however, some teachers had private scrolls on which they, for their own use, entered single theses of the traditional law. Such a scroll was called 'Secret Scroll.'

"In the course of time the subject matter of the oral law accumulated to an immense bulk, which, not yet in any way systematized, became almost too heavy to be preserved merely by the power of memory.

"The first attempt towards bringing some order and system into this chaotic mass of traditions was made by Hillel, president of the Sanhedrin in the time of Herod, by arranging it into six principal divisions. His attempt was later resumed by the celebrated Rabbi Akiba, who subdivided the subject matter belonging to each of the six divisions, into homogeneous parts. Within each part again he grouped the single laws according to their connection, and according to certain mnemonical considerations. The work of Rabbi Akiba was continued by his distinguished disciple Rabbi Meir, who completed the collection and improved its formal arrangement.

"Finally, Rabbi Jehuda Hanasi, towards the end of the second century, undertook the great task of establishing a general code of the oral law. By virtue of his eminent learning, his dignity as Patriarch, and as head of a celebrated academy, he succeeded in accomplishing this task. This work of Rabbi Jehuda was called Mishna.

"The Mishna is divided into six main sections, termed Sedarim. Each Seder is subdivided into Masechtoth, or treatises. Each Masechta is again subdivided into chapters, called Perakim."

The Masechta "Sanhedrin" is the fourth treatise of the Seder, or section, termed Nezikin, or Damages, which embraces a great part of the civil and criminal law. To this treatise, "Sanhedrin," frequent reference will be made in the following pages, and our quotations will be taken from "The Babylonian Talmud, original text, translated into English by Michael L. Rodkinson, section Jurisprudence (Damages), tract Sanhedrin; New York, 1902."

Although, as stated above, the actual words of the Mishna were not written down until about the year A.D. 190, there is no doubt that the regulations in regard to the administration of justice contained therein were in force in the time of our Lord, and are to be held as applicable to all the judicial proceedings taken against Him as recorded in the Gospels.

In St. John 7:32, as we said, we read of the attempted arrest of Jesus Christ. "The Pharisees heard the multitude murmuring these things concerning Him; and the chief priests and the Pharisees sent officers to take Him."

Jesus had been teaching in the Temple, and certain Pharisees were amongst the listeners: they were on the watch; they noted carefully what He said, and also the effect of His teaching upon the crowds assembled under the porticoes of the Court of the Gentiles. Many opinions were expressed: "some said, He is a good man; others said, Not so, but He leadeth the multitude astray." The people were astonished that He should be able to teach, as a rabbi, though He had not been educated in their schools. The Pharisees perceived that "of the multitude many believed on Him:" and they would have seized Him themselves, had it not been that they dreaded the multitude. Accordingly they made application to the chief priests, who, at their instigation, "sent officers to take Him."

Out of this official act of the chief priests and the Pharisees, several questions arise:—

Who were they who issued this order for the apprehension of Jesus?

Who were the officials whom they sent for the purpose?

What was the crime that was alleged against Him?

Under what authority did they act?

The order was issued by the "chief priests and the Pharisees." These were the ecclesiastical leaders of the Jews. The Sadducees, who were the most powerful party at this time, were keeping in the background, and allowing the Pharisees to take the lead. The "chief priests" were a composite body, consisting of various elements: viz. those who had held the office of high priest, such as Annas, Ishmael son of Phabi, Eleazar son of Annas, and Simon son of Camithos; also the heads of the twenty-four courses of priests; and, in addition, the members of the hierarchical families represented by these men. Taken together they were powerful officials constituting rather a political faction than a definite office.

The officials to whom they entrusted the execution of their order were officers, πηρῆται, viz. the Temple guard under the direction of the Sanhedrin.

The crime which Jesus had apparently committed was that of leading the people astray, and being a false prophet, and pretending to be the Messiah.

This was a serious charge, for which, if a man were convicted, he was liable, under the code of the Mishna, to capital punishment.

This appears from the opening sentences of the tract "Sanhedrin:"—

"Rules concerning the Appointment of Judges."

"To decide upon the following cases three persons are needed—civil cases, robbery, wounds, whole damages, and half; and the same in the case of forcing, seducing, and libel (Deut. 22:19). So is the decree of Rabbi Meir. The sages, however, maintain, in the last case (libel) twenty-three are needed, as this is not a civil case, but a crime which may bring capital punishment.

"Rabban Simeon B. Gamaliel maintains: It begins with three persons and is discussed by five, and the decision is rendered by seven. If, however, it was decided by three, their decision holds good.

"Crimes, which may bring capital punishment, twenty-three. A whole tribe, or a false prophet, or a high priest, if they have to be judged for a crime which may bring capital punishment, a court of seventy-one judges is needed."

From the above, we see that courts were constituted with various numbers of judges, according to the seriousness of the crime committed. Now, in the estimation of His enemies, the Lord Jesus Christ was guilty of the most heinous crime of all, that of being a false prophet, and a seductor of the laity—a crime which, if proved against Him, would send Him to capital punishment; a crime also which would require a court of seventy-one judges to decide the question, i.e. a full meeting of the Sanhedrin.

Now, most of the commentators take this order of St. John 7:32 as the act of the Sanhedrin. But it is obvious, as Edersheim points out ("Jesus the Messiah," ii. 155), that there had been neither meeting nor decree of the Sanhedrin about the case; for, he adds, "only those unacquainted with the judicial procedure of the Sanhedrin could imagine that there had been a regular meeting and decree of that tribunal. That would have required a formal accusation, witnesses, and examination."

Neither need we suppose that the order to arrest Jesus was the act of a committee of the Sanhedrin.

The case was that a disturbance had taken place in the Temple court during the continuance of the Feast of Tabernacles; statements had been made by Jesus, and claims were being put forward by Him, which were being angrily discussed by the crowds assembled. It would not be safe to ignore this state of affairs. The Jewish officials had ample authority to arrest such a dangerous agitator, or to take other measures to prevent an apprehended breach of the peace. They knew well that, if they themselves neglected this duty, the Roman procurator would be bound to intervene. Sentinels were on guard on the roofs of the cloisters, especially at festival time; and if the Jewish authorities failed to keep order in the courts of the Temple, the matter would be reported to the tribune-in-charge in the Castle of Antonia, as was done in the case of St. Paul (Acts 21:31).

Hence the "chief priests and Pharisees" had ample warrant for the action they had taken. The arrest, however, would be merely a precautionary measure to prevent further disturbance, until their prisoner could be brought before a full meeting of the Sanhedrin, on the grave offence of leading the people astray.

The ruling powers did not this time succeed in taking Jesus into custody, for their officials dared not lay hands on Him. Jesus continued His teaching (St. John 7:33–44), and the Temple guard were so deeply impressed that they returned without their prisoner, and, in reply to the reproachful question of their superiors, answered, "Never man so spake." In this answer the Pharisees found confirmation for their action, for now their own officials, as well as the common people, had been "led astray" by this seducer of the laity.

Then came the intervention of Nicodemus (St. John 7:50). "Doth our law judge [pronounce sentence upon] a man, except it first hear from himself, and know what he doeth?"

The commentators have been too hard upon Nicodemus. They have represented him as a timid man who dreaded hostile criticism, and a man whom an uneasy conscience would not allow to remain silent. He accordingly delivers his mind by asking his fellow-Sanhedrists his question concerning procedure under the Jewish criminal law, a question which the commentators stigmatize as a mere commonplace, which would not impose on any one, nor even serve any good purpose,—a cautious plea, based on the most elementary principles of justice.

It was in reality an appeal to the consciences of the Sanhedrists to judge righteously, and not to take up a false report (Deut. 1:16; Ex. 23:1). As a member of the Sanhedrin, he would be well instructed in the Law, both written and oral; for unless he were so, he could not have been appointed. The qualifications for membership were so exacting that one would have deemed it quite impossible to discover in the whole of Jewry a sufficient number to fill the seventy seats. Members were required to be modest and humble, learned in the Law, and acquainted with foreign languages, popular with their fellow-men, tall and of dignified bearing, of a competent age, and fathers of children, and even initiated into the mysteries of Egyptian magic.

In addition to the possession of these eminent qualifications, Nicodemus knew something of the teaching of Jesus, Whom he had visited by night, perhaps more than once. He was in a dilemma; he could not hold his peace and let judgment go by default, nor was he, at that time, prepared to speak on behalf of Jesus. He therefore made a compromise by delivering his opinion as a rigid Sanhedrist: he would neither justify nor condemn, he would merely put in his objection to the Accused being regarded as guilty before he had been brought to trial. From a Rabbinical point of view, his question was in perfect order, being based upon a sound knowledge of the maxims of Jewish jurisprudence as laid down by Moses in the Law, and expanded by the rabbis in the Mishna and

Gemara.

The Law of Moses was very severe upon unjust judgment and respect of persons: and the Talmudic traditions based upon the Law were very tender to the accused, the primary object of the Hebrew judicial system being to render impossible the conviction of an innocent person. Nicodemus rests his objection upon two principles, which were the very essence of Jewish criminal law, viz. that a trial should begin with the defence, and that there should be a definite charge laid against the accused. Hence Nicodemus's inquiry, "Doth our Law judge a man, except it first hear from himself, and know what he doeth?"

"First hear from himself." In the treatise "Sanhedrin," chap. iv., the first principle laid down is that the trial must commence with the defence, and not with the accusation (see pp. 61, 63).

The fullest freedom was granted to the accused: he could testify in his own favour, and urge any pleas on his own behalf; and, further than this, he was not allowed to incriminate himself.

"Know what he doeth." The accusation must be distinctly formulated by the witnesses, who were not only put upon oath, but were solemnly charged by the judge that, in the event of an unjust conviction, the blood of the innocent person would lie at their doors, and would stain their descendants as well (p. 61).

Thus it would appear that the question of Nicodemus was very much to the point. The chief priests were very well aware of this, and retorted upon him, "Art thou also of Galilee? Search and see; for out of Galilee ariseth no prophet."

This was a ludicrously unfounded assertion, hastily advanced, for, if they had searched, they would have found that several of the prophets came from Galilee, as Jonah of Gath-Nepher, Hosea, and Nahum, and probably also Elijah, Elisha, and Amos.

### CHAPTER III

#### ATTEMPTS ON THE LIFE OF JESUS

After this, two deliberate attempts were made upon the life of Jesus (St. John 8:59, and 10:31): but these were not sanctioned by legal authority; they were the acts of the populace, moved by a sudden impulse of anger. We need not delay long over these outbursts of public animosity; a few words on each will be sufficient.

St. John 8:59. The people, listening to the words of Jesus spoken in the court of the Temple, angry at His claim to have existed before their father Abraham was even born, hastily took up stones to cast at Him; "but Jesus hid Himself, and went out of the Temple, and, going through the midst of them, went His way, and so passed by."

S. John 10:31. This incident is of greater importance, as showing the growing hostility to Jesus; and of more interest, as having occurred at the Feast of Dedication, about two months after the previous assault at the Feast of Tabernacles.

The Feast of Dedication was first celebrated by Judas Maccabæus, when the Temple was cleansed after its profanation by Antiochus Epiphanes, 164 B.C.; it was held on the twenty-fifth day of Kisleu, about the middle of December, in the "winter;" and St. John notes this, as a reason for our Lord's adopting Solomon's porch, which was a sheltered place, for His teaching. It was known also as the "Feast of Lights," and during the eight days of its continuance it was not lawful to weep or to fast. Every householder was required to light at least one candle, but the brighter the illumination the better. If there were ten persons in the house, there must be ten candles the first night, and the number must be increased each night until the eighth, when there were to be four score. The feast, unlike the other festivals, was observed all over Palestine, and not in Jerusalem only.

At this Feast of the Dedication, Jesus was urged by the Jews to declare Himself. "If Thou art the Christ," they said, "tell us plainly." In His reply, Jesus claimed equality with the All-Father. This was blasphemy, for which the punishment was stoning. "For a good work we stone Thee not, but for blasphemy; and because that Thou, being a Man, makest Thyself God."

These attempts show that the life of Jesus was in danger. It was no longer safe to remain in Jerusalem. He retires beyond Jordan.

Meanwhile the hostility of the "chief priests and Pharisees" continued to grow in virulence, until it had passed beyond the idea of a mere arrest. The enemies of Jesus were now determined upon His death; and with the view of accomplishing this object, the members of the Sanhedrin were formally summoned to meet in council.

### CHAPTER IV

#### THE FOUR MEETINGS OF SANHEDRISTS

We have now arrived at the time when the teaching of the Lord Jesus Christ concerning His mission to mankind was growing more definite. He had spoken of the "Kingdom of Heaven" at the beginning of His ministry. He had, at that early period in His career, kept His Messianic claims in the background. But now, after the Feast of Tabernacles, in the autumn of the year 28, He had allowed Himself to be addressed as the Christ, the Son of the living God; He had claimed priority to Abraham, and equality with Jehovah. The people were divided in opinion concerning Him, but the majority accepted Him as their Messiah. Over the "Kingdom" which He had proclaimed, He now declares Himself the King.

Hitherto the Pharisees had been His chief opponents, and the Sadducees had been quiescent—they did not concern themselves about questions of doctrine relating to the future life, for they were satisfied with the present, which had given them all that they



desired; nor did they trouble to discuss the minutiae of ceremonial purification and other traditions of the rabbis. Such matters they held in contempt, and with them they would take no steps to interfere.

But it was quite a different matter when this Nazarene claimed to be, not only Prophet and Messiah, but King. The people were being led astray; there would be tumults and uprisings, riots in the Temple courts, and the whole city full of sedition. This would bring upon them the wrath of Rome. They had already suffered at the bloody hands of Pilate, and it was policy to avoid further interference. The Sadducees, above all things, wished to keep the peace with Rome. They were, by the grace of the Emperor, left in possession of many privileges. Under the wise leadership of Annas, they had been allowed to rule Jerusalem, and to accumulate wealth.

The matter had become serious. The Sadducean party cannot withhold their hands any longer; the action of Jesus had precipitated the crisis. He must be held in check. Mere orders of arrest, issued by a section of the ruling powers, will no longer meet the case; stronger measures must be adopted. A meeting of the council must be summoned.

We have now, therefore, arrived, so to speak, at the era of Councils. In the Gospels we see recorded four meetings or assemblies which have the appearance of Councils, or meetings of the Great Sanhedrin: at the least, they were assemblies of Sanhedrists:—

1. St. John 11:47, shortly before the Passover of A.D. 29.
2. St. Matt. 26:3, two days before the Passover.
3. St. Matt. 26:59, on Thursday night after the arrest in Gethsemane.
4. St. Mark 15:1, early on the morning of Friday.

Each of these meetings must be discussed in its turn. Meanwhile we may remark upon them in general terms.

The commentators are almost unanimous in describing all four as meetings of the Sanhedrin; but Dr. Edersheim ("Life of Jesus the Messiah," vol. ii.) makes them all to be informal gatherings of priests and elders:—

Page 326.

"A meeting of the Sanhedrists was hastily gathered."

" 475.

"An informal meeting, consultative rather than judicial."

Page 553.

"No formal, regular meeting of the Sanhedrin."

" 565.

"The Sanhedrists assembled in increased numbers."

We hold the opinion of Dr. Edersheim in the very highest estimation, and prefer to follow him rather than any other writer. In this case, however, with no desire to be presumptuous, we cannot abandon every other commentator. Basing our decision on the actual words of the Evangelists, employing the official term *συνέδριον*, Sanhedrin, and naming the constituent elements of these assemblies as "chief priests, scribes, and elders," we venture to advance the opinion that the first, third, and fourth, in spite of numerous irregularities, were regarded by the conveners as actual meetings of the Sanhedrin, while the second may have been a consultative assembly, or adjournment of the previous meeting, for the purpose of devising means for carrying into effect the resolution then arrived at.

It will be convenient here to speak generally of the Constitution of the Sanhedrin. It consisted of seventy-one members, the reason for this particular number being stated in the Mishna, treatise "Sanhedrin," chap. i.

"The Great Sanhedrin consisted of seventy-one, and the small of twenty-three. Whence do we deduce that the Great Council must be seventy-one? From (Numb. 11:16) 'Gather unto Me seventy men;' and add Moses, who was the head of them—hence seventy-one.

"And whence do we deduce that a small Sanhedrin must be twenty-three? From (Numb. 35:24, 25), 'The congregation shall judge;' 'and the congregation shall save.' We see that one congregation judges, and the other congregation saves—hence there are twenty; as a congregation consists of no less than ten persons. And whence do we deduce that three more are needed? From (Exod. 23:2), 'Thou shalt not follow a multitude to do evil,' from which we may infer that you shall follow them to do good. But if so, why is it written at the end of the same verse, 'Incline after the majority to wrest judgment'? This means that the inclination to free the man must not be similar to the influence to condemn; as, to condemn, a majority of two is needed, while to free, a majority of one suffices. And a court must not consist of an even number; as, if their opinion is halved, no verdict can be established, therefore one more must be added. Hence it is of twenty-three.

"How many shall a city contain that it shall be fit for a supreme council? One hundred and twenty families. Rabbi Nehemiah, however, maintains two hundred and thirty, so that each of them should be the head of ten families, as we do not find in the Bible rulers of less than ten."

This Great Council of seventy-one was the supreme court of justice for all Jewry, its powers, like those of the Pope, extending over God's people in every quarter of the world. The word "Sanhedrin," by which it was designated, was borrowed from the Greek: it is, indeed, nothing else than *συνέδριον* written in Hebrew characters. Josephus calls it *βουλή*.

It is not precisely known in what manner its members were appointed, but it is presumed that they were nominated by themselves, by selection from the provincial Sanhedrins, or by promotion from the front bench of scholars or students. In earlier times the members were set apart by the laying on of hands.

The chief constituent elements, as given in the Gospels, consisted of chief priests, scribes, and elders, and the qualifications of membership were, theoretically, very exalted, so much so that one would hardly believe any human being capable of attaining to them, the Talmud requiring them to be "perfect men," wise, aged, and wealthy; and, as previously stated, learned in the Law and in the traditions of the elders, of good repute amongst their neighbours, of noble presence and dignified bearing, and, finally, skilled in foreign languages and in the practice of the arts of magic.

They appointed their own president, who was not necessarily the high priest. At the time when our Lord was placed before the Sanhedrin, Gamaliel (at whose feet St. Paul had learned the traditions of the elders) was the president. But the high priest had such a preponderating influence that, in the New Testament, his influence appears to have overshadowed that of the actual president; and we find Annas and Caiaphas taking the lead in the trial of our Lord.

Under the Asmonean dynasty this august tribunal was endowed with enormous powers. It could punish a false prophet, a guilty tribe, or an idolatrous city; it had the power to decide questions of peace or war; no army could take the field without its sanction. And so, in San. c. i., we read, "A tribe must not be judged, nor a false prophet, nor a high priest, save before a tribunal of seventy-one; and soldiers must not go forth to lawful warfare, save by a decree of the tribunal of seventy-one. Men must not add to the city, nor to the Temple courts, save by a decision of the tribunal of seventy-one. They must not appoint judges to the tribes, nor must a city be excluded save by the tribunal of seventy-one."

The Sanhedrin, was, in fact, under the Asmoneans, the supreme authority on all important questions that might arise in Palestine, whether civil, criminal, or ecclesiastical, as well as being the ultimate court of appeal in all causes throughout Palestine, and from all the Jewish people throughout the world. It could even condemn a high priest to punishment, such as that of the forty stripes save one. Here, again, we may refer to San. c. ii.: "The high priest may judge, and be judged. He may bear witness, and witness may be borne against him. He may have his shoe loosed, and the shoe may be loosed for his wife" (Deut. 25:9).

These high prerogatives were considerably reduced by Herod. Before he became king, he had been cited to appear before the Sanhedrin on a charge of illegal execution or murder (Josephus, Antiq. xiv. 9, 2–5). Herod never forgot the insult: and when he came to the throne he took a savage revenge, by the slaughter of the Sanhedrists. During the rest of his life he never allowed them to recover their power; they became a mere shadow, without a vestige of real authority. It has even been asserted that the Sanhedrin was abolished altogether during his reign. Under the Procurators they lifted up their heads again, and recovered much of their former prestige (see p. 56). Yet it was well understood that they must keep clear of collision with Roman law. On this understanding, they were allowed to resume the conduct of affairs in Jerusalem and throughout Palestine. And thus, when our Lord was brought before them, they had full power to deal with the offences charged against Him, provided that they stopped short of the penalty of death.

## APPREHENSION

### CHAPTER V

#### THE FIRST MEETING—ST. JOHN 11:47

Was this a formal meeting of the Sanhedrin?

We think it was. St. John writes of it as a "council" (συνᾶδριον), convened by the "chief priests and Pharisees," at which Caiaphas was present, and apparently in the chair. The commentators are unanimous in holding it to be a meeting of the Sanhedrin: only Dr. Edersheim dissents, saying, "A meeting of the Sanhedrists was hastily gathered, not to judge Him, but to deliberate what was to be done."

The hostility of the Pharisees was growing day by day, as St. John clearly shows. Several attempts were made upon the life of Jesus Christ, officers were sent to apprehend Him (St. John 7:1, 32, 45; 8:59; 9:22; 10:31, 39). This bitter hatred increased in intensity after the raising of Lazarus; and now the Pharisees demand a council. Milder measures were of no avail; the arrest of the Galilean Teacher would be of little use, if it were the act of a section only of the ruling powers. The influence of the more powerful Sadducees must be brought to bear upon the case. And thus it came about that from this time the Pharisees seem to have withdrawn into the background, and put the hierarchical Sadducean party in the forefront of the battle.

The Sadducees accept the position. It was high time that all the forces of the sacred city should be combined to crush the presumptuous Teacher Who had not learned in their schools. Like the silversmiths of Ephesus, they fear that their trade should come into disrepute (Acts 20:27). They were touched in a tender place. The enormous revenues accumulated in the "Booths" on Olivet and under the porticoes of the Gentile Court were endangered. If these constant disturbances were allowed to continue, the Procurator would occupy the court with his troops, and the profits of the hierarchical family led by Annas would diminish. The Sadducees therefore, represented by the "chief priests," combined with the Pharisees in convening a council, for the purpose of deliberating as to the best mode of meeting this crisis. All parties were now united.

The fear was lest the people should make Jesus a King. Hence, during the debate, it was urged that some decisive step must be taken: "If we let Him thus alone, all men will believe in Him: and the Romans will come and take away both our place and our nation." The members of the council were perplexed: most of them hesitated to propose what would amount to judicial murder, until one of them, Caiaphas, put a different complexion on the case by suggesting that it was better that one man should die than that the whole nation should perish.

This unscrupulous Sadducee speaks very plainly: "You sit there debating as to ways and means, like the ignorant mob outside, while all the time the case before you is very simple. Our whole polity is in danger through this Man's action. Your duty is plain: His life must pay the penalty. If He be allowed to live, the whole nation will perish; but if He die, the nation will be saved. Let Him be the victim."

From that moment the official rulers of the Jews, in council assembled, had resolved upon the death of Jesus.

St. John shows an intimate knowledge of what passed within the walls of the council chamber on that occasion—a knowledge derived, perhaps, from Nicodemus or Joseph of Arimathea, or even it might possibly have been derived from the high priest himself, to whom St. John was known. The resolution which they had passed was, however, no secret, for a public announcement was made of the order for arrest, and every one was urged to give information of His movements to the chief priests. The Passover was near at hand, when Jesus would surely come up to Jerusalem.

But the time was not yet come. The shadow of the cross lay athwart the path along which Jesus was advancing; but He had not yet reached the end. His life was to be given for the salvation of the world, and He would be a willing sacrifice when the time was accomplished. Till then He would withdraw from the world. He accordingly retired to Ephraim, or Ephron, a day's journey to the north of Jerusalem, there to await, in safety and peace, the hour of Trial and Death.

A few weeks later He joined the caravan of pilgrims from Galilee, journeying through Peræa towards Jerusalem, for the Passover, halting on His way at Bethany, where, in the peaceful home of Lazarus and his sisters, He spent the last week before He died.

## CHAPTER VI

### THE SECOND MEETING. ST. MATT. 26:3

At the previous meeting, which we concluded to be an assembly of the Sanhedrin formally convened, a peremptory warrant had been issued for the apprehension of Jesus, with the view of putting Him to death. But there was this difficulty, that no one knew where He was to be found; and this would prevent the execution of the order. Action on the resolution was accordingly delayed, and the meeting separated without having achieved the object for which it had been summoned.

On the Wednesday before the Passover the enemies of Jesus—conspirators as we are now entitled to describe them—met again.

What was the nature of this meeting?

It may have been either a formal meeting of the Sanhedrin, or an adjournment of the previous meeting, or a private conclave called together by the hierarchical faction now bent on the sacrifice of Jesus for the public safety.

At first sight it would appear to have been a formal meeting, at which all the forces inimical to Jesus were assembled in consultation. The evangelists (St. Matt. 26:3, St. Mark 14:1, St. Luke 22:2) give some colour to this opinion by naming the three constituent elements of the Sanhedrin, "chief priests, scribes, and elders of the people," as being present, and taking part in the proceedings: but as the synoptics refrain from the use of the word συνέδριον, we may be justified in looking upon the assembly as an adjournment of the previous meeting, held for the purpose of devising means for giving effect to the order of arrest then given. As had been anticipated, Jesus had come to Jerusalem for the Passover, and the opportunity of seizing Him had presented itself.

There is the further consideration of the place of meeting. This was at the palace, or court, of Caiaphas. The legal place of meeting was the Hall Gazith, within the Court of Israel. That the chief priests should have used the palace of the high priest on this occasion, instead of the Hall Gazith, does not necessarily imply that the meeting was private, for the rule was not strictly kept at this time, the Sanhedrin being accustomed to meet in various places, according to the rabbinical tradition that "forty years before the Temple was destroyed the council removed from the chamber called Gazith to the 'sheds' in the Court of the Gentiles." This removal took place shortly before the death of Jesus.

The business laid before the council was simply the best means of carrying into effect the resolution passed at the previous meeting. There was no intention of inquiry as to facts, nor of formulating a charge against the Accused; they had met merely for the purpose of seizing Him and putting Him to death: and the conclusion at which they arrived was that this must be done by subtlety. They would not act openly, for fear of the people, who on the previous Sunday had acclaimed Him as "the King that cometh in the name of the Lord." The deed must not be done in the Temple Court, nor in any public place: and it must not be done during the Feast at all, for it would be better to wait until the Galilean peasants, who were His chief adherents, had returned to their homes. The difficulty was how to achieve their object; for He whose life they sought would also be on His way back to Galilee at the conclusion of the Feast of Unleavened Bread: and He would escape.

Presently, while the debate was in progress, a messenger announced that one of the disciples of the accused Man had applied to the "captains," στρατηγοι, the Levitical guard of the Temple, and was demanding an interview with the council. The members were glad to hear this; it relieved them of their difficulty. Now they need wait no longer; they could take immediate action.

Judas is introduced, and, standing before the council, explains that, being one of the twelve, he is well acquainted with all the movements of the Master, and is in a position to guide their officials to a spot where they could lay hands on Jesus when alone and unprotected. This offer was too favourable to be refused; it afforded an opportunity that might never recur. They accordingly closed with it eagerly. And when the traitor put the question, "What will ye give me?" the thirty pieces of silver of the prophecy (Zech. 11:12) were handed to him from the Temple treasury. This blood-money was a paltry sum, the price of a slave. The shekel of the Sanctuary was in weight of silver worth about half a crown of English money. The amount is so trifling that it has been suggested that this was not the total amount agreed upon, but merely an earnest of more, the balance to be paid when the dastardly work was done, and the Victim secure in the hands of His captors, to be led away as a sheep to the slaughter.

It now devolved upon Judas to ascertain his Master's movements, and to report to the authorities. All would then be ready for the Arrest.

## CHAPTER VII

### THE ARREST IN GETHSEMANE

The chief priests and Pharisees, having obtained the aid of Judas, now issued the warrant for the apprehension of Jesus. They possessed ample powers for this purpose under their own law, as administered by the ecclesiastical authorities with the sanction of the Roman governor (see p. 35).

The treacherous disciple led the officials across the brook Kedron to the Garden of Gethsemane, at the foot of the Mount of Olives. He came at the head of "a great multitude with swords and staves" (St. Matt. 26:47),—a crowd composed of three distinct elements—a large force of officials both Jewish and Roman, followed by a number of onlookers, attracted by curiosity, whose attention had been roused at this late hour, by the unwonted sound of the heavy tramp of armed men, and the flash of lanterns and torches.

The Sanhedrin had sent their own officers to effect the arrest; and the Procurator had granted a military corps to watch proceedings as a precaution to preserve order, and to intervene only in case of resistance being offered.

St. John draws the distinction between these two forces—the military and the civil: "the band (or cohort) of soldiers, and officers from the chief priests and the Pharisees."

The military force consisted of a "cohort" under the command of a "chiliarch," or military tribune (St. John 18:3, 12). Now a cohort in a Roman legion, when it had its full complement, would number six hundred men, and would consist of six centuries of one hundred men each, or three maniples of two hundred each, six hundred in all. It is not at all likely that the whole force was present, but there were certainly more than a hundred, or else a centurion would have been sufficient as the commanding officer. Thus Pilate co-operated with the Jewish authorities by allowing a detachment of his brigade to accompany the Prefect of the Temple and his apparitors when they went to the Mount of Olives to execute the warrant for the arrest.

Josephus (Jewish War, v. 5, 8) informs us that a Roman legion, i.e. about six thousand men, was always stationed in the tower of Antonia, a strong fortress overlooking the Temple. This body was only a portion of the army maintained in Palestine, which amounted in all to about 35,000 men, legionaries and auxiliaries. A legion was officered by a number of centurions and by six military tribunes, or chiliarchs, one of whom led the detachment appointed by Pilate to superintend the capture of Jesus.

There was secondly the body known as the Jewish Temple police, called by St. John "apparitors," or officers of the Sanhedrin. These were under the command of "captains of the Temple" (St. Luke 22:52), and were the same officials as those who had been sent to arrest Jesus at the Feast of Tabernacles (St. John 7:32, 45). The same officials reappear in connection with the apprehension of the Apostles, in Acts 4:1 and 5:22–26.)

This civil force was not regularly armed, as were the Roman soldiers, but merely carried with them staves or rods; and, being now engaged in night-work, were provided also with lanterns and torches.

The Paschal full moon shed a brilliant light on the scene, sufficiently bright to render all objects clear and distinct in the open; but the lights borne by the apparitors would be useful, if it became necessary to search the recesses of a grove of trees, or the interior chambers of a building.

Such was the force led by Judas for the apprehension of Jesus. It was formidable both in numbers and in influence, representing as it did, the ecclesiastical, civil, and military powers of Jerusalem and Rome combined for a single purpose. But it could not withstand the Divine majesty of the Son of God. When Jesus emerged voluntarily from the shadow of the trees, and calmly offered Himself to His captors with the announcement, "I am He," the Jewish officers, knowing His claim to be the Messiah, and aware of His miraculous powers, were overcome with awe: "they went backward, and fell to the ground." It was a critical moment, calling for the intervention of the Roman guard. Their Victim might have escaped in the confusion, had not the Roman soldiers, untroubled by any such terrors, promptly stepped forward, seized Jesus, and bound him securely. This having been done, and the Temple guards having recovered from their panic, Jesus was handed over to their custody.

## CHAPTER VIII

### ATTEMPTS AT RESCUE

It was at this point that an interposition was made by that one of the disciples who was ever the most prompt in speech and in action. St. Peter was ill-advised enough to offer resistance. It was a natural impulse, but unwisely conceived, for it was inconsistent with the character of the Master, who had always taught His disciples non-resistance to evil. It was true that at the last supper He had bidden them sell their cloke and buy a sword: and two swords had been produced, all too literally, in response. Peter was in possession of one of these, and, leaping hastily forward, he aims a blow at Malchus, who was apparently the leader of the Jewish guard. It was an ill-judged act, likely to involve all the disciples in danger; and useless in itself, for what were two swords against an armed band of more than a hundred trained soldiers? Further than this, it was unlawful to bear arms on the Sabbath or the Passover (Shab. vi. 4). And most of all, St. Peter was putting himself into direct conflict with the eternal purpose of God. Had armed resistance been allowable, there were more than twelve legions of angels at the disposal of the Master. Peter, like Elisha's servant, needed to have his eyes opened that he might see the invisible array. Truly Jesus might have said, "They that be with us are more than they that be with them." But then, how should the Father's will be done? How should the prophecies pronounced in Paradise at the beginning of the world be fulfilled, if Peter should set himself against their accomplishment in this other garden? Peter must needs abandon his opposition, and return the offending sword to its sheath. And Jesus remedies the blunder of his overzealous follower by restoring the servant's ear.

Jesus is now led away captive alone, the disciples being allowed to escape, in accordance with His request, "If therefore ye seek Me, let these go their way." And they all forsook Him, and fled.

The high priest's servants, with their Captive in the midst, recrossed the little foot-bridge that spanned the brook, and led the way up the winding path that climbed the steep hill up to the city wall. And it was here, we may suppose, after the procession had passed through the gate and were traversing the streets of the city, that the incident occurred which is related by St. Mark (14:51). We know that the mother of Mark possessed a house in Jerusalem (Acts 12:12), and this "young man," who is traditionally held to be St. Mark himself, may have been awakened, as he lay upon his pallet, by the tumult made by the "multitude with swords and staves" thronging the narrow streets. Springing from his couch, and hastily wrapping round his body the sindōn, or linen cloth, which lay to hand, he rushed into the street, and followed the armed band. Presently, perceiving that his Master was in the hands of His enemies, he endeavours, as Peter had done, to effect a rescue. But the incident is soon at an end; the officials lay hold of him, and he, slipping out of the linen wrapper, and leaving it in their hands, fled from them naked.

Those in charge of the expedition were not disturbed at the escape of the "young man:" they had accomplished their object, their Victim was safe in their power, and, with Him in charge, they made their way towards the palace of the high priest.

## THE JEWISH TRIAL

### CHAPTER IX

#### EXAMINATION BEFORE ANNAS

Midnight had arrived before the Roman troops and the servants of the chief priests officered by the tribune (χιλιάρχος), had climbed the steep path up the Temple hill in the bright light of the Paschal moon: and, when at this late hour the gate of the sleeping city closed behind them, the streets were deserted and silent. The captors hastily made their way to the palace of the high priest, and delivered their Prisoner into the custody of Annas.

Annas was at this time the most striking personality in Palestine. For more than half a century he was at the head of ecclesiastical affairs in Jerusalem, either as actual high priest, or as holding the reins of power through members of his family. Josephus (Antiq. xx. 9. 1) speaks of him as "a most fortunate man," having enjoyed the pontificate a long time himself, and being succeeded in that dignity by five of his sons, as well as by his son-in-law, Joseph Caiaphas. He was a Sadducee, careless of religious obligations and actuated by Epicurean ideas of the importance of utilizing to the utmost the delights of this present world. His lax religious views enabled him to keep on friendly terms with the Roman authorities, while at the same time feeling that he could hold in check that tendency to revolt which always inflamed the minds of the Jewish zealots, especially those of Galilee. His immense wealth contributed to the success of his ambitious schemes. Large revenues were derived from the sale of the various articles required for the sacrifices and offerings in the Temple, for which purpose booths had been established on the Mount of Olives, and even under the porticoes of the Temple itself.

He held the high-priesthood from A.D. 7, when he was appointed by Cyrenius, until A.D. 14, when he was deposed by Valerius Gratus for presuming to execute capital sentences without having previously obtained the sanction of the procurator. This action of Gratus produced inconvenient results. His nominees, Ishmael, Eleazar, and Simeon, were unpopular; their appointment only led to disturbances; and it was not until Caiaphas was raised to the pontificate that peace was restored. Pilate avoided the error of his predecessor by leaving the priests alone; and Caiaphas held the appointment during the whole of his procuratorship.

It is assumed from Numb. 35:25, 28, that the high-priesthood was a life-appointment; and so the people esteemed it. They resented the numerous changes made by the Roman procurators, and held Annas to be the legitimate high priest, his deposition being

regarded as invalid and sacrilegious. Annas was thus in a position to wield the authority and to exercise the powers without the responsibility and restraints imposed upon the actual holders of the office.

There were several reasons why the tribune should have conducted his Prisoner to this man—his position as de jure high priest, the high esteem in which he was held on account of his age, learning, and experience, and the fact that he was known to be well skilled in the Law of Moses and the traditions of the elders.

Another motive may have had an effect—the high priest's palace stood on the way back to the Tower of Antonia, and it would seem desirable to the priestly party that the Roman troops should be permitted to return to their quarters as speedily as possible.

It is not known for certain where this palace of the high priest was situated, but Dr. Edersheim locates it on the slope between the Upper City and the Tyropean. It is assumed that both high priests occupied the same building, Annas dwelling in apartments in the official residence of the high priest. The court-yard, αλή, mentioned by St. John (18:15) was doubtless accessible from both suites of apartments, so that after the preliminary examination by Annas, it would be easy to send Jesus across the court-yard to Caiaphas for further proceedings: or Caiaphas himself might have been present at the opening of the case against the Accused.

The examination of Jesus, recorded by St. John (18:19–24), is variously credited to Annas and to Caiaphas. Those who hold the second view seem to have been influenced by the mistranslation of πέστειλεν in the twenty-fourth verse, where the A.V. translates, "Now Annas had sent Him bound unto Caiaphas the high priest." The A.V. has also neglected the various reading ο v. The Revisers have more correctly rendered the verse, "Annas therefore sent Him bound," giving the aorist πέστειλεν its due force as a past, instead of as the pluperfect. Following the version of the Revisers, we understand St. John to state that, after the preliminary examination, recorded in verses 19–23, Annas, in consequence of what he had elicited from the Accused (ο v), commits Jesus for trial, and sends Him across the court-yard to the chamber in which the Sanhedrists were assembling, in order that He might be formally brought before the bench.

These verses therefore (19–23) we understand to be a record of the proceedings taken before Annas.

This examination is related only by St. John. He had followed closely from Gethsemane to the palace of the high priest, and, being known to the high priest, had obtained access to the court-yard, and may have actually witnessed the proceedings before Annas. We are therefore, under the circumstances, justified in taking these verses as constituting a report of the initiatory proceedings, preparatory to the formal trial before the Sanhedrin of seventy-one.

Annas begins with an inquiry concerning the disciples of Jesus, and of His teaching.

Apparently he suspected, or at least he wished it to be so understood, that Jesus belonged to some secret society, engaged in plots against the existing government. He asks, therefore, two questions:—

- (1) As to the disciples of Jesus, in order that His followers might be incriminated in the supposed conspiracy;
- (2) As to His teaching, in order to bring the Master Himself within the grip of the law.

To the first question it was natural to vouchsafe no answer. It was bad enough to attempt to convict Jesus out of His own mouth—that was quite contrary to the principles of Jewish criminal law,—it was far worse to try to involve a number of absent persons in an accusation which at present was confined to One, and as yet not defined even against Him. The question deserved no reply, and Jesus disregarded it altogether.

To the second question, which also was contrary to law, Jesus condescended to reply. He need not have done so, for Jewish jurisprudence did not allow a man to prejudice himself. All the rules were in favour of the accused, it being a primary aim of Jewish criminal law to shield a man from convicting himself. It was the duty of a judge to interpret the law so as to protect an accused person from the least suspicion of injustice, and to be careful to search for extenuating circumstances. In English law, on the apprehension of a suspected person, he is immediately warned that any statement he may make might be used as evidence against himself at the trial. But Jewish criminal law, which differs from ours in many important particulars, is still more merciful to the accused. It will not listen at all to any damaging statements made by the man himself. If a man accuses himself he is not to be believed.

Yet Jesus chooses to reply:—

"I have spoken openly to the world:" without reserve, frankly, boldly, unambiguously, πᾶ ῥοί : "I am concealing nothing. My teaching contains no secret, esoteric doctrine. I have spoken freely to every one, without limiting myself to any select audience.

"I ever taught in synagogues and in the Temple:" in synagogues, as at Nazareth (St. Luke 4:16), at Capernaum (St. John 6:59), and in other synagogues in Galilee (St. Matt. 4:23); in the Temple, at the Feast of Tabernacles (St. John 7:14), at the Feast of Dedication (St. John 10:22), and on the Tuesday previous (St. Matt. 21:23).

"In secret spake I nothing."

"Why askest thou Me?" The Accused does not attempt to defend His conduct. He takes up a high position, for He stands upon firm ground. The magistrate is exceeding his duty. Instead of searching for the honest truth, he is setting a trap to catch the Prisoner.

"Ask them that have heard Me, what I spake unto them," i.e. obtain evidence by legal means. "Produce witnesses to testify to My actual words." Under the Sanhedrin rules, nothing could be done without witnesses. Witnesses were of far greater importance in Jewish causes than under Roman law, or in modern European courts of justice; they were virtually the prosecutors.

This indignant reply of Jesus brings upon Him the insult of a blow, either with a rod or with the open palm, the word ἀπισμία being indefinite in meaning, but leaning rather to the former. It has been suggested that this outrage was due to Malchus, whom St. Peter had assaulted in the garden of Gethsemane; but there is no foundation whatever for the sup position.

But the insult draws from Jesus the further expostulation, more definite than the former, "If I have spoken evil, bear witness of the evil; but if well, why smitest thou Me?" The guilt of the prisoner must not be assumed; but, on the contrary, his innocence: and no charge whatever can be brought against him until after the witnesses, at least two in number, had produced their evidence before the court. Jesus was entirely within His rights in reiterating His demand for the production of witnesses: "Bear witness of the evil."

In the questions which Annas addressed to Jesus, he was exceeding his powers, and the unwarrantable outrage that he permitted ought to have met with immediate punishment. When Jesus was brought before him, the duty of Annas was merely to obtain sufficient information to warrant him to commit Jesus for trial before the Sanhedrin. But Annas seems to have taken up the attitude of an accuser, which was contrary to all the principles of Hebrew law in criminal cases, the judges being regarded rather in the light of counsel for the accused, than as prosecutors.

The duty of Annas was now clear. His inquiries had satisfied him that there was a sufficient case against the Prisoner to warrant him in detaining Him for trial on a criminal charge, before the Great Sanhedrin. But it was now night—many hours after sunset, an hour or two after midnight—and no trial could be commenced until after sunrise the next day, or, rather, until after the morning sacrifice. This is very clearly laid down in San. c. iv. All trials, whether "in money, or in souls," or, as we should say, in civil or in criminal cases, must be conducted by day, and the latter must be settled also by day. There was consequently no other course open to Annas on this occasion than that which was adopted by the Temple authorities in the case of Peter and John afterwards (Acts 4:3), viz. to detain the Prisoner in custody until the morrow.

As, however, that day was a Feast day, the Passover, followed by its octave, and that by a Sabbath, this course would have involved a delay of at least nine days. It must have been some such consideration as this which led to the indecent haste with which the trial was commenced, and which brought about the many irregularities and illegalities to which we shall presently call attention.

## CHAPTER X

### THE MISHNA

Annas could not judge alone. That was forbidden. "Be not sole judge." "Ne sis judex unus; non est enim unicus judex, nisi Unus." It was consequently his duty to commit the Lord Jesus Christ for trial; and when He was thus committed, and sent to Caiaphas, the trial by the Jewish authorities before the Sanhedrin begins.

It will make matters clear if, at this point, we state the formalities which accompanied a trial before the Sanhedrin on a criminal charge.

It must be borne in mind that the Mishna, from which we are now about to quote at some length, was not set down in writing until the time of Rabbi Jehuda, about A.D. 200.

The origin of the Talmud is thus explained by itself (Aboth. I. 1): "Moses received Torah" (i.e. the Law or Teaching, including not only the Pentateuch, but also the Oral Law or Talmud) "from Sinai, and delivered it to Joshua, and Joshua to the Elders, and the Elders to the prophets; and the prophets delivered it to the men of the Great Synagogue." Then follow the names of the transmitters, successive pairs of teachers down to Hillel and Shammai, at the beginning of the Christian era.

In our Lord's time there was merely Oral Tradition to guide the Sanhedrists in their legal proceedings, whether civil or criminal, with the exception of what could be gleaned from the Law of Moses, or ascertained from those teachers who had provided themselves with "secret scrolls."

Necessarily there was much uncertainty in such a method of preserving a record of legal processes, which would naturally be of a precise character and would enter into minute details.

We must also bear in mind that the rules laid down in the Mishna are, as Dr. Edersheim points out, to be regarded as indicating the ideal rather than the real forms, "what the Rabbis imagined should be, rather than what was; or else what may date from later times" (Edersheim, "Jesus the Messiah," ii. 554).

Consequently many of the provisions of the Mishna may have been customarily neglected; and we are not, therefore, justified in tying down the Sanhedrists too strictly to minute points, such as those to be found in the Mishna, and still more in the Gemara, which was a commentary upon a commentary.

Further than this, allowance must be made for considerable modifications of the forensic practices which may have prevailed under the government of the Asmonean princes, after the Romans took over the government of Palestine as a part of the province of Syria. It has been frequently asserted that the Romans had deprived the Jews of all power to deal with criminal causes, and this probably was the case to a great extent under the administration of Herod, he being naturally jealous of the Asmonean princes, whom he had superseded, when, in B.C. 40, the Senate appointed him King of Judea.

But under the procurators, beginning in A.D. 6, after the deposition of Archelaus, much of the power of the Sanhedrin and of the other Jewish courts of justice in Jerusalem and the country districts was restored, or, perhaps, allowed on sufferance.

On this subject, Dr. Edersheim remarks (ii. 556), "Neither Herod nor the procurators would wish to abolish the Sanhedrin, but would leave to them the administration of justice, especially in all that might in any way be connected with purely religious questions. Equally we can understand that both would deprive them of the power of the sword, and of decision on all matters of political or supreme importance. Herod would reserve to himself the final disposal in all cases, if he saw fit to interfere, and so would the

procurators, who especially would not have tolerated any attempt at jurisdiction over a Roman citizen. In short, the Sanhedrin would be accorded full jurisdiction in inferior and in religious matters, with the greatest show, but with the least amount of real rule or of supreme authority. Lastly, as both Herod and the procurators treated the high priest, who was their own creature, as the real head and representative of the Jews, and as it would be their policy to curtail the power of the independent and fanatical rabbis, we can understand how, in great criminal causes, or in important investigations, the high priest would always preside, the presidency of the Nasi being reserved for legal and ritual questions and discussions. And with this the notices alike in the New Testament and in Josephus accord."

Thus we see that practically the whole government of Jerusalem, in our Lord's time, was in the hands of the priestly party, the Sadducees and the Sanhedrin, with the exception of the privilege of inflicting capital punishment; it being well understood, all the while, that such decisions as were arrived at by the priestly government must keep clear from collision with Roman law in general, and with the military rule of the procurator Cæsaris in particular.

Thus the Roman procurators would take up their residence at Cæsarea Stratonis, by the seaside, with the principal part of the legionaries there, and depute a smaller body of troops to take up their quarters in the Castle of Antonia in Jerusalem. And, so long as the peace was preserved in the city, the Roman governor would not interfere; he would allow the high priest a free hand.

The Roman military forces were always at hand, ready to crush any revolt among the people, or any serious irregularities in the administration of the government, especially at festival times, when the main body of the legionaries was marched from Cæsarea to Jerusalem.

We can thus understand that the rules we are about to quote from the Mishna may have had only a modified application to the case of our Lord's trial before the Sanhedrin, and are not to be pressed as though possessing such force as that of our Common Law, or of our Parliamentary statutes.

Thus, in the extracts which follow, we must keep in mind that they are liable to these two modifications—

- (1) That the Talmudical law of which they form part was in an incomplete, even an uncertain, condition in A.D. 29.
- (2) And that, further, allowance must be made for the restrictions imposed by Roman law on a subject province.

## CHAPTER XI

### EXTRACTS FROM THE MISHNA

Rules concerning the Appointment of Judges (see p. 23).

The Constitution of the Court (San. iv. 2).

The Sanhedrin sat in a half-circle so that they could see each other. Two scribes of the judges stood before them—one on the right, and one on the left—and they wrote down the reasons of the accuser and of the defender. According to Rabbi Jehudah there were three—one who wrote down the reasons of the accuser, and one the reasons of the defender, and one the reasons of both.

And before them sat three rows of scholars (disciples). To every one of them his seat was known. If it was necessary to add a judge, one from the first row was elevated, and one from the second came and took the latter's place, and one from the third took the place of this one; and for the place in the third row one of the standing people was selected; but he did not take the same seat as the one departed occupied, but that to which he was entitled.

### WITNESSES.

Disqualification of Witnesses (San. iii. 3, 4).

The following are disqualified to be witnesses: Gamblers (habitual dice players) and usurers, and those who bet on the flight of doves; and the merchants who do business with the growth of the Sabbatic year.

The following are counted relatives who may not be witnesses: Brothers, brothers of father or mother, brothers-in-law, uncles by marriage, a step-father, father-in-law, etc. An intimate friend, as well as a pronounced enemy, is also disqualified; such as a groomsman, and one who has not spoken to him for three days because of animosity.

Examination of Witnesses—Warning them (San. iii. 5, 6).

How were the witnesses examined? They were brought into separate chambers, and were frightened to tell the truth. And then all except the eldest were told to go out. And the chief of the witnesses is left, and he is questioned: "How do you know this?" And if his answer was, "Because A. himself told me," or "C. told me," he has said nothing unless he testified that, "in the presence of myself and my colleague, A. con-fessed." And then the second witness is brought in, and they examine him, and if both testimonies correspond, the court discusses about the case. If two of the judges acquit, and one makes him liable, he is acquitted, and if vice versâ, he is liable. If, however, one acquits and the other makes him liable, and the third one says, "I don't know," then judges must be added. And the same is the case if there were five, and two of them were against two, and the fifth was doubtful.

So long as the defendant brings evidence to his advantage, the decision may be nullified by the court, if he brings the evidence within thirty days.



The Seven Questions, or Hakiroth (San. v. 1).

The court used to examine the witnesses with the following seven inquiries: (a) In what Sabbatic period? (b) In what year of the latter? (c) In what month? (d) On what date of the month? (e) On what day? (f) At what hour? (g) And in what place?

Administration of the Oath (Shebuoth; Oaths: ch. iv. raishna vi.).

If any one says, "I adjure you, I impose upon you, I bind you by oath," so they are guilty. If, however, he says, "By Heaven and earth," they are free. By any of the Divine names, or by some other Divine attribute—so they are guilty. Blasphemy applies to them all.

(Shebuoth: c. vi. mishna i. Gemara). How is an oath given? One is made to swear with the oath of Scripture (Gen. 24:3), "And he will make thee swear by the Lord, the God of Heaven." One must stand when taking the oath; a scholar, however, may do it sitting.

An oath taken by one before the court must be uttered in a language he understands, and the court must say to him the following introduction to the oath: "Be aware that the whole world was trembling when the Holy One, blessed be He, spake on the Mount Sinai, 'Thou shalt not bear the name of the Lord thy God falsely.' Likewise concerning all transgressions mentioned in the Torah, it reads, 'Venakkei,' He will forgive, and concerning a false oath, it reads, 'Lo ienaki,' He will not forgive. Again, for all other transgressions, only the sinner himself is punished, while in the case of an oath, the punishment extends also to his family, as it reads (Eccles. 5:6), 'Suffer not thy mouth to cause thy flesh to sin: and by the expression 'flesh' one's own family is meant. Furthermore, for all other transgressions the sinner himself is alone punished, while here the whole world is punished, as (Hosea 4:2, 3): 'By swearing, and lying, they break out, and blood toucheth blood: therefore shall the land mourn.' " ...

If, after listening to all this introduction, he says, "I will not take the oath," the court sends him away immediately: but if he says, "I will nevertheless swear," the people present say (Numb. 16:26), "Depart, I pray you, from the tents of these wicked men."

Again, when he is ready to take the oath, the court says again to him: "Be aware that the oath which you take is not according to your own mind, but to the mind of the Omnipotent, and of the court, as Moses said (Deut. 29:14, 15), "And not with you only do I make this covenant and this oath, but with him that standeth here with us this day."

The Warning of Witnesses (San. iv. 3).

How were the witnesses awe-struck in criminal cases? They were brought in and warned: "Perhaps your testimony is based only on a supposition, or on hearsay, or on that of another witness, or you have had it from a trustworthy man; or perhaps you are not aware that finally we shall investigate the matter by examination and cross-examination. You may also be aware of the fact that there is no similarity between civil and criminal cases. In civil cases one may repay the money damage, and he is atoned; but in criminal cases the blood of the person executed, and of his descendants to the end of all generations, clings to the originator of his execution. So do we find in the case of Cain, who slew his brother. It reads [Gen. 4:10], 'The voice of the "bloods" of thy brother are crying unto Me from the ground.' It does not read 'blood,' but 'bloods,' which means his blood, and the blood of his descendants."

After one witness was examined, they let the second enter, and examined him. And if their testimony correspond, the discussion begins with the defence (San. v. 1).

PROCEDURE BEFORE THE COURT (San. iv. 1).

Difference between Civil and Criminal Cases.

Cases coming before the court, be they civil or criminal, the witnesses thereof must be examined and investigated. As it is written [Lev. 4:22], "One manner of judicial law shall ye have."

But what difference is there between civil and criminal cases? It is the following:—

- (a) The former cases are to be tried by three, and the latter by twenty-three judges.
- (b) In the former the discussion may commence either with the accusation or with the defence, while the latter must commence with the defence, and not with the accusation.
- (c) In the former case, one voice suffices either to accuse or to acquit, and in the latter he is acquitted by one voice, while to condemn, two are needed.
- (d) In the former the judge who proclaimed his view either to advantage or to disadvantage may, after deliberating, announce his view to the contrary. In the latter, however, he may do so only to acquit, but not to condemn.
- (e) In civil cases, the whole body of the court may defend or accuse, while in criminal cases all of them may acquit, but the whole body must not accuse.
- (f) The former may be discussed in the daytime, and the decision rendered at night, while in the latter the decision must be in the daytime. But if they did not come to a conclusion on the same day, they have to postpone it till the morrow.
- (g) The decision concerning the former may be reached on the same day, either to one's advantage or to his disadvantage, while in the latter the decision may be rendered on the same day to free him, but not to condemn him until the next day; and therefore cases of capital punishment must not be begun on the eve of a Sabbath or of a legal holiday. In civil cases, and regarding defilement and purity, they begin by asking the opinion of the eldest, while in criminal cases they begin with those who are sitting on the side.
- (h) All are qualified to judge civil cases, but not everyone is qualified to judge criminal cases; as to the latter, only priests, Levites, and Israelites who may legally marry daughters of priests.

Maintenance of a Quorum (Lightfoot ii. 462).

A quorum of twenty-three must be maintained throughout the whole sitting. At least that number must be on the bench continually during the whole time of the session.

If any member require to go out in order to do his business, let him look round to see whether his colleagues be twenty-three. If they be, let him go out: if not, let him wait till another enter in.

Tenderness to the Accused (San. v. 1).

The discussion begins with the defence. Should one of the witnesses say, "I have something to say in behalf of the defendant," or one of the disciples, "I have something to say to the disadvantage of the defendant," the court silences him. If, however, one of the disciples says, "I have something to say in his behalf," they take him out of his place, and seat him among the judges, and he remains there the whole day, and if his words are reasonable, he is listened to. Furthermore, if the defendant says, "I have something to say in my behalf," he is to be listened to if there is something in his defence.

If the judges find a good reason to acquit him, they do so immediately; and if not, they postpone the trial to the morrow.

The judges then go out in pairs, and eat something—not much, but do not drink wine the whole day. They continue their discussion (outside of the court) all night, and on the morrow they come early to the court. He who was among the defenders says, "I defended yesterday, and am still of the same opinion." The same is it with the accuser—he has to say, "I accused, and am still of the same opinion." The one who has accused may retract from his statement of yesterday, to the advantage of the defendant. This is not allowed to him who has defended.

If some of them erred in their statements, the scribes of the judges remind them of it. And again, if the conclusion is to the advantage of the defendant, they free him immediately; and if not, they arise to be numbered.

The Voting by the Judges.

If twelve of them acquit and eleven accuse, he is acquitted. But if twelve accuse and eleven acquit; and even if eleven accuse and eleven acquit, but the twenty-third says, "I am in doubt:" even if twenty-two are for acquitting or accusing, and one says, "I don't know,"—judges are to be added. And to what number? Two and two, till the whole number reaches seventy-one. And then, if thirty-six acquit and thirty-five condemn, he is acquitted; but if vice versâ, the discussion is prolonged until one of the accusers accepts the opinion of the acquitters.

Reprieve (San. vi. 1).

If the conclusion was to condemn, the guilty one was taken out immediately to be stoned. The place where he had to be executed was outside the court, as it reads (Lev. 24:13), "Lead forth the blasphemer." One stood at the gate of the court with a flag in his hand, and one who rode on a horse stood so far distant that he could see the signal of the flag in case there were any. And then, if one came before the court, saying, "I have something to say in his defence," the man raised up the flag, and he who was on horseback rushed and stopped the procession. And even if the guilty one himself says, "I have something new to say in my defence," he is to be brought back to the court, even four or five times, provided there is something in it which is worthy of consideration.

And then if the court finds that he is not guilty, he is acquitted; and if not, he is taken back to be stoned.

And a herald goes before him, heralding, "N., the son of N., is being taken out to be stoned, because he committed such and such a crime, and A. and B. are his witnesses. Every one who knows something in his defence may come and tell it before he is executed."

It is stated in the Babylonian Talmud, San. 43a, that this proclamation was made in the case of Jesus Christ—

"And it is tradition: On the eve of Pesah they hung Jeshu (the Nazarene). And the crier went forth before him forty days, saying: Jeshu goeth forth to be stoned, because he hath practised magic and deceived and led astray Israel. Any one who knoweth aught in his favour, let him come forth and declare concerning him. And they found naught in his favour. And they hung him on the eve of Pesah. Ulla says: Would it be supposed that a revolutionary had aught in his favour? He was a deceiver, and the Merciful hath said (Deut. 13:8), Thou shalt not spare, neither shalt thou conceal him. But it was different with Jeshu, for he was near to the kingdom."

Capital Sentences deprecated (Tract Maccoth: Stripes).

The Sanhedrin who executes a person once in seven years is considered pernicious (or sanguinary). Rabbi Eliezer ben Azariah says, "Even one who does so once in seventy years is considered such." Both Rabbi Tarphon and Rabbi Aquiba said, "If we were among the Sanhedrin a death-sentence would never occur" (Maccoth, mishna x.).

To which Simeon b. Gamaliel said, "Such scholars would only increase bloodshed in Israel."

The Mode of Execution by Stoning (San. vi. 2–6).

When the condemned man was far from the place of execution—a distance of ten ells—he was told to confess, as so is the custom, that all who are to be executed should confess, and they who do so have a share in the world to come. And so do we find with Achan, to whom Joshua said, "My son, give ...: and make confession." And Achan answered Joshua, "Truly, I have sinned, and thus and thus I have done." And whence do we know that his confession made atonement? From this, "And Joshua said, So shall the Lord trouble thee this day." This day—but not in the world to come. If he did not know how to confess, they told him to say, "Let my

death be an atonement for all my sins.”

When he came to four ells from the place of execution, he was stripped of his garments.

The stoning place was two heights of a man. One of the witnesses pushed him on his thighs (that he should fall on his back), but if he fell face down, the witness must turn him over. If he died from the effects of the first fall, nothing more was to be done. If not, the second witness took a stone, and thrust it against his heart. If he died, nothing more was to be done; but if not, all who were standing by had to throw stones on him (Deut. 17:7): “The hand of the witnesses shall be first upon him, to put him to death, and the hand of all the people at the last.”

All who are stoned are also hanged. So is the decree of Rabbi Eliezer. The Sages, however, said, “Only a blasphemer and an idolater are hanged.”

The one executed was not buried in the cemetery of his parents. After the flesh of the corpse was consumed, the relatives gathered the bones, and buried them in the right place. And the relatives came and greeted the judges in peace, as well as the witnesses, to show they had nothing in their heart against them, as the judgment was just. The relatives did not lament loudly, but mourned in their heart.

The Sin of Blasphemy (San. vii. 6, 11).

A blasphemer is not guilty unless he mentions the proper name of God (Jehovah). Through the entire trial the witnesses are examined pseudonymously—i.e. (the blasphemer said): “Jose shall be beaten by Jose.” The name Jose is chosen because it contains four letters, as does the proper name of the Lord. When the examination was ended, the culprit was not executed on the testimony under the pseudonym; but all are told to leave the room except the witnesses, and the principal witness is instructed: “Tell what you heard exactly.” And he does so.

The judges then arise, and rend their garments, and they are not to be mended. The second witness then says: “I heard exactly the same as he told.” And so also says the third witness.

He who curses his father or mother is not punished with a capital punishment, unless he curse them by the proper name of God. If he has done so with a pseudonym, according to Rabbi Mair he is guilty, and according to the sages he is not.

The Hiding of Witnesses (San. vii. 12).

Concerning all who are liable to capital punishment, it is not allowed to hide witnesses, except in the case of a seducer of the people (an enticer to idolatry). If e.g. he is shrewd, and does not want to talk in the presence of two persons, they may hide witnesses behind a fence, and may say, “Repeat to me what you said before.” And if he repeats they may say to him, “How can we leave our Heavenly Father, and go to worship idols of stone and wood?” If he retracts, well and good. If, however, he answers, “This will be good for us, and also is our duty,” the witnesses who are hidden behind the fence may bring him to court and stone him.

Gemara on the above: And how used they to do with such a person? They used to light a candle in the inner chamber, engaging him with talk, and the witnesses were placed in the outer chamber so that they should see him and hear his voice, while he could not see them; and there the person whom he attempted to seduce tried to make him repeat, as stated above in the Mishna.

This device is said to have been practised at the trial of our Lord. The Gemara continues—

Thus did they to Ben Stada (a pseudonym for Jesus Christ) in Lord, and they concealed in his case two disciples of the wise, and they brought him to Beth Din and stoned him.

These references to “Jeshu” and “Ben Stada” were suppressed by the Censor in the early printed editions of the Talmud, and are not contained therein at the present day.

## CHAPTER XII

### THE TRIAL BEFORE CAIAPHAS AND THE SANHEDRIN

While the examination by Annas was proceeding, the members of the Sanhedrin were being gathered together from the various districts of the city, in which they had taken up their residence during the continuance of the Passover. Messengers had been sent round late at night, as soon as the capture of their Victim had been effected in the Garden of Gethsemane, and the Sanhedrists, who had doubtless been advised to prepare for a call, had been hastily summoned to meet at the palace of the high priest. They came together in twos and threes during the course of the night, and some of the earlier arrivals would have been in time to witness the preliminary investigation before Annas.

They assembled at the high priest’s palace, which we have assumed to have been held in joint occupation by both priests, it being convenient for Annas, the the high priest de jure, to be near at hand in the official residence of the high priest de facto.

This was irregular; for the prescriptive place of meeting was the Lishcath ha Gazith (or paved hall, or chamber of hewn stones), which stood on the great wall, partly within the Court of Israel, and partly in the Court of the Gentiles, on the southeast of the Holy Place. This rule, however, had lately been infringed by the removal of the Great Court of Justice from its legitimate place of session to the bazaars, or booths, of the sons of Annas, and subsequently to the city and to other places. And so the Talmud testifies in a well-known passage, “Forty years before the Temple was destroyed, judgment in capital cases was taken away from Israel: also the

council removed, and sat in the sheds." This transference took place a year or two before the Trial of the Lord; and is recognized in the Talmud as legitimate. The assembling of the council in the high priest's palace might have been held to be justified by this innovation, and would not, in itself, have invalidated the proceedings transacted there. The rule had been broken, and the Lishcath ha Gazith was no longer essential as the only lawful place of meeting.

We hold this assembly to have been a meeting of the Great Council of seventy-one. It is so described by the first two Evangelists, who use the precise phrase, "the whole council," *ᾠν τὸ συνέδριον*. The component parts of the council, "scribes, elders, and chief priests," are also mentioned. It is difficult to see how such a description can apply to anything else than the Great Sanhedrin. Yet Dr. Edersheim denies this, and explains that the references to "all the Sanhedrin" must be taken in the wider sense. Yet, at the same time (ii. 557), he admits that "although Christ was not tried and sentenced in a formal meeting of the Sanhedrin, there can, alas! be no question that His condemnation and death were the work—if not of the Sanhedrin, yet of the Sanhedrists—of the whole body of them 'all the council' in the sense of expressing what was the judgment and purpose of all the Supreme Council and Leaders of Israel, with only very few exceptions." Dr. Edersheim, after all, differs very little from others: though he holds this meeting not to have been an assembly of the Great Council, in a technical sense, yet he regards their condemnation of the Lord as the act of the whole body.

The president of the council at this time was Rabban Gamaliel, the teacher of Saul, at whose feet he was instructed in the law of the fathers (Acts 22:3). The vice-president was Rabban Simeon his son. Nevertheless Caiaphas presided, as holding office under the Roman governor, or at least as his nominee, and responsible to him.

How many of the Sanhedrists assembled we do not know; but there was certainly a quorum present. The required number for this purpose was twenty-three, and strict rules were made for the maintenance of their number during the whole of the sitting (p. 63).

That the council should hold its sitting in the palace of the high priest may be condoned, for the reason we have assigned; but it was a serious irregularity that the meeting should take place at night. This was altogether contrary to the rule that "judgments in souls are conducted by day and settled by day." According to this direction the Great Sanhedrin was accustomed to commence its proceedings for the day immediately after the morning daily sacrifice, and to continue its session until the afternoon sacrifice.

This objection is so serious that many have expressed the opinion that this meeting was no council at all, but merely a convention of the sacerdotal caucus that controlled all ecclesiastical business in Jerusalem. Rabbi Krauskopf goes so far as to assert that the whole account in the Gospels is a fabrication concocted two or three hundred years later, "in which the grossest violence is done to Jewish history and laws, in order to make the innocent Jew responsible for the Roman's guilt, to heap the blackest crimes upon the defenseless Jew, so that the cruel Roman might be vindicated."

We cannot, of course, accept such an extravagant view as this, attributing as it does the origin of the Gospels to the period when the first existing manuscripts were written.

Inasmuch as witnesses were formally called and put under examination, and their evidence tested, compared, and rejected, quite according to the rules provided by the Mishna in such cases, we must conclude that the sacerdotalists themselves regarded this as a formal assembly of the Sanhedrin: and we are justified in expressing the same opinion on our own account.

## CHAPTER XIII

### IMPORTANCE OF WITNESSES

In the proceedings before Caiaphas, as recorded by St. Matthew and St. Mark, the prominence given to witnesses is very noticeable:—

"The whole council sought false witness:"

"Many false witnessess came:"

"Afterward came two:"

"What is it which these witness against thee?"

"What further need have we of witnesses?"

It might seem, at first sight, that these verses contain unnecessary repetitions; but this stress laid on the testimony of witnesses is no accidental coincidence, for both Matthew and Mark were presumably well versed in the customs of the law courts of Palestine. They were evidently familiar with the procedure before the Sanhedrin, and they show this in the reports which they give. They state deliberately that it was "the whole council" which assembled. They specify the constituent elements of that council, as "chief priests, elders, and scribes;" and, beyond this, they are persistent in their references to the agency of witnesses in the case.

Indeed these two Evangelists seem to be dealing with a subject well understood by them. St. Matthew's Gospel, as is universally acknowledged, was specially addressed to Jews, the first edition of it having been put forth in the Hebrew tongue. St. Mark belonged to the priestly tribe, being a relative of Barnabas the Levite. He was well connected, and may even have had friends or relatives on the council. His uncle Barnabas possessed landed property, and his mother Mary owned a house in Jerusalem (Acts 4:36; 12:12).

However this may be, it is quite clear that they were writing about matters with which they were well acquainted. They were thoroughly aware of the peculiarly prominent position assigned to witnesses by Jewish law. Nothing is more striking than the contrast in this particular between the practice of the law courts amongst ourselves and that in vogue amongst the Jews, as prescribed in the

Talmud.

With us the witnesses are subordinate; they are put upon oath by an officer of the court; they are examined by advocates, cross-examined by the counsel for the opposite side, and re-examined; their attendance is compulsory, and they are liable to punishment for contempt of court if they refuse to attend or to give evidence.

In all these points the Jewish practice was diametrically opposed to ours.

The witnesses came forward voluntarily. They took upon their shoulders the whole responsibility of the accusation. No formal indictment was framed. There was, in fact, no charge until the evidence of the witnesses had been laid before the court. The trial could not begin until this was done. They were virtually the prosecutors: and so distinctly was this recognized, that a legal maxim might have been based upon the fact, and expressed in some such words as these, "No witnesses; therefore no accusation and no trial."

In place of the oath administered by an official of the court, the judges themselves solemnly charged the witnesses to speak the truth as standing in the presence of God, and to bear in mind that false evidence may bring upon them the blood of the accused, in the case of his being condemned. (See p. 61.)

The judges also conducted the examination of the witnesses, first in private, and afterwards publicly in court. A sub-committee was deputed to conduct the preliminary examination in a separate chamber: and these members carefully sifted the evidence, and rejected all testimony that was irrelevant to the case, as well as assuring themselves that the witnesses did not lie under any of the specified disqualifications (p. 58.)

After this preparation the witnesses came into court. Before making their depositions they were warned or "intimidated" (see p. 61). Their evidence was then elicited by a series of questions known as Hakiroth, seven in number (p. 59), which were followed by other inquiries pertinent to the case, but not specified. These were called Bedikoth, and related to secondary points in the evidence, such as corroborative facts or circumstances relative to the charge.

The gist of the whole matter lay in this:—that the witnesses came forward voluntarily, and took upon themselves the whole burden of responsibility for the accusation submitted to the court—a responsibility which was still further brought home to them by the knowledge that, on the conviction of the defendant, it would become their duty to commence the execution of the sentence by inflicting the first blow, or casting the first stone (See p. 66).

From these considerations it is obvious that a serious infraction of the law was committed by "the chief priests, and elders, and all the council" when they "sought false witness against Jesus, to put Him to death" (St. Matt. 26:59). This action of theirs constituted three offences against the rules laid down for the guidance of practice before the Supreme Court of the Jewish people:—

They sought for witnesses, instead of waiting for them to come forward voluntarily:

They provided themselves with false witnesses:

And they did this with the definite purpose of securing capital punishment.

These judges were further condemned by the dictum of the sages, laid down in the Tractate Maccoth against bloodthirsty judges (see p. 65), as well as by the rules of procedure before the High Court of Justice, which were all conceived in the interest of the defendant (p. 63).

The business in court, after the formal depositions of the witnesses, began with an argument in favour of the accused, who was also allowed to speak on his own behalf, and to produce evidence in support of his statements. And the court was so merciful that it prohibited him from putting forward any statements to his own disadvantage. If he persisted in accusing himself, or in accepting as true the evidence brought against him, he was not to be believed, unless that evidence was clearly proved by sworn testimony. All the rules of procedure were in fact expressly framed for the protection of the accused (p. 62).

These rules were entirely different from those which are in force in our English courts of justice. A trial before the Sanhedrin was practically a trial by jury in open court.

The judges who believed in the innocence of the defendant were required to speak first: and, not till they had been heard, were those who were for condemnation allowed to express their opinion. Similarly, one of the scholars who occupied the three benches in front of the president (see p. 58), might address the court, provided he was in favour of acquittal, but not otherwise (p. 63).

The provisions for taking the vote (p. 64) were of the same merciful character: a bare majority was sufficient to acquit, but a clear majority of at least two was required for a sentence of condemnation, and provisions for obtaining this majority were elaborately laid down.

## CHAPTER XIV

### MANY FALSE WITNESSES

Let us now see the applicability of these rules of the court to the trial of the Lord Jesus Christ as conducted by Caiaphas and the council. These judges were guilty, as we said, of three breaches of the law, when "the chief priests and the whole council sought false witness against Jesus, that they might put Him to death."

First we find them seeking for witnesses. "This," remarks Mr. Innes, in his "Legal Monograph," "was a scandalous indecorum. Hebrew judges were eminently counsel for the accused. And one of the strangest sights the world has ever seen must have been the

adjuration or solemn address to the witnesses (see pp. 60, 61) who came to speak against the life of Jesus, by the magistrate who had—no doubt with perfect sincerity—held it expedient that one man should die for the people” (St. John 11:50). The council ought to have left the business of providing the witnesses, to others; and not to have taken it on themselves.

But, in the second place, they provided themselves with false witnesses. It was bad enough to seek for witnesses at all; but when they found that they had so weak a case that it was necessary to suborn informers to give false evidence, we can only wonder that men, occupying a position so dignified and responsible, would dare to commit so fragrant a breach of the rules laid down for the conduct of business in their own High Court of Justice. Where was the conscience of the high priest when he was solemnly warning the witnesses to speak the truth as standing in the presence of God? Surely it was seared with a hot iron, or altogether dead.

In the third place, they acted with a special object in view: “to put Jesus to death.” The rule was that the judges should protect the defendant against a wrongful conviction, and for this purpose should hear witnesses on his behalf first. Capital judgments always began on the defendant’s side (p. 62). If the chief priests thought themselves justified in seeking witnesses for the prosecution, why did they not also seek witnesses for the defence? They had obviously made up their minds beforehand. The court had an animus against the Accused. His fate was sealed before He was brought before the bench. These priests were plotting against a life! Annas and Caiaphas had organized the whole process: they were far more responsible for the death of Jesus than either Judas or Pilate.

As they had determined on the death of Jesus, they must formulate the charge. What was the charge? That depended on the evidence of the witnesses, who must have been prepared beforehand. This could be easily done at the private examination of the witnesses (pp. 59–61). The committee could put words into their mouths, and send them into court with an accusation ready prepared. The Evangelists do not inform us what was the charge preferred by the first batch of witnesses. But we may assume that it was based upon the teaching of Jesus in synagogue and temple; such as—that He was a deceiver of the people, an enticer to apostasy from Moses, a false prophet and a blasphemer: or, to sum up the charge in one word, He was guilty of sacrilege.

The rabbis who contributed to the compilation of the Talmud seem to have been aware of this previous drilling of the witnesses, for they describe the mode in which the process was conducted, and assert that this plan was carried out at the trial of Jesus (see p. 68). We are not entitled to place reliance on this statement, for it is evidently apocryphal, crowding, as it does, several contradictions into one short sentence. It gives the name of Ben Stada, instead of the true name; it gives lapidation as the mode of execution, and states that the event occurred at Lud. Yet there is no doubt that the reference is to our Lord, as is clearly shown by R. Travers Herford, in his “Christianity in Talmud and Midrash.” Mr. Herford points out the correspondence between this tradition and the Gospel story in reference to the witnesses, the mode in which their evidence was obtained, and the concealment of the witnesses in order to entrap the Accused. He continues, “From the Talmudic point of view, the witnesses were not false in the sense of untruthful, but were justified by their zeal for the true religion in acting deceitfully against a heretic. The mention of the outer and the inner chamber recalls Matt. 26:69, where it is said that Peter was sitting without in the court, while the trial was going on within the house of the high priest. The lighted lamp may have been suggested by the fire kindled in the outer court, Luke 22:55.”

The judges had found their witnesses—an abundant supply—“many.” They had to secure their attendance by bribery; these men were suborned, as previously in the case of Naboth, and afterwards in the case of St. Stephen (1 Kings 21:8–14; Acts 6:13). There were many in the later days of Tiberius who were willing to sacrifice their conscience and take all risks for a sufficient compensation. In Italy, at least, the profession of delator, or informer, was recognized, and many were the men whose lives were sworn away to appease the suspicious fears of the emperor. The Sanhedrists had no difficulty in securing witnesses; but, nevertheless, satisfactory evidence was wanting. In spite of perjured testimony, no case against the Prisoner could be made out. The statements of the witnesses were irrelevant, or false, or contradictory to each other, although they had been carefully concocted beforehand, as the custom allowed (p. 59).

There were three kinds of testimony, as described by Lightfoot from San. v. 3, 4, viz.:—

1. Vain testimony, which being heard, there is no more inquiry made from that witness: there is no more use made of him, but he is set aside as speaking nothing to the business.
2. Standing testimony, which, though it proved not the matter, yet was not rejected by the judges, but admitted to examination by citation; i. e. others were admitted to try and disprove it if they could (see p. 86).
3. An equal or adequate testimony: the words of them that agreed together. This was also a standing evidence, when the words of two witnesses agreed, and were to the same purpose;  $\mu\alpha\rho\tau\upsilon\pi\acute{\iota}\alpha\ \sigma\eta$ , “an even evidence.”

When the testimony given by the Sanhedrists’ witnesses was weighed, St. Mark tells us it was rejected as worthless, “their witness agreed not together.” He uses the technical phraseology,  $\kappa\alpha\ \sigma\alpha\iota\ \alpha\ \mu\alpha\rho\tau\upsilon\pi\acute{\iota}\alpha\ \omicron\ \kappa\ \sigma\alpha\nu$  (St. Mark 14:56), expressing it in the plural, as characterizing the testimony of the “many false witnesses.” They were all therefore told to “stand down;” they had adduced no reliable evidence: their statements belonged to the first class; they amounted merely to “vain testimony,” that could not even be accepted provisionally.

As the charge brought against Jesus had now broken down through lack of evidence, the case, properly speaking, was at an end, and He ought to have been at once set free.

And now the Sanhedrists had a duty to perform, imposed upon them by the written law. Their witnesses had perjured themselves, and Moses wrote, “If the witness be a false witness, and hath testified falsely against his brother; then shall ye do unto him, as he had thought to do unto his brother” (Deut. 19:18, 19). The *lex talionis* must be brought to bear. Those witnesses had tried to swear a man’s life away; and their own lives should have paid the forfeit, as in the case of the two elders who had sworn falsely against

Susanna, "Daniel had convicted them of false witness by their own mouth; and according to the law of Moses they did unto them in such sort as they maliciously intended to do to their neighbour; and they put them to death" (Susan. 61, 62).

What became of these perjurers? We are not told; but we are certain they did not expiate their offence by death. They were doubtless protected by the sacerdotalists, whose creatures they were. Their employers would have thrown their mantle over them, and have protected them from the legal consequences of their treachery.

## CHAPTER XV

### SECOND STAGE, BEFORE CAIAPHAS—TWO WITNESSES

The attempt to involve Jesus in a criminal charge, by means of the evidence of a number of bribed informers, had failed, and the proceedings seemed likely to break down altogether, when, to the great relief of the prosecutors, two persons, perhaps officially connected with the Temple police, came forward with a report of words spoken by the Accused in their hearing two years previously. Jesus had on that occasion driven out from the Temple court the money-changers and the cattle-dealers, with the reproof, "Make not My Father's house a house of merchandise." The Jews had demanded a sign in justification of this high-handed proceeding; and it was then that Jesus, in reply, had used the words now brought against Him.

Some reliance could be placed upon this evidence; taken in connection with the events of the Tuesday before the trial, when Jesus had for the second time cleared the Temple court of the intruders, a safe ground of accusation could be sustained. Annas and Caiaphas and their family were personally interested in this unseemly traffic, for the "booths" in which it was carried on belonged to them, having been set up there with their license and at their expense. The profits were enormous, and the family of Annas had grown wealthy through its means. It would be desirable to remove by death One who would doubtless again interfere with this lucrative trade, if He were left alone.

The statement made by these two witnesses was to the effect that they had heard Jesus say, "I am able to destroy the Temple of God, and to build it in three days" (St. Matt. 26:61).

Now the Temple at Jerusalem was the one place where God had recorded His name—the only place where the numerous sacrifices of the Law could be offered, and where the people could rejoice before the Lord at the three great annual festivals prescribed by God Himself by the mouth of Moses. To destroy that Temple would be an ecclesiastical catastrophe; and to rebuild it, presumably in another form, would amount to a religious revolution. The charge was serious.

It was the same accusation that was alleged against St. Stephen: "We have heard him say that this Jesus of Nazareth shall destroy this place, and shall change the customs which Moses delivered unto us" (Acts 6:14).

Very similar was the indictment preferred by Tertullus, the Roman advocate, against St. Paul, that he was "a ringleader of the sect of the Nazarenes, who moreover assayed to profane the Temple" (Acts 24:5, 6).

The whole nation had a deep interest in the integrity and permanence of the Temple. It was their pride and joy. "Forty and six years" had it been in building, and Josephus (*Antiq.* xv. 11) gives a detailed account of the work, stating that a thousand waggons were employed in the work, that ten thousand skilful artisans planed the wood and carved the stone, and that a thousand priests superintended the whole work.

The man who proposed to destroy this building was striking a blow at the religious life of the nation; he was an enemy at once of God and man. He was guilty of sacrilege and blasphemy; and His assertion that He would rebuild it in three days convicted Him of sorcery. No more heinous crime than this could possibly be committed.

God Himself had declared of that same Temple, "I will fill this house with glory. The latter glory of this house shall be greater than the former, and in this place will I give peace" (Hag. 2:9).

The statement put into the mouth of Jesus by these two witnesses, understood literally, as was designed, implied a terrible crime, sacrilege of the worst kind; for no profanation of the Temple could be worse than its utter destruction, and to speak in such terms was to blaspheme the Temple; and to blaspheme the Temple was to blaspheme God Himself. Here, then, was blasphemy as well as sacrilege.

And how could such a Temple be rebuilt in three days? This could not be brought to pass except either by Divine power or by demoniacal agency. Here, then, was a claim of omnipotence: the accused was assuming the incommunicable attributes of the Deity. But this could not be true. The inference, therefore, was that he was guilty of the crime of sorcery. Only by Satanic agency could a man rebuild in three days a temple which had occupied forty and six years in building. We may well believe that such a charge as this might be included in the indictment, for, as R. Travers Herford shows in his "Christianity in Talmud and Midrash" (pp. 54–62), the rabbis, in several places in the Talmud, attributed the miracles of Jesus to His power as a magician.

The Sanhedrists had now before them a definite charge, of a serious character; one which, if proved to the satisfaction of the court, would involve the accused in a crime the punishment of which was stoning to death.

But it would be necessary to sift the evidence carefully. The two witnesses must be examined separately, and their allegations compared together. It was essential that their testimony in answer to the seven questions of the Hakiroth should agree exactly.

But these witnesses did not agree; they contradicted each other at the outset, as we shall presently show.

First let us set down the exact words used by our our Lord, as reported by St. John (2:19)—

“Destroy the Temple, and in three days I will raise it up.” Λύσατε τὸ νῶτον καὶ τρισὶν ἡμέραις ἔσται ἡτοῖμα.

Compare with this the statements of the two witnesses—

“I am able to destroy the Temple of God, and to build it in three days.” “I will destroy this temple that is made with hands, and in three days I will build another made without hands.” “Not even so,” continues St. Mark, “did their witness agree together.” Καὶ ὁ ὅτιως ἔσται μαρτυρία αὐτῶν. Here again, as previously in ver. 56, St. Mark employs the technical expression ὁ ὅτιως. The two statements are in general agreement, but are not identical. The divergences are sufficient to prevent them from being made the ground of a criminal charge on a capital offence.

In the examination of these two witnesses on the seven questions called Hakiroth (p. 59), there would be no difficulty. The witnesses would be able easily to give the year, the month, and the day. The incident occurred just two years ago, shortly before the Passover; the exact day and hour would also be in their minds; and the place was that part of the Court of the Gentiles where the money-changers had set up their tables. So far, the witnesses would agree together. It was when the examiners came to the second set of questions, called Bedikoth, that discrepancies would begin to make their appearance, e.g. What were the exact words uttered by the defendant? According to the reports in the Gospels, one witness deposed that He said, “I am able to destroy;” the other witness gave the words as “I will destroy.” This is more than a mere verbal discrepancy, for there is a difference of meaning in the two statements: the first is harmless enough, the second more serious, as expressing an intention to destroy the Temple; and both were contrary to fact. Jesus had not used the first person singular at all, but the second person plural, λύσατε. It was they, not He, who would be the destroyers.

Thus the two witnesses contradicted each other, but perhaps not so seriously as to invalidate their evidence; for the Mishna makes allowance for minor variations in the depositions of the witnesses. Thus in San. c. v. 3, we read, “One witness said, ‘on the second of the month,’ and another witness said ‘the third of the month.’ Their witness stands, because one knows of the intercalary month, and another does not. One said ‘at the fifth hour,’ and another said ‘at the seventh.’ Their witness is worthless, because at the fifth hour the sun is in the east, and at the seventh hour the sun is in the west.” The discrepancy between the declaration of ability to destroy, and the determination to destroy, might be allowed to pass; but if any friend of Jesus, or a scholar on one of the three rows in front of the judges drew the attention of the court to the contradiction, and also pointed out that both witnesses deposed to words which the deceased had not spoken at all, that would be regarded as “information to clear Him;” and the judges were bound, in all such cases, to lean to the side of mercy.

Such an interposition did actually take place in the trial of Susanna, as related in “The History of Susanna.” She was unjustly accused by two elders, who constituted themselves witnesses, and gave false witness against her, so that she was condemned to death by the assembly of elders and judges. In her case there was “a Daniel come to judgment,” for as she was being led out to the place of execution, Daniel appealed to the judges, after the manner for which the Mishna makes provision (p. 64), and exclaimed, “Return again to the place of judgment; for they have borne false witness against her;” in the words of the Mishna, “I have something to say in her defence.” On this the mournful procession was stopped; the court resumed its sitting, and Daniel was invited to take a seat upon the bench, as allowed by law (p. 63). This new judge directed the separation of the witnesses, and by judicious examination convicted them both of falsehood; on which they were condemned to suffer the punishment they had maliciously intended to inflict upon their neighbour, in accordance with the Law (Deut. 19:19).

The discrepancies between the two witnesses may have been condoned by the court, on the ground that they were covered under the rules of evidence already quoted. But it was a different matter when the misrepresentations of, and additions to, the words alleged to have been uttered by the Accused, on which the witnesses for the prosecution relied, came under consideration. They were not at liberty to construe the words in a sense which the Speaker Himself rejected. He had used the word λύσατε, “destroy,” in the imperative, and the phrase was intended to be understood hypothetically, or conditionally. “If you were to destroy this Temple, I will reconstruct it.” They were to be the destroyers; He was to be the restorer.

Another distortion of the words spoken consisted in the substitution of οὐκοδομήσω for ἔσται, “I will build,” for “I will raise.” The word “build” carries with it the idea of a material house or temple, but the word “raise” has no such necessary implication. Hence the substitution of the one word for the other put a different complexion on the case.

It might be urged on the part of the prosecution, that minute differences of detail such as these could not be relied on, *de minimis non curat lex*, to which the reply would be that when a man is being tried for his life, every point should be stretched in his favour; and Hebrew judges were expressly bound to give the benefit of a doubt to the prisoner, and were strictly prohibited from twisting the depositions to his prejudice (p. 59). In this case the evidence of these two witnesses differed sufficiently to justify the judges in its rejection.

Beyond this, there were various additions interpolated which placed upon the words spoken a signification quite different from that in the mind of the Speaker. When the witnesses spoke of “the temple of God” one “made with hands,” they meant nothing else than the actual Temple at Jerusalem, raised to the honour of God, and constructed by the labour of the artisans and other workmen employed by Herod. It would be easy, under the rules by which the judges were bound (p. 63), for an *amicus curiæ* to draw attention to this point.

The whole sentence was figurative, and was so understood by those who were present when the statement was made; and it was a wilful misrepresentation to attach to it a strictly literal meaning. St. John explains this: “He spake of the temple of His body.” There was no excuse to take these words literally. The Jewish prophets of old had sufficiently familiarized the people with figurative



language; the thanaim, or learned doctors of the law, who were in our Lord's own time contributing to the compilation of the Talmud, actually rioted in symbol and metaphor. Some of these may have been sitting on the bench during the trial of our Lord, and they at least, and indeed all the people, would have understood the symbolical character of the words.

Hence the judges naturally came to the conclusion that no reliance could be placed on the evidence of these two witnesses; their discrepancies, contradictions, interpolations, and misrepresentations put them out of court: their evidence broke down under cross-examination; it must be classed as "vain testimony" (p. 80), as St. Mark points out, "not even so did their witness agree together;" again employing the technical phrase, ο ὁ τῶς ση μαρτυρία αὐτῶν.

For the second time the prosecution has failed. There was no case before the court.

## CHAPTER XVI

### THIRD STAGE BEFORE CAIAPHAS—"YE ARE ALL WITNESSES"

Two sets of witnesses had borne testimony against Jesus, but had failed to substantiate any charge. The "many witnesses" who were first examined were so badly provided with reliable evidence that the committee did not feel justified in sending them into court at all: the "two witnesses" who had charged the Lord Jesus Christ with the intention to destroy the Temple, had broken down under cross-examination. The whole case against the Accused had collapsed. The trial was, legally, at an end. Nothing could be done without witnesses; and of the many who had been willing to come forward none were left. The only legal course open to the judges was to discharge the Prisoner. Not even could witnesses for the defence be produced, seeing that, as there was no accusation, there was nothing to defend.

But to set the Prisoner free, after this formal trial before the High Court of seventy-one, would have discredited that court in the eyes of the people, and have left the way open for further acts of so-called sacrilege and blasphemy on the part of Jesus. The sacerdotalists had failed to find proofs of guilt: but the Victim must not escape: some excuse for His detention must be found. Accordingly Caiaphas proceeds to a cross-examination of the Accused. "Answerest Thou nothing? What is it which these witness against Thee?" He proceeds upon the assumption that the evidence of the two witnesses was still before the court, although the court had rejected it as "vain" or "worthless." (St. Mark 14:59, see p. 80). He demands a reply to the charge brought forward by the two witnesses, or else the production of witnesses for the defence.

But "Jesus held His peace."

There was nothing to answer.

Besides, such interposition on the part of the president was contrary to law. The judges were regarded in the light of counsel for the defence, and were bound to protect, rather than to accuse, the defendant. And the defendant himself was not allowed to prejudice his own case. If he did so, inadvertently or voluntarily, he was not to be believed unless his statement was supported by the evidence of two witnesses.

Therefore "Jesus held His peace." In fulfilment of the prophecy of Isaiah (53:7), He remained silent: "He was oppressed, yet He humbled Himself and opened not His mouth; as a lamb that is led to the slaughter, and as a sheep before her shearers is dumb; yea, he opened not his mouth."

On this, Dr. Edersheim remarks, "All this time Jesus preserved the same majestic silence as before, nor could the impatience of Caiaphas, who sprang from his seat to confront, and, if possible, to browbeat his Prisoner, extract from Him any reply.

Only one thing now remained—Jesus knew it well, and so did Caiaphas. It was to put the question, which Jesus could not refuse to answer, and which once answered, must lead either to His acknowledgment or to His condemnation."

The high-priest puts Jesus on His oath: "I adjure Thee by the living God, that Thou tell us whether Thou be the Christ, the Son of God."

He will convict Jesus out of His own mouth; he will snatch an accusation from the confession of the Accused. This was so gross an infraction of all the rules by which the judges were bound, that, at this point, the commentators with one voice condemn the action of the high priest in no measured language. Dupin, Gill, Innes, Farrar, Luckock, Rosadi use expressions so strong as to make one hesitate to repeat them; they speak of the judge in a passion—of a paroxysm of fear and anger—a threatening attitude—utter despair and fury—a crowd of aged and angry faces—and many other similar denunciations.

And indeed the president of the court must have lost his head entirely, for he was wilfully disregarding the main principles upon which the whole procedure in criminal jurisprudence amongst the Jews was based, viz. that of mercy to the accused, and the impossibility of carrying on a trial after the witnesses had failed to prove their case.

Nevertheless our Lord vouchsafes a reply to the solemn adjuration, for He would not allow His accusers to assume a negative from His silence: He must substantiate His claim to the Messiahship, the very object for which He came into the world. He makes this claim in the words, "I am."

And then, as Dean Luckock writes, "Realizing the whole iniquity of the trial, the vision of another assize flashed before His sight. He saw that which Daniel had seen by anticipation—the Ancient of Days coming to judgment, and Himself the Assessor of the judge, and He declared to the astonished court: "Henceforth ye shall see the Son of man sitting at the right hand of power, and coming on the clouds of heaven."

Now, at last, it seemed to the high priest that a definite crime had been proved. By His own declaration He had acknowledged Himself guilty of the worst of crimes—blasphemy—the penalty for which was death; for so had Moses decreed (Lev. 24:10–16.) But there were different degrees of blasphemy, and it was only for the worst of these that a man would be condemned to die. The word βλασφημία in classical Greek was restricted almost entirely to its relation to mankind, the Greek mind being secular in spirit. It implied injurious speech towards another man, or even unlucky ill-omened words uttered unconsciously by one's self. It was thus opposed to εφημία; and in this sense it is found in the New Testament, though at the same time it includes the idea of irreverence towards God.

In Hebrew usage it usually carries with it some reference to God, even in its mildest form, for Jewish thought and expression were essentially religious. Hence the offence of Giddupha implied profanity or insult to God, even if expressed towards a fellow-man, for he was one of the chosen race, one of God's people; it was blasphemous also to speak disparagingly or calumniously of the Land or of the Temple, inasmuch as both belonged to God.

A higher degree of blasphemy was that which reviled the Divine order of things established, such as the priesthood, or the sacrifices in the Temple. This was regarded in the light of treason against the theocracy: and it would be high treason, or, to adopt the Roman nomenclature, *crimen læsæ majestatis divinæ*, to claim to be the Messiah, the Son of God.

It was apparently on this charge, that Jesus was pronounced guilty of blasphemy. He had declared that He would destroy the Temple, and He claimed to be the Christ. The judges shut their eyes to the fact that the two witnesses had brought forward such uncertain and contradictory evidence that it had been necessary to set aside their testimony; also that there was now no charge at all against Jesus, as there were no witnesses left to prefer a charge; for it was quite impossible to justify the sudden change of front on the part of Caiaphas in constituting all present as witnesses. There were in fact, under the law, no witnesses at all, and the conviction of the Prisoner as a blasphemer was an additional irregularity.

More than this, the sentence of death for blasphemy could not be pronounced unless the blasphemer had expressed the NAME (p. 66). Short of this, the punishment was scourging only.

Blasphemy by the NAME was the worst form of that crime, and the only form that carried with it death by stoning. This rule was derived from the case of the son of Shelomith (Deut. 24:10–16.) Three times in that narrative is reference made to blaspheming “the Name.”

This awful Name of God was the tetragrammaton JHVH, a word which the Hebrews held in the highest reverence, and which they never presumed to pronounce. In English it is spelled Jehovah, or, more correctly, Yahwe or Yahve. It consisted of the four letters as above, but was pointed with the vowels of “Adonai.” In reading and speaking, another word was substituted, such as Adonai or Elohim. The LXX. translates it by Κύριος.

So far as the Gospel records show, in St. Matthew and St. Mark, the Holy Name was not pronounced by Jesus, and consequently the death sentence was not due, even if the testimony of witnesses had been before the court.

In the mode of punishment for blasphemy a distinction was drawn by the jurists. An Israelite or a proselyte of righteousness was to be stoned, but a proselyte of the gate was to be beheaded. Also a Gentile proselyte would be sentenced to death for blaspheming by other names than JHVH, such as Sadai or Sabaoth.

This astonishing trial of an innocent Man is now drawing towards its close. The prosecution had failed at every stage. But Caiaphas, the animating spirit throughout the whole tragedy, now congratulates himself on having secured a confession of criminality from the Accused; out of His own mouth, as he would have the court believe, he had convicted Jesus of blasphemy. All present had heard the blasphemy. The presiding judge accordingly, as he was bound (see p. 67) rose to his feet and rent his clothes—his outer cloke, μῶνις (St. Matthew), and his inner tunics of fine linen, χιτῶνας (St. Mark) rends them with a rent that is not to be sewn again (p. 67), a rent that is to be from the neck downwards, and of a palm's breadth as prescribed in the Talmud. This was enjoined when hearing a blasphemy, but (in Lev. 21:10 and 10:6), the high priest is forbidden to rend his garments when mourning for the dead.

Caiaphas, having complied with this injunction (for some forms must needs be observed where so many had been neglected) now appeals to all present, “Behold, now ye have heard His blasphemy—what further need have we of witnesses?” (as though the evidence of the discredited witnesses were still alive) “Ye are all witnesses,” he seems to say. “What think ye?” This is the prescribed question to the Sanhedrists, “For life? or for death?”

To this question there was returned a unanimous shout of “Guilty.” He is Ish maveth, a man of death. The protesting voice of Joseph of Arimathea (St. Luke 23:51), who did not consent to “the counsel and deed of them,” was drowned in the universal cry, as were also, we may well believe, the voices of Nicodemus, Gamaliel, and other just men, if they were present.

Then the defendant must be brought into the council and placed before the president, and the president, addressing him, should say, “N. thou art guilty, for thou hast blasphemed, and the hands of the congregation shall be upon thee, to stone thee to death.” And the condemned man would be led forth from the Beth Din, the judgment seat, to the place of execution, accompanied by the witnesses (p. 65).

This could not be carried out, in the case of our Lord, because, “forty years before the Temple was destroyed, judgment in capital causes was taken away from Israel.” Application must therefore be made to the Roman governor for authority to execute the sentence.

## MEETING AT DAYBREAK

The midnight meeting broke up about five o'clock in the morning, after passing the sentence of death.

But the Sanhedrists were well aware that their decision would have no real value in the eyes of Jewish legalists, inasmuch as the meeting had been held, and the sentence had been pronounced at night: and only by day could such action be taken (p. 62).

It was necessary, therefore, to assemble the Sanhedrin by daylight, in order to impart a semblance of legality to the irregular proceedings of the night, though Caiaphas must have known perfectly well that any such attempt was quite hopeless. He had, however, so carefully guided the deliberations of his partisans during the night, that the decision now to be pronounced by them was a foregone conclusion.

What had to be done was to obtain the death-warrant from Pilate, for the *jus gladii*, the *jus vitæ aut necis* had been withdrawn from the High Court when Judæa had been erected into a Roman province, under the imperial legate of Syria. The decision of the ecclesiastical court could only be carried into effect by the aid of the strong arm of the secular authority—the Victim, already “bound to the horns of the altar,” must be slain and sacrificed by the Roman governor.

For these two reasons—to satisfy the scruples of the conscientious councillors, and to take counsel as to the best means of obtaining Pilate's co-operation—the conspirators must wait until the sun rose; and meanwhile their Victim must be remanded in custody.

An interval of more than an hour elapsed, during which Jesus was shamefully maltreated by the officials of the court. From feelings of reverence we abstain from discussing this evil conduct of theirs. It was bad enough that Jesus should be subjected to insult by the rude soldiery of Herod and Pilate; but we cannot bear to think that His own fellow-countrymen, of the seed of Abraham, should so deal with a defenceless man, unjustly condemned to die.

At daybreak the council re-assembled.

They lost no time. “As soon as it was day,” the elders, priests, and scribes “led Him away into their council.” The morning was the time for reciting their formal prayers, viz. from daylight to the third hour; and Dr. Lightfoot quaintly inquires, “Did you say your phylacteries to-day?” Strictly speaking, they should have waited until after the morning sacrifice.

But what day was this? It was the fourteenth of Nisan, the day when the Paschal Lamb must be eaten. That day, according to Jewish reckoning, had begun at sunset the previous evening. It was therefore really the same day as that on which all the proceedings in the case had occurred. The arrest in Gethsemane had been effected long after sunset, in fact about midnight, and all the events that followed had taken place on the same day. Such a day was a *dies non* for all legal proceedings; it was doubly precluded, for it was at once the Paschal Festival and the eve of a Sabbath.

However, the meeting was held. It assembled at the palace of Caiaphas, and not in the *Lishcath ha Gazith*, as some have suggested. And this would have been a legitimate place of meeting, in accordance with the practice, recently adopted, of abandoning the Hall of paved stones for the “Booths of the sons of Annas.” The palace of the high priest was quite as suitable for the purpose as the “Booths” or “Sheds.”

This morning council was composed of the same members as that which met an hour or two previously, with the addition, doubtless, of several others who had absented themselves from the night meeting from doubts of its validity. These more scrupulous members may have quieted their consciences by reminding themselves of the fact that, at all events, it was a meeting held, as the law required, by the light of day.

The order of proceedings at this council is given by St. Luke (22:67–71). The higher criticism might suggest that St. Luke has here fallen into the error of recording the events of the previous night as having taken place in the morning. But it seems more reasonable to hold that St. Luke's intention was to show that, in view of the suspicion of illegality attaching to the midnight meeting, Caiaphas and his supporters would be anxious for the morning council to be, as far as possible, a repetition of the previous meeting.

And so we find it to have been.

During the night Caiaphas had advanced the case by conducting the preliminaries, and now that the sun had risen, the council could put itself in order by going rapidly over the case a second time.

The Prisoner, accordingly, is “led away into their council,” says St. Luke, and placed before the president and the judges. The same question as before is hastily asked, “Art Thou the Christ? Tell us.” But the answer is not the same. Previously Jesus had replied, “I am.” Now, hopeless of obtaining justice, His answer is, “If I tell you, ye will not believe.” He had already told them, and they had not believed. It was useless to debate a question with men whose minds were made up.

“And if I ask you, ye will not answer.” A defendant was entitled to put in a plea on his own behalf, and to address the court in his own defence (p. 63). But Jesus knew this would be useless; they would not answer Him, nor let Him go.

And then Jesus repeats His solemn warning to those unjust judges, as doubtless the high priest had hoped He would: “From henceforth shall the Son of Man be seated at the right hand of the power of God.”

This gives the opportunity to a repetition of the night sentence: “What further need have we of witness? for we ourselves have heard from His own mouth.”

Now all is in order.

The priests can take the Prisoner to Pilate.

## THE ROMAN TRIAL

### CHAPTER XVIII

#### THE SUPREMACY OF ROME

The priestly party, having determined on the death of Jesus, found it necessary to apply to Pilate, in order to give effect to their sentence, for they had no power to carry it out themselves. The Romans had deprived the Sanhedrin of all such power. No one knew this better than Annas himself. He knew it to his cost, for he had been deposed by the procurator Valerius Gratus, in A.D. 14, for carrying out capital sentences. In fact the procurator of Judæa, as representative of the emperor, was supreme, subject to appeal to the imperial legate of Syria. One of the sons of Annas was taught this lesson afterwards, for he also was deposed by King Agrippa for condemning James, the brother of Jesus, and some others to death by stoning. This occurred during the interval between the death of Festus and the arrival of his successor Albinus. At the same time, Agrippa reminded the high priest that it was not lawful even to assemble a sanhedrin without the consent of the procurator (Josephus, *Antiq.* xx. 9. 1).

Pilate also claimed the same right: he said to our Lord, "Knowest thou not that I have power to crucify Thee, and have power to release Thee?"

In fact the Jews had lost the right to inflict capital punishment ever since the deposition of Archelaus in A.D. 6, when Judæa was added to the province of Syria, and came under the government of procurators appointed by the emperor. And so Josephus states (*Jewish War*, ii. 8. 1): "And now Archelaus's part of Judæa was reduced into a province, and Coponius was sent as a procurator, having the power of life and death put into his hands by Cæsar."

Thus it was well understood that this *jus vitæ aut necis*, the *jus gladii* had been lost to the Jewish people.

The men who had condemned Jesus to death admitted this before Pilate, "It is not lawful for us to put any man to death" (St. John 18:31). There was some amount of resentment in this declaration, for the words "for us" are in the Greek emphatic, as though they would urge, "We cannot do this thing which we desire, but you can:" and also, "Other provinces possess this right, which is denied to us."

It would have been unnecessary to insist upon this state of affairs in Judæa, but that some of the fathers, such as Augustine, Chrysostom, and Cyril of Alexandria, hold an opposite view.

Hence, when the Jews said to Pilate, "It is not lawful for us to put any man to death," they were but citing the actually existing letter of the law. The Romans had left them a free hand in all lighter punishments—those of fine, imprisonment, scourging, and excommunication; but the *supplicium supremum* or *summum*, the extreme penalty, was reserved.

The trial of our Lord by Pilate was a very different affair from the trial of St. Paul by Felix. St. Paul was a Roman citizen, endowed with a *caput*, and all the rights involved in the term, such as liberty, citizenship, and position in a family. Hence in such a case it was necessary to observe the due forms of law. And St. Luke, in Acts 24, is careful to indicate by the use of the appropriate technical terms of Roman Law, translated from Latin into Greek, the usual course of the trial of a Roman citizen on a capital charge, i.e. a charge affecting the *caput*, the life and also the status, of a Roman citizen. Hence (as I have pointed out in my "Roman Law in the New Testament," pp. 377 ff.) St. Luke employs words in the Greek which imply the corresponding forms in the Latin, such as the *elogium*, *nominis receptio*, *patronus*, *criminis delatio*, *citatio*, and various others.

In the trial of Jesus, Pilate would dispense with most of these forms; for our Lord was merely a Jewish peasant, unprotected by the privileges of citizenship: and Pilate, in common with other provincial governors, would deal with each case on its merits, and would observe only such of the details of Roman criminal law as he deemed appropriate to the particular case brought before him.

Now the charge against our Lord was a capital offence, for which a sentence of death must be pronounced, if He be found guilty. The priestly prosecutors had already pronounced this sentence, and merely demanded an endorsement without inquiry; But to this, Pilate could not consent: his training in the courts at Rome had imbued him with the spirit of justice. And though he would not insist on all the forms of Roman jurisprudence, it was essential that he should of his own knowledge be assured of the guilt of the Accused before he could deliver Him to death.

There must be some definite crime alleged against the Prisoner: there must also be an inquiry into the truth of the allegation: the Accused must be allowed an answer to the charge, and at the end of the trial a formal sentence must be pronounced.

These essential elements of an ordinary trial are clearly marked in the narratives of the Evangelists—

1. The Indictment, or *Accusatio*. "What accusation bring ye against this Man?"
2. The Examination, or *Interrogatio*. "Art Thou the King of the Jews?"
3. The Defence, or *Excusatio*. "My kingdom is not of this world."
4. The Acquittal, or *Absolutio*. "I find no crime in Him."

### CHAPTER XIX

#### ACCUSATIO, OR NOMINIS RECEPTIO

At an early hour on Friday morning Pilate was roused from sleep. A deputation from the Sanhedrin was standing at the palace gates. We cannot decide with certainty whether this “palace” or “prætorium” (the Revised Version has “palace” in the text, and “prætorium” in the margin) was the Castle of Antonia, overlooking the Temple and its courts, or the palace erected by the elder Herod, situated at the north-west angle of the Upper City. Either of these would be suitable as an official residence for the procurator Cæsar, as well as affording ample accommodation for his wife, or for any noble Roman lady. Antonia was a fortress and a barrack, but it contained within its precincts a superb palace. The palace of Herod was a magnificent edifice, enclosing a large open square between its two wings of white marble, admirably adapted for public functions.

At the gates of the prætorium the deputation awaited the arrival of the governor. They could not enter within the building, for it was Passover-time, and they would avoid ceremonial defilement. Pilate concedes the objection, and comes to the gate to meet the deputation. He was not unprepared to receive it, for on the previous evening he had granted a guard to enable them to effect the arrest. He may also have conversed on the subject with his wife, who is said to have been a Jewish proselyte at this time.

At the entrance, Pilate sees a considerable crowd, composed of the chief priests, certain members of the Sanhedrin, and the general public. With them they have brought a Prisoner, bound with cords, with His hands tied behind His back, as a condemned Criminal. It would seem to be a matter of importance—not an ecclesiastical or civil offence, for if so they could deal with it themselves. The crime must be of a graver nature, or they would not require his intervention. Hence he asks, “What accusation bring ye against this Man?” This question answers to the *nominis delatio* of the Roman criminal procedure, involving the statement of the name of the accused, and the nature of the charge alleged against him, *criminis delatio*. The reply is that He is an “evil-doer.” But this is too vague, no avert act is alleged. Hence Pilate bids them try the case themselves, and judge Him under the rules of the Mishna, in their own court. This brings them to book. They must justify the application to the Roman judge.

They had condemned Jesus as a Mesith, who had led the people astray, and as a blasphemer, who claimed Divine authority. That, however, was an ecclesiastical offence, which Pilate would refuse to entertain. They must therefore adapt the indictment to the tribunal before which they desired to place the Prisoner. Their reply is that it is a capital charge outside their jurisdiction, “It is not lawful for us to put any man to death.”

Still there is no definite accusation, and, without this, Pilate could not take up the case. Hence, “they began to accuse Him” (St. Luke 23:2). And presently Pilate perceives that the charge is one of high treason, which he must treat seriously, and try according to the forms of Roman law. But the charge must be definite: some specific breach of the law of *majestas*, some overt act of treason, or at least some treasonable words must be laid against the Accused. Thus pressed, and probably after some hasty consultation amongst themselves, they fix upon a threefold indictment.

We found this man—

Perverting our nation:

Forbidding to give tribute to Cæsar;

Saying that He Himself is Christ a King.

This is the *accusatio*, the *criminis delatio*.

The priestly party, in order to put themselves right with the governor, have, most irregularly and unjustly, shifted the charge from blasphemy to treason, and have endeavoured to compass the death of their Victim by crucifixion instead of by stoning.

Pilate, as occupying the position of the prætor in a strictly legal trial must satisfy himself that there is a case against the Accused; a “True Bill” as our grand juries would express it. And in the trial of a citizen this must be presented in writing, *inscriptio*, and be signed by the prosecutors, *scriptio*. But Pilate would doubtless be contented with a verbal accusation, and in this form receive the charge. This would be the *nominis receptio*.

## CHAPTER XX

### INTERROGATIO

Pilate feels bound to take up the case seriously. He must pass on from the reception of the accusation to the examination of the Prisoner. The prosecutors wanted Pilate to confirm their sentence of death without examination, and to send Jesus to execution on their recommendation; in fact, to accept the Jewish trial as legal, and to endorse their *cognitio*. But they had made the mistake of shifting the charge from blasphemy to treason. Pilate cannot ignore such a charge, nor can he permit them to try it: he feels himself compelled to begin the trial *de novo*; there must be a *recognitio causæ*: he must proceed to the formal examination of the Accused.

Accordingly we find in the record of the four Evangelists a series of questions:—

The first question was asked of the prosecutors, with the object, on the part of Pilate, to narrow the issue, and so to bring out a single definite charge from the “many things” they witnessed against Jesus. Hence the question, “What accusation bring ye against this Man?” The prosecutors, in reply, fix finally on a three-fold indictment, into which Pilate proceeds to inquire. With the facility acquired by long experience on the bench in Palestine and elsewhere, Pilate rapidly disposes of the first two counts of the indictment, and fixes on the third, as the only material point in the accusation.

The first charge, that of “perverting the nation,” contains a reminiscence of the trial before Caiaphas, when Jesus was arraigned on a charge of leading the people astray; but it was void by reason of vagueness, unless some overt act against the Roman government was proved by evidence.

The second charge, that of “forbidding to give tribute to Cæsar,” was obviously false, for, both at Capernaum and Jerusalem, Jesus had been accustomed to pay all legal dues. Still, this was a more serious offence, for, by recent legislation, Tiberius had applied the guilt of high treason to verbal statements, even apart from the commission of any overt act. The introduction of the terrible name of Cæsar imparted a grave aspect to this count, which nevertheless might be taken as included in the third.

Upon this third charge, therefore, Pilate instinctively fixed. It was impossible to ignore it, for it alleged a crime which at this date was being pursued with the utmost rigour of the law—the crime of majestas, or high treason. Tiberius, suspicious of every one, and trembling with fear amidst his debaucheries in the isle of Capreæ, was using this law to rid himself of all obnoxious citizens, with the aid of a host of professional delatores, or informers.

Such a charge could not be disregarded. The prisoner stands before the representative of the emperor, charged with the most grievous offence known to Roman law, the crimen Læsæ Majestatis or high treason against the emperor.

This offence, anciently known as Perduellio, comprised any act injurious to the sovereign power of the Roman State, by which the majestas of the Senate and the Roman people was impaired. The principal statute on the subject was the lex Julia Majestatis, 48 B.C. Previous laws were the lex Appuleia, 100 B.C.; lex Varia, 92 B.C.; and lex Cornelia, 81 B.C. These laws, applicable to offences against the Republic, the S.P.Q.R., were, under the empire, extended to the person of the emperor—and quite naturally, for Augustus Cæsar united in himself all the offices of the now practically defunct Republic. He was consul, imperator, censor, tribune, and pontifex maximus. And this principle applied to his successors. (See further, in my “Roman Law in the New Testament,” pp. 208 ff.)

The charge against Jesus was resolved into this: “saying that He Himself is Christ, a King.” The prosecutors, in the presence of the Accused, which was an essential condition of Roman criminal law, had presented their indictment; and the preliminary process in jure was now complete; the case was in judicio, and the Accused was in reatu.

The next step was the formal examination of the Accused. In order to carry this into effect, Pilate returns to the prætorium, taking Jesus with him, and leaving the Sanhedrists and their followers at the gates. “He entered again into the palace, and called Jesus.” This seems to be the process called citatio. He takes his seat upon the bema, or tribunal, a portable chair or throne, and, with Jesus placed in front of him, proceeds to address to Him a series of questions. These he asks in person, for, being a procurator, and not an imperial legate, he has no quæstor.

“Hearest Thou not how many things they witness against Thee?” Jesus, who before Caiaphas had remained silent, as Isaiah (53:7) had foretold, gives Pilate likewise no answer, “not even to one word; insomuch that the governor marvelled greatly” (St. Matt. 27:14). Again Pilate asks, “Answerest Thou nothing?” But Jesus no more answered anything (St. Mark 15:4).

But the main question, upon which the issue hinged, was that which is found, word for word, in the original and in both our versions, in each of the four Gospels:—

“Art Thou the King of the Jews?”

The reply, again in the very same words in all the Gospels, was—

“Thou sayest.”

Had we only the synoptic Gospels, it would appear that our Lord had pleaded “guilty;” but with St. John’s Gospel in our hands, we see that the plea is different.

“Jesus answered, Sayest thou this of thyself, or did others tell it thee concerning Me?”

There were two senses in which the word “King” might be understood. Was it Pilate’s own question, as procurator, the representative of Cæsar? If so, it meant a charge of high treason. And the answer would be “No! I plead the general issue, Not guilty. I traverse the indictment.”

If the question came from the chief priests, and was to be interpreted in the Jewish sense, as it had been a few hours ago, before the Sanhedrin, the answer would be, “I am King of the Jews, the Prophet, the Son of God.”

So then, concludes Pilate, it is after all a Jewish question, with which the Roman government does not care to deal: “Am I a Jew? Thine own nation and the chief priests delivered Thee unto me.”

Yet, as a matter of precaution, he will inquire further:—

“What hast Thou done?”

As if he asked, “Is there any overt act of disloyalty of which you are guilty?” This direct interrogation of the Accused was perfectly legal under Roman law; but the similar question that had been asked by Caiaphas was altogether out of order under the rules of the Mishna (see p. 62).

The further question of Pilate: “Art Thou a King, then?” belongs to the defence; and his last question: “What is truth?” does not form part of the trial, but is a casual remark as he leaves the court in order to pronounce sentence.

## CHAPTER XXI

### EXCUSATIO, OR APOLOGIA

The judge calls upon the Prisoner for His defence. The defence does not traverse the indictment; it is not a plea of "Not Guilty," but is that plea which is known in English law as Confession and Avoidance, "a plea which admits, in words or in effect, the truth of the matter contained in the Declaration; and alleges some new matter to avoid the effect of it, and show that the plaintiff is, notwithstanding, not entitled to his action."

Confession. "Thou sayest," in the synoptics, simply; in St. John, "Thou sayest that I am a King," or, as it may be rendered, "Thou sayest it, because I am a King." And, He continues, "To this end have I been born, and to this end have I come into the world, that I should bear witness unto the truth."

Jesus was, indeed, King in a unique sense: King as no earthly ruler had ever been, or indeed could be. At His birth "King of the Jews," and adored as such by the wise men. Feared and suspected in that capacity by Herod. A King always; and none the less when so proclaimed by Pilate in the titulus over His head on the cross, and acknowledged by His fellow-sufferer in the prayer to be remembered at His entrance on the Kingdom.

Yet not "King of the Jews" only, but ruler of the world, and of the whole Universe of God: for all power was given to Him in heaven, and in earth.

Avoidance. "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." His was a kingdom that involved no collision with the powers that be. He would not draw the sword against Tiberius, nor revolt against the authority of his nominee, Pilate. Of quite another character was the kingdom of Jesus. It would be established by peaceful means, of voluntary acceptance. "Not by might, nor by power, but by My Spirit, saith the Lord of hosts." His followers would not fight, and when one of them too hastily resorted to force, he was bidden to put up the sword into the sheath.

And yet He was a King: and His kingdom was the realm of Truth, the Church of God, which He purchased with His own blood. Everywhere throughout the Gospels do we read of this Kingdom—the "Kingdom of Heaven" as St. Matthew phrases it; the "Kingdom of God," as in St. Mark and St. Luke. This kingdom was proclaimed by John the Baptist, and the character of the subjects and the laws of the kingdom are set forth in the Sermon on the Mount.

The Kingdom of Heaven was the antithesis to the kingdoms of this world. It differed essentially from that of Cæsar: the two revolved in different spheres, and thereby escaped collision; they could march peaceably side by side. And, therefore, Jesus, though indeed a King, was no rebel or traitor: He could not be justly convicted of treason.

The Kingdom of God was the antithesis to the rule of Satan, the "god of this world." It was in irreconcilable antagonism to all that made for evil. And therefore the other charge against Jesus broke down; He was no malefactor.

Neither a rebel, nor a malefactor. This is a complete defence.

## CHAPTER XXII

### THE SENTENCE OF ACQUITTAL, OR ABSOLUTIO

Now Pilate understands the whole question. His interrogations had elicited the truth, and made the matter clear. From previous forensic experience, in Palestine and elsewhere, and from intimate knowledge of the character of the Jewish people, Pilate sees clearly that there is no case against the Prisoner. He had been unjustly accused. The charge against Him was *majestas*, that He claimed to be King. But His kingdom was so insubstantial, so much a thing of imagination, that it contained no elements of disloyalty to Cæsar. It was an empire in the clouds, a kingdom in the air, too slight in outward manifestation to impress itself on a mind imbued with the practical spirit of the Roman people. There was no traitor here. Such a man cannot, with any sense of justice, be esteemed as a criminal, and be sentenced to capital punishment. *Fiat justitia, ruat cælum*. Whatever the consequences, however distasteful to Caiaphas and the priests, justice must be done. The Prisoner is innocent, and must be acquitted. The prosecutors have laid to His charge the *crimen læsæ majestatis*, the crime of high treason. The sentence can be none other than *Majestatis absolutio*, an acquittal from the charge of high treason.

In the Roman courts of justice, in cases brought before the *Quæstiones perpetuæ*, or standing commission, the jury (*judices*) could express their verdict in any one of three forms: Not guilty, *Absolvo*; Guilty, *Condemno*; and Doubtful, *Non liquet*. These three legal forms of sentence were open to Pilate.

He could have gratified the malice of the Sanhedrists by condemning their Victim to death, on the ground that He had confessed His guilt in the reply to the question, "Art thou a King, then?" Jesus had persisted in His claim, in the words, "Thou sayest it; because I am a King," and by declaring that He had come into the world for the express purpose of becoming a King. But that would have been a sentence against his own conviction, and a wilful disregard of the plea of Avoidance set up by the Accused. It would be treating a religious enthusiast as a traitor to the Emperor. It would have been a manifest act of injustice to inflict capital punishment upon a man because he had fallen under the displeasure of the ecclesiastical authorities.

Pilate might have given the doubtful sentence *Non liquet*, which would have had the effect of referring the case back for a new trial. He would then pronounce the word *Amplius*, and so have adjourned the hearing of the case to another day; at the same time naming the day when the case should be retried. There might be justification for this decision, in the fact that not sufficient evidence

had been produced before the court, or that the proceedings had been too tumultuous to allow of a calm and judicial consideration of the case. Or Pilate might have persisted in his original intention of treating the indictment as an ecclesiastical offence, with which the Sanhedrin was competent to deal. "Take Him yourselves, and judge Him according to your law."

But the judge was a just judge—for the moment at least,—and he gave a just sentence. Descending from the bema within the prætorium, and taking the Accused with him, he goes out to the crowd of Sanhedrists and priests who had been waiting impatiently at the gates, and pronounces a just sentence—

"I find no crime in Him" (St. John 18:38).

"I find no fault in this Man" (St. Luke 23:4).

The judge has pronounced the word *Absolvo*, Not guilty. And this deliberate sentence of Acquittal is repeated in St. John 19:4, and again in ver. 6, in the same technical words. Thus three times, though once would have sufficed, the judge has solemnly declared the Accused innocent of the charge preferred against Him.

*Cadit quæstio*: the prosecution has failed.

## THE TRIAL IS AT AN END

The court ought to have been cleared, and the Prisoner set free.

## CHAPTER XXIII

### REMISSION TO HEROD

Up to this point Pilate had kept to the traditions of Roman equity. He had sternly refused to condemn a Man without inquiry: he had demanded from the prosecutors a formal indictment, had tried the Accused on that issue, had found Him to be innocent, and had acquitted Him. So far, Rome could not reproach its representative, nor would future generations have covered him with shame.

He comes to the gate to give sentence. The expectant crowd keeps still silence till the judge has delivered his judgment—

"I find no fault in this Man."

Then the mob breaks loose. A confused chorus of angry expostulations, of vituperations, of threats, echoes and re-echoes throughout the palace square: cries of vengeance rise on all sides, each man drowning his neighbour's voice, till at length, out of the uproar these words emerge: "He stirreth up the people, teaching throughout all Judæa, and beginning from Galilee even unto this place."

Pilate is amazed at the tumult. The insensate excitement of that Oriental mob unnerves him. He is overborne by their clamour, driven out of his course, like a ship in a storm. He is looking for a way to escape. He catches at the allusion to "Galilee." If the Prisoner belongs to Galilee, He shall go to His own prince, Antipas, the tetrarch of Galilee, now in residence for the Passover in the old Maccabæan palace at Bezetha. Let Herod try the case. Pilate will change the venue, and send Jesus from the forum apprehensionis to the forum originis vel domicilii.

Three considerations might have influenced the governor of Judæa.

He was willing to show an act of courtesy to a neighbouring ruler, with whom questions of jurisdiction or of boundary might easily arise from time to time.

He was desirous to be reconciled to Herod, with whom his relations had been strained, through the slaughter of some of Herod's subjects, who had risen in revolt because Pilate had diverted the Corban for the purpose of constructing the aqueduct at Jerusalem (St. Luke 13:1–5).

Above all, he was anxious to transfer his responsibility in the case before him. He had doubtless heard of the fame of Jesus, and knew that He belonged to Galilee, where He had passed His life. During the last two or three years, Capernaum, on the sea of Galilee, had been the scene of His preaching and of His wondrous works. Jesus clearly belonged to Herod's jurisdiction. Also the crimes alleged against Him had been committed mainly in Galilee. It was there that He had "perverted the people, and claimed to be Christ, a King."

These reasons, especially the last, induced Pilate to send Jesus to Herod.

But it was too late. This transference of the cause might have been in order if it had been effected at an earlier stage: viz. if it had been ascertained during the Examination that the Accused was a native of Galilee, and if the offences alleged against Him had been committed in that district. Then Herod might have taken up the case. But Pilate had gone too far. That which might have been legal had become illegal. The case had been closed: it was now *res judicata*, and could not be reopened.

Doubtless Herod understood this. Yet this remission has the form of legality. St. Luke expresses it in a Greek word, which, according to Meyer and others, is a technical term, equivalent to *remisit*, and is so rendered in the Vulgate, *remisit eum ad Herodem*. It is the exact word that should be used in handing over an accused person to the proper judicial authority.

Herod, however, though he had no intention to relieve Pilate from the difficulty in which his instinctive love of justice had involved him, quite appreciated the act of courtesy shown by Pilate: he was "exceeding glad" to see Jesus. For a long time he had desired to meet One of Whom he had heard such marvellous reports, and Whom he suspected to be John the Baptist risen from the dead.



Actuated by vulgar curiosity he hoped that Jesus would conciliate him by working a miracle in his presence: he wished also to ask several questions, such as those suggested in St. Luke 9:7–9. But Jesus had hitherto avoided him, and had never entered into the polluted city of Tiberias. Now Herod had his opportunity, and he plied the Prisoner with many questions.

But Jesus answered not a word. The remission to Herod was a travesty of justice; the questions asked by Herod were irrelevant; and the chief priests and scribes had pursued their Victim to Herod's palace, and were reiterating the false charges which had already broken down. There was nothing to answer. He had answers for Jew and for Roman in legal council assembled, but He had no answer for this half-heathen Idumean, this adulterer and murderer, playing at holding a court of justice. He meets him with the majesty of silence. "As a sheep that before her shearers is dumb; yea, He opened not His mouth" (Isa. 53:7).

Herod sends Jesus back again to Pilate, without venturing on any form of trial, for majestas was a charge which was dangerous to handle. "The Idumean fox may have dreaded the lion's paw, while very willing to exchange courtesies with the lion's deputy" (A. T. Innes).

## CHAPTER XXIV

### AFTER PROCEEDINGS

The proceedings after the return of Jesus from Herod need not detain us long—they form no true part of the trial, which ended with the sentence of acquittal. All that follows is a veritable phantasmagoria of injustice and cruelty, which has been ably summed up by Mr. A. T. Innes in his "Legal Monograph."

"The utterance of this sentence was the first step in that downward course of weakness which the world knows so well: a course which, beginning with indecision and complaisance, passed through all the phases of alternate bluster and subserviency; persuasion, evasion, protest, and compromise; superstitious dread, conscientious reluctance, cautious duplicity and sheer moral cowardice at last; until this Roman remains photographed for ever as the perfect feature of the unjust judge, 'deciding against his better knowledge, not deceived.' "

We will not discuss these events in detail, for our task is in reality accomplished: the trial of our Lord Jesus Christ has been illustrated from Roman law. We have touched on the Remission to Herod, because it had the form of legality, but all that follows is in direct conflict, not merely with every principle of Roman jurisprudence, but with the simplest conception of elementary justice and equity.

We see a Roman procurator, the direct representative of the emperor, faced by a hostile crowd thirsting for blood, and demanding the reversal of a just sentence pronounced in due form. We see him pacing to and fro for nearly two hours, pursued by an angry mob of fanatics resisting all his efforts to save an innocent Man from death: and we see him finally covered with eternal shame, when compelled against his will to reverse his own decision, and send an innocent Man to the cross.

He begins with an attempt at conciliation. He offers the people a boon—the release of a prisoner. Here is Jesus Barabbas, the traitor and murderer; and here is Jesus Christ, the noble Prophet of Galilee. He offers both, and suggests the choice: "Will ye that I release unto you the King of the Jews?" This is an appeal to their sense of consistency and justice.

He will appeal, also, to their religious susceptibilities by dramatically placing before them a scene from the law of Moses (Deut. 21:7), enacting the part of one of their own elders, and exclaiming, "I am innocent of the blood of this righteous Man. See ye to it."

And when his challenge is accepted, "His blood be on us and on our children," he will appeal to their compassion, by the suggestion that scourging may take the place of the cross. And when Jesus has been wounded and braised by the horrible flagellum, Pilate sets Jesus before the tumultuous crowd, bleeding from the lash, and wearing the crown of thorns and the purple robe. "Behold the Man" ("Ecce Homo"), he cries, in vain appeal to that ruthless mob, many of whom perchance had shared in His miracles of mercy. But all Pilate's efforts are useless. Not one voice is raised on behalf of the Victim: the unanimous response is, "Crucify! Crucify Him!" In vain did Pilate demand, "Why, what evil hath He done?" In vain did he declare, "Behold I bring Him out to you, that ye may know that I find no crime in Him." In vain did he make other efforts to save the innocent Man from death. As a Roman magistrate, he has striven to "execute justice and to maintain truth."

But all in vain. He has done his utmost to uphold his own just decision, but the priestly party, backed up by the mob, have proved too strong for him. Beaten at every point, he must at last give way. His reiterated appeals have been contemptuously disregarded: neither justice, nor religion, nor humanity will divert them from their purpose, and at last they turn upon him with threats. They appeal to the terrible name of Cæsar: "If thou release this Man, thou art not Cæsar's friend: every one that maketh himself a king speaketh against Cæsar."

No governor of a province under the reign of Tiberius, however blameless his conduct might have been, could treat with scorn the threat of report to the Emperor at Rome—much less Pilate, against whom the Jews had so many grievances. The priests knew this well, and they let loose their last shaft. It reached its mark, and Pilate fell beneath it. But even in yielding he will make one more appeal. He had already exclaimed, "Behold the Man!" He now takes a higher stand, and cries, "Behold your King!" He will crucify their King, and will proclaim the fact to the world in the titulus over His head, "This is the King of the Jews."

Taking his seat upon the bema, or bench, placed on the tessellated pavement, or lithostroton, in front of the prætorium, he pronounces a sentence which is a triumph of injustice, and which has covered the judge with eternal infamy; he declares Him to be

guilty, Whom he had thrice declared innocent, and delivers Him into the hands of His enemies for crucifixion.

## CHAPTER XXV

### SUMMARY

We have traced the sorrowful story of the trial of the Lord Jesus Christ to its close. From the Garden to the Palace, thence to the Prætorium, and, finally, along the Via Dolorosa, to its end in the shameful Cross, we have trodden in the footsteps of the Saviour of the world. We must not leave out of sight the fact that all this suffering was for our sake; for us men, and for our salvation: that it was in fulfilment of type and prophecy, "He was wounded for our transgressions: He was bruised for iniquities: and with His stripes we are healed."

But we have discussed these world-stirring events from the forensic point of view alone; and, seen in that light, this trial presents itself, as Mr. Innes remarks, as "the most interesting isolated problem which historical jurisprudence can present," as bringing together into one narrative the two most striking systems of law that the world has ever seen—the most venerable and peculiar, in that of the Jewish Commonwealth, and the most august and influential, in that of ancient Rome.

Looking back over the path we have trodden, we recognize four distinct stages, each with its own characteristic quality, of which the first and the third afford firm support to our feet from a legal point of view, while the second and fourth, from the same aspect, should have been regarded as forbidden ground to all who took part.

These four stages are:—

The preliminary proceedings, as far as the delivery to the Sanhedrin.

The trial before the Sanhedrin.

The trial before the procurator.

The subsequent events.

1. The arrest in the Garden of Gethsemane, and the delivery of the Accused to a magistrate, and the subsequent commitment of the Prisoner for trial, appear to have been legal.

In these proceedings there was a co-operation of the Jewish and Roman authorities. The arrest was effected by the apparitors of the Sanhedrin, with the consent of the high priest, aided by the active support of a cohort of Roman soldiers.

2. As this arrest was effected by night, the next step after commitment should have been the detention of the accused in custody, until he could be legally brought before the council for trial, a proceeding which was followed in the case of the apostles: "They laid hands on them, and put them in ward unto the morrow; for it was now eventide" (Acts 4:3). This was not done in the case of our Lord. He was put upon trial immediately, though it was night. The whole trial before the Sanhedrin, therefore, being conducted contrary to Jewish law, was null and void.

3. The brief trial before Pilate (St. John 18:33–38), ending in acquittal, was justifiable by Roman law, as customarily administered in the provinces.

4. The whole of the subsequent proceedings can only be characterized as a mere travesty of justice. The judge, under pressure from the mob, instigated by the furiously jealous hierarchy, lost his head entirely, and converted the trial into a triumph of injustice. Retribution.

All the actors in this Tragedy suffered for their participation in the crime. By suicide, by banishment, or by degradation from office, the traitor and the unjust judges were pursued by Nemesis, and overtaken by their doom.

Judas, in a fit of remorse, perished by a horrible death, self-inflicted.

Caiaphas was deposed from office.

Antipas was banished by the emperor Caligula, and died in exile.

Pilate, like Antipas, died in exile: and, like Judas, committed suicide.

Annas alone continued to flourish like a green bay tree; although even he suffered for his share, his palace being destroyed and his son slain, during the Jewish war.

And the whole nation of the Jews are to this day, in their dispersion throughout the world, and their loss of nationality, a standing witness to the rejection of their true King.

THE END