

An Attempt To Listen To God On

The Trials of The Lord

And Their Illegality

By

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Meditations on The Trials of The Lord and Their Illegality

Introduction

There is the possibility in reading the Old Testament, and especially the Psalms, to only “see” the experiences of the Lord in the “Messianic psalms”. This I believe is an error. For instance: “They gather themselves together against the soul of the righteous, and condemn the innocent blood” (Psa. 94:21). There can be no doubt that this is Messianic in its wording. However, as a prophecy, it underlines the fact that the Lord knew the response of men to himself. It is wonderful to see how God, in His providential activities, uses man’s naiveness to fulfil His prophecies. Just as the soldiers who cast lots for His vesture, so the individuals who made the false accusations had no understanding they were fulfilling the scriptures.

The order is the release of Barabbas before the scourging of the Lord.

- 1) “Pilate, willing to content the people, released Barabbas unto them, and delivered Jesus, when he had scourged him, to be crucified.” (Mk. 15:15)
- 2) “Then released he Barabbas unto them: and when he had scourged Jesus, he delivered him to be crucified”. (Matt. 27:26)

The Illegality Of The Trials

The trials of our Lord were, without exception, the greatest travesties of justice the world has ever seen. In all the six trials, three being religious and three legal, there is an absolute avoidance of the slightest iota of righteousness in any way. Moral in justice was not just lax but utterly rejected. The three religious were, the Lord before Annas, Caiaphas during the night and then in the morning again with the whole Sanhedrin. The three legal or political were, Christ before Pilate and Herod, and back to Pilate again.

The following data is from the Old Testament, the Talmud, the Mishna¹, Walter M. Chandler, “The trial of Jesus, Volume 1 pp. 226-227 and by John James MaClaren (International Standard Bible Encyclopaedia, Vol. III, p. 1672) both of whom seemingly get their understandings from the first three volumes mentioned.

In the laws of the Old Testament there are a number which deal with judgements and witnesses, some of which are:

1) A Judge Must Not:

- a) Maintain injustice. (Lev. 19:15)
- b) Be partial. (Lev. 19:15)
- c) Accept another’s opinion unless he is convinced of its correctness. (Ex. 23:2)
- d) Bear hatred in his heart. (Lev. 19:17)
- e) Shame a Jew. (Lev. 19:17)
- f) Take revenge. (Lev. 19:18)
- g) Work on the first day of the Sabbath. (Ex. 20:10)

¹ The Mishna was a scholarly work of 63 volumes which were the topical index and thoughts of the ancient Rabbi’s. Instead of reading to find every law concerning the Sabbath in the Torah, Rabbi Judah arranged them all in one tractate called “Shabbat”. These laws contained twenty-four chapters, being more extensive than the Torah. The reason for this is that the “Shabbat” does not depend on the written law for its teachings, being the exposition of the written Law as relayed by the scholarly and other religious leaders of succeeding generations. This Oral Law is, in some sense, the more authoritative of the two. It had six orders dealing with every aspect of Jewish life. The first order is “Zeraim” (Seeds), and it deals with agricultural laws and prayers. The second is “Moed” (Festival), and it deals with those laws which relate to the Sabbath and the Festivals. The third order is “Nashim” (Women), and it deals with marriage and divorce. The fourth order is “Nezikin” (Damages), and it deals with civil and criminal law. The fifth is “Kodashim” (Holy things), which deals with sacrificial rites, the Temple, and the dietary laws. The sixth is the “Tohorot” (Purities), and it deals with the laws of purity. It is the second and fourth of these orders which are relevant to the trials of the Lord, for it is these that were constantly broken.

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2) It Was Illegal To Use A Criminal Or An Accomplice

The Criminal Jurisprudence of the Ancient Hebrews (page 274) states: "The testimony of an accomplice is not permissible by rabbinic law . . . and no man's life, nor his liberty, nor his reputation can be endangered by the malice of one who has confessed himself a criminal".

Several observations are made here:

- a) The false witnesses were themselves criminals, and that ideally disbarred them from being witnesses.
- b) The chief priests were witnesses before Pilate, and since they were accomplices to the false witnesses, they were constituted criminals, thus ideally they also would have been disbarred from testifying.
- c) Since Judas, the disciples, and the ladies who ministered to the Lord were all fellow workers with Him, then if the Lord was a criminal, then so were they by association.

3) It Was Illegal To Use False Witnesses

God's law was very clear:

- a) "Thou shalt not bear false witness against thy neighbour." (Ex. 20:16)
- b) "Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness." (Ex. 23:1)
- c) "Ye shall not steal, neither deal falsely, neither lie one to another." (Lev. 19:11)

The *Minsha* confirms the same thought. "If one witness contradicts another, the testimony is not accepted."--*Mishna, "Sanhedrin," C. V. 2*. If they did not agree on all essential details the defendant must be released at once.

Thus, the false witnesses were morally disqualified on two counts. They told lies and they joined with the wicked to be an unrighteousness witness.

- a) "If a false witness rise up against any man to testify against him that which is wrong; Then both the men, between whom the controversy is, shall stand before the LORD, before the priests and the judges, which shall be in those days. And the judges shall make diligent inquisition: and, behold, 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 have done unto his brother." (Deut. 19:16-19)
- b) This meant that instead of receiving money for their witness they themselves ought to have been put to death.

4) It Was Illegal For Judges To Be Corrupt, Or Bias

- a) These judges were corrupt in how they obtained "evidence".
 - i) The trial of Christ was illegal because it was based on bribery in that Judas had received money to deliver Him into their hands. (Lk. 22:3-6)
 - ii) The Mosaic code was very severe on those who wrested judgment through bribery. (Ex. 23:1-8)
 - iii) Under Hebrew law, this included judges who gave bribes as well as received them. The evidence of being paid was clear to all in the judgment Hall and in time, "it was known unto all the dwellers at Jerusalem". (Acts 1:19)
- b) These judges were corrupt in their judgment:
 - i) "Keep thee far from a false matter; and the innocent and righteous slay thou not: for I will not justify the wicked". (Ex. 23:7)

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c) These judges were bias:

- i) It is recorded that in prior to this trial the Sanhedrin had sought for a means to put Christ to death. "But some of them went their ways to the Pharisees, and told them what things Jesus had done. Then gathered the chief priests and the Pharisees a council, and said, What do we? for this man doeth many miracles. If we let him thus alone, all men will believe on him: and the Romans shall come and take away both our place and nation." (Jn. 11:46-48)

5) It Was Illegal For A Man To Be Judged By One Judge

It is expressly stated in the scriptures that God was the Judge, who alone could judge because he and He alone knew all the facts, the motives, and was without respect of persons. "The heavens shall declare his righteousness: for God is judge himself" (Psa. 50:6). Because of this belief the Mishna absolutely forbade a solitary man to act as judge. For a court to have any resemblance of fidelity, there had to be at least three judges, and possibly seventy-one. This would be in accordance with the law given to Moses: "The Lord said unto Moses, "Gather unto me seventy men of the elders of Israel. . . That they may stand with thee. . .that they may bear the burden of the people" (Num. 11:16-17). Thus, the 70 men plus Moses made 71.

6) It Was Illegal To Interrogate Before The Trial

Jewish law did not permit private preliminary assessments, irrespective of the number of judges in attendance. An accused man was never subjected to private or secret examination, lest, in his perplexity, he furnish damaging testimony against himself. *Joseph Salvador, Histoire des Institutions de Moise, p. 365-366.*

7) It Was Illegal To Change The Charges During A Court Proceeding

The only way the Jewish leaders could put the Lord to death was by changing the accusation to deal with each legal system. According to Mk. 14:55-64, two separate charges were brought against Jesus in this court of law. The first was sedition, or a raising of discontent against the Jewish and Roman governments through inflammatory speeches and actions. But, this charge had to be abandoned because the witnesses could not agree. (Mk. 14:55-57, 59)

8) It Was Illegal To Examine Or Put A Person Under Oath In Order To Extort A Self Confession Of Guilt In The Individual

The sentence against Jesus was unlawful because it was founded on His own confession (Mk. 14:61-64). We have it as a fundamental principle of our jurisprudence that no one can bring an accusation against himself. Should a man make confession of guilt before a legally constituted tribunal, such confession is not to be used against him unless properly attested by two other witnesses."--*Maimonides, "Sanhedrin," IV, 2.* Maimonides is an ancient Hebrew legal authority.

9) It Was Illegal For The Court To Meet In A Place Not Sanctioned By Jewish Law

From Deut. 17:8-9 the Jewish leaders understood that the death sentence could only be pronounced in one certain place. For this, they chose a room in the Temple that was called: "The Hall of Gazith". In the Talmud it was written: "A sentence of death can be pronounced only so long as the Sanhedrin holds its sessions in the appointed place." After leaving the hall Gazith no sentence of death can be passed upon anyone soever. " *Maimonides, "Sanhedrin," XIV. " Talmud, Bab., Abodah Zarah, or of Idolatry, chap. 1, fol. 8.*

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10) It Was Illegal To Render A Verdict Of Guilty At The Close Of The Night Session, Without Allowing A Day To Intervene

Hebrew law demanded two sessions of the Sanhedrin, in case of condemnation, to be held a day apart. In the case of a death sentence, it could not be pronounced until the afternoon of the second day. The Hebrew trial of Jesus was thus illegal for it was concluded within one day; the entire proceedings taking place the fourteenth of Nisan, the first lunar month of the Jewish year.

11) It Was Illegal To Take The Word Of A Witness Without Full Examination.

“And it be told thee, and thou hast heard of it, and enquired diligently, and, behold, it be true, and the thing certain.” (Deut. 17:4)

12) It Was Illegal To Bear False Witness Without Receiving The Due Punishment

“If a false witness rise up against any man to testify against him that which is wrong; Then both the men, between whom the controversy is, shall stand before the LORD, before the priests and the judges, which shall be in those days; And the judges shall make diligent inquisition: and, behold, 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 have done unto his brother: so shalt thou put the evil away from among you.” (Deut. 19:16-19)

Perjury placed a witness in a position fully as serious as that of the one he testified against. That is, the false witnesses were to suffer the penalty provided for the commission of the crime which they sought, by their testimony to fix upon the accused.

13) It Was Illegal For A Court To Be Held At Night

The Mishna states: “Let a capital offence be tried during the day, but suspend it at night.” The Talmud also states: “The Sanhedrin sat from the close of the morning sacrifice to the time of the evening sacrifice.”--*Talmud, Jerus., "Sanhedrin," C.I. fol. 19.*

No court could be in session before the morning sacrifice, the reason being, no man was considered competent to act as a judge in any question until sacrifice and prayers had been offered to the great Judge of Heaven.

14) It Was Illegal To Accept A Verdict In Which All The Judges Agreed

Mendelssohn gives a law, which to our thoughts, is very strange. It was:

- a) "A simultaneous and unanimous verdict of guilt rendered on the day of the trial has the effect of an acquittal.", *The Criminal Jurisprudence of the Ancient Hebrews, p. 141.*
- b) "If none of the judges defend the culprit, i.e., all pronounce him guilty, having no defender in the court, the verdict of guilty was invalid and the sentence of death could not be executed."--*Rabbi Wise, The Martyrdom of Jesus, p. 74.*

The reason for this was that the accused had no defence lawyer to make sure that he was tried in a just manner. This was the work of the judges, and at least one had this responsibility.

This law was clearly violated, for in the verdict concerning the Lord: "They all condemned Him to be guilty of death." (Mk. 14:64)

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15) The Singularity Of The Sentencing

"Let the judges each in his turn absolve or condemn."--*Mishna, "Sanhedrin," XV*. "The members of the Sanhedrin were seated in the form of a semicircle at the extremity of which a secretary was placed, whose business it was to record the votes. One of these secretaries recorded the votes in favour of the accused, the other those against him." --*Mishan "Sanhedrin," IV, 3*. Depending if the case was for death or other punishment all must vote, but one at a time, beginning with the youngest. Each in his turn had to rise and cast his vote, and then state his reason for his decision. Both the vote and the reasons for it must be written down by the scribes before the next man stood up to give his sentence in the matter. This was not done in the trial of the Lord for He condemned by an acclamation--a single chorus of approval (*Matt. 26:66, Mk. 14:64*).

16) In Capital Crimes A Trial May End The Same Day It Began

In capital cases, acquittal may be pronounced the same day, but the pronouncing of sentence of death must be deferred until the following day, in the hope that some argument may meanwhile be discovered in favour of the accused.

17) It Was Illegal To Judge On The Eve Of The Sabbath, Or On That Of Any Festival

"They shall not judge on the eve of the Sabbath, nor on that of any festival."--*Mishna, "Sanhedrin," IV, 1*. According to Talmudic law, the Court must not be held on the Sabbath, or on any holy day. The trial of a capital punishment case could not be commenced on the day before the Seventh-day Sabbath, or before a ceremonial Sabbath, because in case of conviction there must be a second trial the following day--on the Sabbath or on the holy-day. No court of justice in Israel was permitted to hold sessions on the Sabbath or any of the seven Biblical holidays

18) It Was Illegal To Have A Judge Who Was A Disqualified Adjudicator

Apart from any other illegalities, the activity of the High Priest automatically disqualified him for he deliberately tore his clothing. There may be in Lev. 10:6, the thought that disobedience to this command could result in death by God.

The Trials

The Trials In General

It is easy to lose sight of who Jesus was in the consideration of the passion. This lovely man was none other than the Light, the Witness, and the Word; showing and declaring the character of God.

As the Light

For a short time, that night in that judgment room, the Light of the world shone in glorious brilliance. The unsullied man who stood there uncontaminated by religiosity, unfettered by traditionalism, was none other than the One of whom the Old and New Testaments called, "The Light". He stands in magnificent supremacy, without peer and contradiction, alone and solitary as:

- 1) The Light to the Gentiles.
"And he said, It is a light thing that thou shouldest be my servant to raise up the tribes of Jacob, and to restore the preserved of Israel: I will also give thee for a light to the Gentiles, that thou mayest be my salvation unto the end of the earth." (Isa. 49:6; Acts 13:47)
- 2) The Light of the world.
"In him was life; and the life was the light of men." (Jn. 1:4)

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- 3) The Light which lighteth every man.
He was, “The true Light, which lighteth every man that cometh into the world.” (Jn. 1:9)
- 4) The Light of the world.
“I am the light of the world.” (Jn. 8:12)
- 5) The Light of the glory of the knowledge of God.
“For God, who commanded the light to shine out of darkness, hath shined in our hearts, to give the light of the knowledge of the glory of God in the face of Jesus Christ.” (2 Cor. 4:6)

In the Upper Room the gentleness of the Lord shone brightly against the backdrop of the disciples bickering. That which makes the injustice of man stand starkly out, is that the One who they were judging was the very Light of the World. He who is God manifest in flesh, to be assessed by fallen man as to sin, is not only an impossibility, but a manifestation of the darkness of the heart of man. Glorious truth! The Light shone, and even though man despised it, it always convicted him of his sin (Jn. 8:9). The lovely Son of God was intrinsically and intensely holy, consequently, while men sought to find fault with the Lord, their own faults were blazing like the noon day sun.

The candlestick of the Tabernacle was a glorious illustration of Christ, yet as all shadows do, it fell short. The lamps connected to it had to have trimmers and snuffers. En route, when it was covered, the lamps had to be put out, in contrast to Christ who in all His earthly journeys ever shone brightly.

No snuffers or trimmers were needed with Him and in every case, where man tried to “correct” the Truth, to indicate a fault in the Light, it did two things.

- 1) There was a displaying of how distant man was from the mind of God, and the brilliance of the Light.
- 2) Only He, the effulgence of Light can, from the mind and heart, dismiss all agitation and perplexity, dispel the spiritual darkness, and give light.

Being the Light:

- 1) He exposed the corruption of political powers. (Matt. 2:16)
- 2) He cut to the root all false presumptuousness. (Matt. 3:9)
- 3) He laid bare ungodly motives. (Matt. 21:12-13)
- 4) He exposed hypocrisy. (Matt. 9:11-12; 23:13-37)
- 5) He shook the foundations of those who thought themselves to be morally clean. (Matt. 5:20-48)
- 6) He will condemn the destruction of God’s original purpose of the law. (Mk. 2:27)
- 7) He lamented over the darkness of those persons whose hearts made the law more important than life itself. (Matt. 12:9-14; Mk. 3:3-6; Lk. 6:6-11)
- 8) He cut to pieces the Rabbinical stipulations which had turned legality into a farce. (Matt. 23:24; Jn. 5:9-10)
- 9) He found obnoxious in the hypocritical attitudes of those who honoured the letter of the law, but viciously distorted the spirit in which it had been given. (Mk. 7:9-13)

As the Word

Our Lord is the declaration of the mind and heart of God.

The trials of our Lord were unique in their similarity and illegality in several ways. They both had legislation for the death penalty. Under Jewish law, it was blasphemy and under Roman law it was treason. In Num. 35 God speaks very explicitly and repeatedly on this matter:

- 1) “And if he smite him with an instrument of iron, so that he die, he is a murderer: the murderer shall surely be put to death.” (Num. 35:16)
- 2) “And if he smite him with throwing a stone, wherewith he may die, and he die, he is a murderer: the murderer shall surely be put to death.” (Num. 35:17)

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- 3) “Or if he smite him with an hand weapon of wood, wherewith he may die, and he die, he is a murderer: the murderer shall surely be put to death.” (Num. 35:18)
- 4) “Or in enmity smite him with his hand, that he die: he that smote him shall surely be put to death; for he is a murderer: the revenger of blood shall slay the murderer, when he meeteth him.” (Num. 35:21)
- 5) “Whoso killeth any person, the murderer shall be put to death by the mouth of witnesses: but one witness shall not testify against any person to cause him to die.” (Num. 35:30)
- 6) “Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death.” (Num. 35:31)

Furthermore, God also states that there was no ransom for such an offence:

- 1) (Num. 35:31) (ASV) Moreover ye shall take no ransom for the life of a murderer, that is guilty of death; but he shall surely be put to death.
- 2) (Num. 35:31) (RSV) Moreover you shall accept no ransom for the life of a murderer, who is guilty of death; but he shall be put to death.

**May God grant us good understanding as He, by His Holy Spirit, deigns to guide us into all truth.
John 16:13**

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