

The Trial of Jesus

Mistrial of the Millennia

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If you'll recall, a few years ago we had wall-to-wall coverage of the O.J. Simpson fiasco. It seemed like that was the only news that occurred that year. I even heard some people—even some very well respected experts in judicial matters—calling this O.J. Simpson Trial "the trial of the century." I couldn't believe that they would say something like that. I really just had to shake my head. That's so arrogant, it occurred to me, that they would think that something that would happen right then (at that time, in the present) was more important than other things that had happened in the past.

Even in our own century, we've had some pretty world-shaking trials. What about the Nuremberg Trial? That did a great deal to formulate the laws of war in these modern times. What about the Scopes Trial, which is also called the Scopes Monkey Trial, that really allowed evolution into our public schools in a big way? What about Roe vs. Wade, which allowed—to this point—forty million babies to be aborted? (I think it's 1.1 or 1.3 million a year now.) Those trials were not as important as O.J. Simpson, a football player who was accused of killing his wife and another man? That's galling to me, to think about that—that they would think that something like that would be so important. The only reason that it was important was that it was broadcast nationally, and the rest of us got to peek into the courtroom. That's about it. It's really not affected our lives much more than that.

But that started me thinking about the great trials of history. What would you consider history's greatest trial? Some would say, "*Well, maybe Galileo's trial before the Catholic Church because of his views on astronomy?*" At that point, they pretty much squelched scientific advancement within the Catholic Church; but they couldn't do it. What about Joan of Arc, and her trial for heresy before the Catholic Church? That was a pretty important trial. I don't know if it was world-shaking, but [it was] a great part of history of Western civilization.

What about the Salem witch trials over here in America? Maybe not that great. What about the trial of Charles I? Many of you may not know about that, but he got his head chopped off because of his views concerning the right of kings. He wouldn't work with Parliament and all that. Our system has come down from some of the things that came out of that trial. What about the trial of Socrates? He ended up killing himself by drinking hemlock; but he was condemned to do that, as that was his sentence.

What about the trials of the apostle Paul? In the Bible, he had several; and he came through them pretty well for the most part. He was right in everything; but, eventually, things turned against him. But I think you all know what the actual most important trial of history is. This has all just been a run-up to the greatest trial there ever was. You might call it the Trial of the Millennium. I call it the Mistrial of the Millennium. That is, the trial of the Son of God, Jesus Christ of Nazareth.

I thought a review of Christ's trial would be timely and meat in due season, since we are only two and one half weeks away from the Passover, when this happened. It's good to rehearse what happened there every now and then, to see the injustice of what took place over that very short period of time. Actually, it took place over nine hours basically. That's all it took for them to condemn God to death. We are going to look at that, and look at the injustices that happened. And while we do that, I want you to take a look (I'll point them out every now and then.) at how Jesus *acted* and *reacted* throughout the whole thing. It really stands as a testament to us, and a wonderful example of what to do.

Let's set the stage for this in Luke 22. If you have bookmarks, I would say that it would be a good idea to put them in Luke 22, Matthew 26, Mark 14, and John 18. We are going to be doing a great deal of flipping around from place to place, because not all of the Gospel writers mention everything—so we can't just use one of them. We'll also be going elsewhere to pick up little points of law here and there. And I'll be quoting a great deal from an article by Dr. Hoeh in the February and March issues of the GOOD NEWS [magazine], from 1983, for the sources of certain legal matters that the Jewish jurisprudence had—so that we see *the illegalities* that took place throughout the trial.

We'll start in Luke 22 to set the stage, by showing the timing and what was going on here.

Luke 22:14-15 When the hour had come, He sat down, and the twelve apostles with Him. Then He said to them, "With fervent desire I have desired to eat this Passover with you before I suffer."

Now, I want you to notice that throughout this whole passage that we are going to read, He mentions several times that He is going to suffer and that it is going to be now—right away, basically.

Luke 22:16-18 "For I say to you, I will no longer eat of it until it is fulfilled in the kingdom of God." Then He took the cup, and gave thanks, and said, "Take this and divide it among yourselves; for I say to you, I will not drink of the fruit of the vine until the kingdom of God comes."

So, basically, He's saying, "*I'm not going to eat or drink until I've been killed and all of that time passes between the crucifixion and the coming of the Kingdom.*" And so the impact that we get from it is that it's going to happen right away — before His next meal.

Luke 22:19-22 And He took bread, gave thanks and broke it, and gave it to them, saying, "This is My body which is given for you; do this in remembrance of Me." Likewise He also took the cup after supper, saying, "This cup is the new covenant in My blood, which is shed for you. But behold, the hand of My betrayer is with Me on the table. And truly the Son of Man goes as it has been determined, but woe to that man by whom He is betrayed!"

So we see all the things being set up here to get the trial of Jesus Christ going. Notice that His comments here are very matter of fact. He's just telling it like it is. *"I'm not going to eat again until the Kingdom of God. I'm not going to drink again until the Kingdom of God. My betrayer is sitting here at the table with Me. It's going to go as it has been predetermined that it is to go. I'm going to go to My death."* And we could say it's almost dispassionate here in black 'n white, but I'm sure it wasn't dispassionate. I'm sure He felt it. But the way it comes across is that He was very calm and collected, although I'm sure underneath there was quite a bit of emotion there. He said that He really fervently desired to do these things with them. He was setting them up—mentally and emotionally—for the next several hours. Going on, I want you to see the emotions.

Luke 22:39-41 Coming out, He went to the Mount of Olives, as He was accustomed, and His disciples also followed Him. When He came to the place, He said to them, "Pray that you may not enter into temptation." And He was withdrawn from them about a stone's throw.

I can throw a stone probably a good 50 or 60 yards, depending upon the size of the stone; but a good football quarterback can throw a football 60 or 70 yards. So He removed Himself a fair distance.

Luke 22:41-45 And He knelt down and prayed, saying, "Father, if it is Your will, take this cup away from Me; nevertheless not My will, but Yours, be done." Then an angel appeared to Him from heaven, strengthening Him. And being in agony, He prayed more earnestly. Then His sweat became like great drops of blood falling down to the ground. When He rose up from prayer, and had come to His disciples, He found them sleeping from sorrow.

He was in agony, and His disciples were in sorrow. I've even read medical reports on this fact that both of these things are normal under excruciating circumstances. The person, who is going through it, has a good chance of sweating blood—because there is so much stress there. The blood comes to the surface and will actually leech out the pores. The other one is that someone who is watching someone else going through something like this and is in very deep sorrow will find themselves drowsy. In a way, I think it is a way that God has set up our system so that we get some relief. It's like your body actually begins to shut down, so that you don't feel the pain as intensely. This happened to the disciples here. They were feeling it with Him. But, even then, it wasn't enough to keep them from running away when it all happened.

Luke 22:46 Then He said to them, "Why do you sleep? Rise and pray, lest you enter into temptation."

So He was telling them, *"Not only must you be sorrowful; but you must be sure that you are*

close to God, while we go through this. "Even though He was outwardly very calm in His discourse with His disciples, inside He was just a churning mass or a battle between His flesh and His spirit. He had willed Himself and determined to go through with this. He was the Son of God and this was why He had come. But He tried to make it as easy as He could for His disciples. He gave them these assurances and the advice that they needed for this next few hours. Even then, He was showing His love for them. It wasn't just all "*Me, Me, Me*" because He was going through this. Rather, He was helping them along as well—carrying their burdens as well as His own (which was enough to pretty much kill anybody else).

Let's go to I Peter 2. This is Peter, the chief apostle—who was there watching much of this (not just what we've gone through so far, but also some of the things that happened later). He was there, and he takes out of it these things that we should learn.

I Peter 2:20-21 For what credit is it if, when you are beaten for your faults, you take it patiently? But when you do good and suffer, if you take it patiently, this is commendable before God. [And who else has ever taken punishment for innocence like Christ?] For to this you were called, because Christ also suffered for us, leaving us an example, that you should follow His steps.

He's saying that what Christ went through is for us to learn from. There is other significance to it also, but we ought to be studying this and looking into it so that we can act the same way when faced by similar circumstances. We'll never reach that point—being as similar as to what Christ went through. But maybe, who knows, maybe some of us in the future may have to go through something that to us is as excruciating and as unjust as what Christ went through here. Notice what He did.

I Peter 2:22-24 "Who committed no sin, nor was deceit [guile] found in His mouth," who, when He was reviled, did not revile in return; when He suffered, He did not threaten, but committed Himself to Him who judges righteously; who Himself bore our sins in His own body on the tree, that we, having died to sins, might live for righteousness — by whose stripes you were healed.

So He is our example in this. Like I said, hopefully we'll never have to endure anything like this. But as Christians—His disciples, the ones who follow Him—we are to conduct ourselves as He did in every situation in which we are at odds because of our faith in God. Whatever the situations is, if we are at odds with another person because of our faith, we are supposed to act the way that Christ did before His accusers. We should not revile. We should not threaten. We should not strike back. We should not use deceptive tactics to win. That's what that means. He committed no sin. No guile was found in His mouth. When He was threatened, He did not revile. He didn't strike back, and all the other things that are said there. He took it patiently and committed Himself to God and His judgment.

In short, we should not sin in any way (when faced with things like that) in order to snatch

victory from the jaws of defeat. Sin should never enter into the equation in order to make things easier for us. It's not the right way out. So we have to follow the example of Jesus Christ in these things. If it ever comes up, we should do as Christ said. Don't answer back in your own words. God will give you the right words to say. And if not, don't say anything—like Christ. He opened not His mouth. God is doing something. He's been working with you, and you've been showing your love towards Him and towards the brethren. And if He's put you in a situation like that, there must be a reason for it. So you commend yourself to God, and commit yourself to God, to do what is right and pleasing in His sight—rather than try to win by some sort of stratagem.

Let's go on to Christ's arrest. Back in Luke 22, this is where we find *the first illegality* of this trial.

Luke 22:47 And while He was still speaking, behold, a multitude; and he who was called Judas, one of the twelve, went before them and drew near to Jesus to kiss Him.

Luke really understates this: "Behold, a multitude." Others of them talk about all the people who were actually in this entourage that came to arrest Jesus. I've seen one estimate that said it could have been as many as 10,000 men. I don't think the whole garrison had 10,000 men; but a whole cohort could have been part of this, and I've heard that a cohort was about 600 men. But I don't think the whole cohort came out. Even so, there were not just the military men, and the officers of the priest, and whatnot. There were some of the priests, His accusers, Judas, some of the elders, and many people were there with swords, and staves, and other things—to get this one Man.

I've wondered about that—why so many people went out to get Him. And the only reason I can come up with is that they thought that He was either going to have an armed group to resist or that He would do some sort of a miracle. They knew that He certainly had the power to do those things. He fed 5,000. He raised the dead. He calmed the storm. What could He do? He does say, in another place, that He could bring down a whole legion of angels if He wanted to. So I think they were a little bit frightened of what might happen.

Luke 22:48-49 But Jesus said to him, "Judas, are you betraying the Son of Man with a kiss?" When those around Him saw what was going to happen, they said to Him, "Lord, shall we strike with the sword?"

We didn't read that; but remember, when they found two swords (in verses 35-38), He told them to "*Go ahead and take them, so that we can fulfill prophecy,*"—so that He was counted among the transgressors.

Luke 22:50-51 And one of them [We know it was Simon Peter.] struck the servant of the high priest [His name was Malchus.] and cut off his right ear. But Jesus answered and said, "Permit even this." And He touched his ear and healed him.

Look at this. In the midst of an illegal arrest, He heals a man—on the other side! It's just an amazing thing, to think of His concern for people.

Luke 22:52-53 Then Jesus said to the chief priests, captains of the temple, and the elders who had come to Him [Now we get an idea of who was all there.], "Have you come out, as against a robber, with swords and clubs? When I was with you daily in the temple, you did not try to seize Me. But this is your hour, and the power of darkness."

So He understood what was going on. By the way, "the power of darkness" is a euphemism for Satan. What He was saying was, "*You and Satan are in this together. And this wouldn't happen unless it was your hour to do it.*" That is, that God had given you the power to do this. So here is the first illegal thing that happened. He was arrested illegally. What I mean by this is that there was no warrant for His arrest, no formal charge was given to Him. Notice that they never said anything about why they were arresting Him. No evidence was even given beforehand by witnesses (which you would need in order to get a warrant).

Let me read to you from this 1983 article by Dr. Hoeh. He quotes a man named Mendelsohn. He wrote a book called Criminal Jurisprudence of the Ancient Hebrews. On page 274, it says:

"The testimony of an accomplice [Judas] 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."

He had obviously confessed himself a criminal because he had taken a bribe. That was tantamount to a confession of criminality, and so they could not get a warrant on Judas' words. Thus, the arrest itself was illegal. They should not have done anything. They should have had what we would consider to be a Grand Jury before they brought up charges and indicted Him, and then arrested Him for the crime (whatever it was that He supposedly committed). But they didn't. They just—at the high priests and chief priests' words—went out, took soldiers, and grabbed Him. They never gave Him a chance.

Now, let's go to John 18. Here is *the second illegal act*. He was interrogated before a private individual, which is against Jewish jurisprudence.

John 18:12-14 Then the detachment of troops and the captain and the officers of the Jews arrested Jesus and bound Him. And they led Him away to Annas first, for he was the father-in-law of Caiaphas who was high priest that year. Now it was Caiaphas who advised

the Jews that it was expedient that one man should die for the people.

Annas was a former high priest; and his son-in-law, Caiaphas, was the high priest that particular year. It's very interesting. I think that five sons of Annas were also high priests. I'll probably mention this again later; but, at the time, there were twelve high priests living. Crazy! It's against the Bible as well, because there was only supposed to be one high priest. He was supposed to serve until he died, and then his son was supposed to take his office after him. But at this time they were buying the office of high priest.

So, one would get a term (I believe it was a six-year term.) and then they'd see who ponied up the most money for the Roman government; and that person would be the next high priest. So the family of Annas kept it in their family for at least thirty-six years. It might have even been longer, because they were able to raise the most money in order to be appointed by the Roman government. I just thought I'd throw that in there. It gives you some indication of the character of His judges.

John 18:19-24 The [former] high priest then asked Jesus about His disciples and His doctrine. Jesus answered him, "I spoke openly to the world. I always taught in synagogues and in the temple, where the Jews always meet, and in secret I have said nothing. Why do you ask Me? Ask those who have heard Me what I said to them. Indeed they know what I said." And when He had said these things, one of the officers who stood by struck Jesus with the palm of his hand [gave Him a slap], saying, "Do You answer the high priest like that?" Jesus answered him, "If I have spoken evil, bear witness of the evil; but if well, why do you strike Me?" Then Annas sent Him bound to Caiaphas the high priest.

What we have here is the second illegal act—the private interrogation. Let me read again from Dr. Hoeh's article. He's quoting a man named Dupin. He's a Frenchman, and he wrote a book called *Jesus Devant Caiaphe et Pilate*. (That really means *Jesus Before Caiaphas and Pilate*.) Dupin wrote: "*Now the Jewish law prohibited all proceeding by night.*" That was the first part of this.

The second part is by a man named Salvador, in his *Institutions de Moise* (another either French or Spanish book). He declares, "*An accused man was never subjected to private or secret examination.*" But we know that Jesus was.

And one more: A man named Lemann says in his book, *Jesus Before the Sanhedrin*, "*No session of the court could take place before the offering of the morning sacrifice.*" Thus, no night meetings were permitted. So we have a double whammy here. He was interrogated privately by Annas, and Annas had this done at night. On both counts it was wrong. It should not have been done. But we can see, from what happened here, who was pulling the strings from behind the scenes. This was Annas' doing—and his family. What Jesus was doing, in effect, was pulling the rug out from under his power.

There are actual Jewish writings that tell about how the Jews hated the family of Annas, because they saw all the corruption; and, in effect, they cursed the family of Annas roundly for what they did. They pretty much destroyed the Sadducee side of things, because of their corruption. That's one of the reasons why the Pharisees rose up in such power by this time and later on, towards 70 A.D. and afterwards.

You can tell from this—by Jesus' answer to Annas, when He said, "*Why do you ask Me? I've never said anything in secret. Ask the people who know what I've said and they'll very gladly tell you what I've said.*"—He knew that this was an illegal proceeding. And so He didn't have to answer Annas at all. But He said, "*Look. If you have evidence, go ahead. Pony it up. Let's see it. But, if you don't have any evidence, what am I doing here?*" He treats Annas as the criminal that he was. He said, "*If you have legal reason for doing this, go ahead. But, if not, let Me go.*" But, of course, they weren't going to do this.

Let's go on to the next part. They send Him to the Sanhedrin.

Matthew 26:57-60 And those who had laid hold of Jesus led Him away to Caiaphas the high priest, where the scribes and the elders were assembled. But Peter followed Him at a distance to the high priest's courtyard. And he went in and sat with the servants to see the end. Now the chief priests, the elders, and all the council sought false testimony against Jesus to put Him to death, but found none. Even though many false witnesses came forward, they found none. But at last two false witnesses came forward.

In these four verses, we have *the third illegality* that occurred. That is, the indictment against Jesus was false in that His judges sought evidence against Him, and found none. The way the Jewish law was set up, the judges (the Sanhedrin themselves) could not bring charges against an accused person. That had to be done by the witnesses.

Let me read a few of these things. Albert Edersheim, in his *Life and Times of Jesus the Messiah*, says: "*The Sanhedrin did not, and could not, originate charges.*" Here's a man named Innes, who wrote a book called *The Trial of Jesus Christ: "The evidence of the leading witnesses constituted the charge. There was no other charge; no more formal indictment."* So you had to have witnesses before you had the charge. But what happened here is that they brought Jesus in and arrested Him and then tried to find witnesses that would make a charge against Him. And it was the judges themselves that were trying to round up the witnesses against Him.

Continuing in Innes' book: "*Until they [that is, the witnesses] spoke, and spoke in the public assembly, the prisoner was scarcely an accused man. When they spoke, and the evidence of two agreed together, it formed a legal charge, libel or indictment, as well as the evidence for its truth.*" What we have here is just a total turning upside down of the normal way of things. I also want to point out here that they are at the house of the high priest. That's a no-no too, because it wasn't the court. It was at night, and all of these things were no-no's as far as Jewish jurisprudence goes.

Eventually they had to rely on false witnesses, but the way it should have happened was that witnesses should have been brought first—before the arrest. A formal charge then should have been made, and then all the rest of this would have had a semblance of legality. Then they wouldn't have put the cart before the horse. They were supposed to have the charge, or the indictment, first.

Let's go on to verse 74, just as a reiteration. This is part of Peter's denial.

Matthew 26:74 Then he began to curse and swear, saying, "I do not know the Man!"
Immediately a rooster crowed.

This is *the fourth illegality*—that night trials were not permitted. I kind of threw that in earlier; but, formally in my list here, this is number four. Night trials were not permitted. (The other one, that I threw it in

with, was the second one—about the private interrogation.) But this is the fourth one. Night trials were not permitted. The cock didn't crow until sunrise. This gives you a very definite time marker that what had happened here before the Sanhedrin was at night, and therefore illegal.

Here is Mendelsohn again. He says: "*Criminal cases can be acted upon by the various courts during day time only, and by the Lesser Sanhedrins from the close of the morning service till noon, and by the Great Sanhedrin till evening.*" Basically, sunrise until sunset was the only time that you could have a trial.

Remember Maimonides from Passover and Pentecost sermons that have been given before. Here he writes, in Sanhedrin III: "*The reason why the trial of a capital offence could not be held at night is because... the examination of such a charge is like the diagnosing of a wound — in either case a more thorough and searching examination can be made by daylight.*"

Even the Mishna has something to say. This is in the part Sanhedrin IV: "*Let a capital offense be tried during the day, but suspend it at night.*" So they had no legal standing for doing what they did there in Caiaphas' house or courtyard (whatever it happened to be) where it was done.

Let's go on to the book of John. We are going to pick up something else here and reiterate the time again. Actually, we are jumping way forward; but I want us to catch the time.

John 18:28 Then they led Jesus from Caiaphas to the Praetorium, and it was early morning. But they themselves did not go into the Praetorium, lest they should be defiled, but that they might eat the Passover.

The reason why I used this verse instead of any other is because it mentions the day. It was the day of the Passover. That is, the 14th of Nissan. Why is this so significant? Because of the fifth illegality! Remember that Jesus was arrested in the night portion. It was still the Passover, the same day. *The fifth illegality* is that capital offenses could not be tried on a preparation day for a Sabbath—weekly or annual. So, what was the next day? The first Day of Unleavened Bread. What is the Passover? Preparation day for the first Day of Unleavened Bread. It was just as illegal for them to try Jesus as it was for them to be in the Praetorium at that time. They shouldn't have done it.

Let me read to you from the Mishna again, from the Sanhedrin IV

section: *"They shall not judge on the eve of the Sabbath, nor on any festival."* A man named Wise wrote a book called *Martyrdom of Jesus*, and he says this: *"No court of justice in Israel was permitted to hold sessions on the Sabbath or on any of the seven biblical Holy Days. In cases of capital crime, no trial could be commenced on Friday or the day previous to any Holy Day, because it was not lawful either to adjourn such cases longer than overnight, or to continue them on the Sabbath or Holy Day."*

They could only adjourn them for twelve hours, basically—over the nighttime hours. Then they had to return. And since they could not do a court trial on a Sabbath, that would have meant they would have to go thirty-six hours; and that was illegal. So here they committed their fifth illegality by holding this trial on a preparation day.

Now, this verse also highlights *the sixth illegal act* of this trial—which is that capital trials could not be concluded in one day. They had to go over into a second day. Basically the reason was that the judges were supposed to sleep on it. They were not supposed to rush to judgment by giving an accusation and hearing the testimony, and convicting and passing sentence on the same day. Once the testimony was given, they were supposed to adjourn for the day and pick it up the next day and give their conclusion—actually, cast their votes on the case.

So this is the sixth illegality. Capital cases could not conclude in one day. Here's from the Mishna again, Sanhedrin IV section: *"A criminal case resulting in the acquittal of the accused may terminate the same day on which the trial began. But if a sentence of death is to be pronounced, it cannot be concluded before the following day."* This was to allow for sufficient opportunity for any witnesses in support of the accused to present themselves; and, like I mentioned before, for the judges themselves to think this decision through thoroughly. So that was our sixth illegality.

Now, let's go to Mark 14. We are going back to the time of Jesus' appearance before the Sanhedrin in Caiaphas' courtyard, or house.

Mark 14:56-59 For many bore false witness against Him, but their testimonies did not agree. Then some rose up and bore false witness against Him, saying, "We heard Him say, 'I will destroy this temple made with hands, and within three days I will build another made without hands.'" But not even then did their testimony agree.

Here is *the seventh illegality*. Before I get to that I want to go to John 2, just to pick up what Jesus actually did say. Notice that they said He said, *"I will destroy this temple made with hands, and within three days I will build another made without hands."* But John tells us what He actually said.

John 2:19 Jesus answered and said to them,
"Destroy this temple, and in three days I will
raise it up."

The witnesses that they used to supposedly "convict" Christ didn't even get what He said right. Let's just see what He was actually speaking about, in verse 21. John writes:

John 2:21 But He was speaking of the temple
of His body.

What they said was that Jesus had said He was going to destroy the temple—the physical temple. But what Jesus actually said was that His own body would be destroyed and He would be resurrected in three days. He wasn't talking, in the least, about that physical temple. He was using it as an illustration—as a "type" of Himself. So this seventh illegality is, first of all, that what a person is supposed to say when he testifies in this manner is supposed to be true. But the testimony was false. Also, we'll add to this that God's law specifies that condemnations must be confirmed by the testimony of two or three witnesses. And we see here, in verse 59, that their testimony did not agree. They didn't even have the two or three that were required. So this is a double one. They had false testimony, and their testimony did not agree.

Let's go back to Deuteronomy 17, and look at the law as it was used.

Deuteronomy 17:6-7 Whoever is deserving of death shall be put to death on the testimony of two or three witnesses; he shall not be put to death on the testimony of one witness. [So Jesus should have been acquitted at this point, because none of the testimony agreed.] The hands of the witnesses shall be the first against him to put him to death, and afterward the hands of all the people. So you shall put away the evil [person] from among you.

What this means is that witnesses who came forward and accused a person of a capital crime were the ones who had to throw the first stone. And so it was a very important, and necessarily that you had to be very honest in doing this. Not only did you have to give testimony, but also you had to actually execute the judgment.

Deuteronomy 19:15-19 "One witness shall not rise against a man concerning any iniquity or any sin that he commits; by the mouth of two or three witnesses the matter shall be established. If a false witness rises against any man to testify against him of wrong doing, then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother; so you shall put away the evil [person] from among you.

That's how serious this was! Those false witnesses should have been crucified, or stoned, instead of Jesus. But they allowed it to slip by—another illegality.

Now back to Matthew 26. Things are really going south for Caiaphas and his band here. Even though they've done all these things and kept the trial moving, it's falling apart.

Matthew 26:62 And the high priest arose and said to Him, "Do You answer nothing? What is it these men testify against You?"

He's really searching. He's trying to get Jesus to say, "*Oh, I did this and I did that.*" But Jesus is not dumb.

Matthew 26:63-68 But Jesus kept silent. And the high priest answered and said to Him, "I put You under oath by the living God: Tell us if You are the Christ, the Son of God!" Jesus said to him, "It is as you said. Nevertheless, I say

to you, hereafter you will see the Son of Man sitting at the right hand of the Power, and coming on the clouds of heaven." Then the high priest tore his clothes, saying, "He has spoken blasphemy! What further need do we have of witnesses? Look, now you have heard His blasphemy! What do you think?" They answered and said, "He is deserving of death." Then they spat in His face and beat Him; and others struck Him with the palms of their hands, saying, "Prophecy to us, Christ! Who is the one who struck You?"

As I said, Caiaphas takes matters into his own hands, because he's trying to get a conviction and the witnesses aren't cooperating. His case is getting very shaky. So, what he does is he says, "*I adjure you by the living God.*" That basically puts the person you tell that under oath to tell the truth. He didn't need to do this with Jesus Christ. Jesus Christ was going to tell him the truth anyway. But it was probably the most solemn thing that he could have said. With most people, it would have been enough to scare them into a confession.

Jesus answers his question, but it's interesting to note how He answers. He could have basically just said, "*Go read Psalms 110, and go read Daniel 7:13.*"

Psalms 110:1 The LORD said to my Lord, "Sit at My right hand, till I make Your enemies Your footstool."

He's saying, "*I am that Lord.*" Later on it says:

Psalms 110:5-6 The Lord is at Your right hand; He shall execute kings in the day of His wrath. He shall judge among the nations, He shall fill the places with dead bodies, He shall execute the heads of many countries.

He's saying, "*Do you know Who you are talking to?*" Let's also see what Daniel 7:13 says, because this is also part of the quotation.

Daniel 7:13-14 "I was watching in the night

visions, and behold, One like the Son of Man, coming with the clouds of heaven! He came to the Ancient of Days, and they brought Him near before Him. Then to Him was given dominion and glory and a kingdom, that all peoples, nations, and languages should serve Him."

Without saying it, He said, "*I am that Person that you think I am—that you accuse Me of being.*" And, of course, He was telling the truth; but He didn't answer them directly—which is important here. By saying what He did—by referring to those verses—He did not blaspheme (even though they accused Him of it). He did not formally blaspheme, because what He said was true. He was that Person! How can you blaspheme God when you are actually God? And you are saying, "*I am God. I am this King.*" But to them, with their knowledge (or lack thereof, lack of faith), they thought He was ascribing godly qualities, and attributes, and position to Himself. And so He did not blaspheme because He had all those things. Yet the affect of it all is that to them He blasphemed.

So, here again, it seems that Jesus knew His rights. He should have been able to say directly, "*Yes, I am Christ, the Son of God*" because (here's *the eighth illegality*) under Jewish law no one could accuse himself. It's just like our Fifth Amendment. We have a right not to incriminate ourselves. So, He was basically doing that. He could say what He wanted. He could say, "*Yes, I am the Son of God.*" And if things were going legally, they could not hold it against Him—because you can't incriminate yourself.

Let's see this from Maimonides, in his Sanhedrin section. He writes: "*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.*" So even though Jesus told the truth in a truly legal setting, it could not have been held against him; but they did. They accused Him of blasphemy.

And within this very same scene was *a ninth illegality*, which I mentioned before. Jesus' words are NOT strictly blasphemy. Let's go to Leviticus 24, and we'll see what the law was that the Jews were using to define blasphemy. This is after a half-Israelite/half-Egyptian cursed God (committed blasphemy). So God lays down the law here about what is blasphemy.

Leviticus 24:13-16 And the LORD spoke to Moses, saying, "Take outside the camp him who has cursed; then let all who heard him lay their hands on his head, and let all the congregation stone him. Then you shall speak to the children of Israel, saying: 'Whoever curses his God shall bear his sin. And whoever blasphemes the name of the LORD shall surely be put to death. All the congregation shall certainly stone him, the stranger as well as him who is born in the land. When he blasphemes the name of the LORD, he shall be put to death.

That's the law that these Jews were supposedly using. What happened by the jurisprudence of the Jews—the Jewish courts—was that you were only guilty of blasphemy if you *cursed God* or if you *said the ineffable name of God*. (That is, the YHWH.) That wasn't part of what is said there in Leviticus 24. They added that—that you couldn't say the name of God because it was so holy. But that wasn't part of the original law. They added that.

Jesus did nothing like this. Jesus didn't curse God. Jesus didn't say the ineffable name of God. He just said, "*Go back and look at what it says of Me in Psalms 110 and Daniel 7:13.*" And He used all the proper euphemisms. He said, "*The Son of Man, sitting at the right hand of the power, and coming on the clouds of heaven.*" He didn't use God's name, in that sense. So the ninth illegality was that they condemned Him on a charge of blasphemy, which He never committed.

There's a *tenth unlawful event* here in this section. You might think this is nit-picking, but it is significant really. It's in that first phrase there in Matthew 26:65. "Then the high priest tore his clothes." That is the tenth unlawful event.

Leviticus 21:10 He who is the high priest among his brethren, on whose head the anointing oil was poured and who is consecrated to wear the garments, shall not uncover his head nor tear his clothes.

Why is that? Well, it's very simple. He is the chief representative of God in Israel, and he had to be in control of himself at all times—physically,

mentally, and spiritually. Especially in circumstances like this, he should not do anything to unduly sway those who are near him, or around him, or who could see him. What is tearing your clothes? It is an emotional outburst of outrage and indignation—righteous anger at some sort of blasphemy, or something being done that was just so out-of-bounds.

Now, what this meant was that, by him tearing his clothes and saying that this Man had spoken blasphemy, he was prejudicing all the rest of the judges that were there. The proper method of voting was to have *"the judges each the judges each in his turn absolve or condemn."* (This is from the Mishna, from the Sanhedrin section.) *"The members of the Sanhedrin were seated in the form of a semi-circle at the extremity of which a secretary was placed [meaning, one secretary on both ends], whose business it was to record the votes. One of these secretaries recorded the votes in favor of the accused, the other against him."*

[From Benny, in Criminal Code of the Jews:] *"In ordinary cases the judges voted according to seniority, the oldest commencing; in a capital case, the reverse order was followed. That the younger members of the Sanhedrin should not be influenced by the views or the arguments of their more mature, more experienced, colleagues, the junior judge was in these cases always the first to pronounce for or against conviction."*

So what Caiaphas did here by tearing his clothes was that he was saying, *"This is the way I am going to vote. Everybody should follow."* By that action, he was telling everybody what line they were to follow—rather than doing it the proper way and letting the youngest (and the most junior of the judges) vote their own conscience. So that was the tenth illegal thing—that he tore his clothes, and thus prejudiced the rest of the judges.

Verse 65 also contains *the eleventh illegality.*

Matthew 26:65 "He has spoken blasphemy!
[Caiaphas said.] What further need do we have
of witnesses? Look, now you have heard His
blasphemy!"

Do you know what he did? He did not give Jesus a chance to defend Himself. That's the eleventh illegality. The merits of the defense were not weighed. Deuteronomy 13:14 says:

Deuteronomy 13:14-15 Then you shall

inquire, search out, and ask diligently. And if it is indeed true and certain that such an abomination was committed among you, you shall surely strike the inhabitants of that city [etc.]

This is just a general principle. I know that particular section is about apostates—about going after other gods; but they took it as a general principle. There was always supposed to be a defense. Any system of jurisprudence has this in there—that the accused should be able to defend himself, or have legal defense given for him. But no defense was allowed in this case. The law in the Mishna says: "*The judges shall weigh the matter in the sincerity of their conscience.*" And remember before that I said that they were supposed to allow it to go over one night, so that they could actually think this through; and then, in the morning, vote their conscience. But Jesus was condemned without a defense.

Now let's go to Mark 14: 64, where we find *the twelfth illegality*. It is actually unstated here, but we find it in the word "all." Mark writes that Caiaphas said:

Mark 14: 64 "You have heard the blasphemy! What do you think?" And they all condemned Him to be deserving of death.

The twelfth illegality is that the court did not summons those who would have probably defended Him. In our modern parlance, we call this "a kangaroo court." They just simply took a vote. They didn't call anybody. A kangaroo court is a court set up to railroad an accused person—in which the decision has been made in advance, and no defense is allowed. Let's go to Luke 23: 51 and pick something up here. This is about Joseph of Arimathea.

Luke 23: 51 He had not consented to their decision and deed.

Nicodemus was another one. In John 19: 39, it says that he was one of the ones who helped to bury Jesus. It's pretty evident that these two were not there [at the trial], because they all voted against Him; and we know for sure that Joseph of Arimathea would have voted against condemning Him—would have voted for Jesus. But, since they weren't called, this was not a proper Sanhedrin. It was not a proper court,

because there was no one there to make a defense or give any witness otherwise—against it. And Jewish law requires at least one of the judges to serve as the defense counsel. Had Joseph of Arimathea been there, or Nicodemus, they could have acted as His defense counsel; but it is pretty evident that they were not there, because He had no defense counsel. So the twelfth illegality is that the court did not summon those who would have probably defended Him. Meaning "of their own"—not just other eye-witnesses, but of their own judges who should have been there to defend Him.

Here then is also *the thirteenth illegality*. They came up with a unanimous and simultaneous verdict of guilty. Do you know what that does in Jewish law? It has the effect of an acquittal. Let me read to you. This is from a man named Wise — The Martyrdom of Jesus. *"If none of the judges defended the culprit, i.e., all pronounce him guilty, having no defender in the court, the verdict guilty was invalid and sentence of death could not be executed."* So here He was acquitted by their unanimous vote, but they just railroaded Him through.

We are already up to thirteen illegalities here. I'm not following Dr. Hoeh's perfectly because there were others there that he either missed, or he did not think important enough to include. Let's go now to Luke 22.

Luke 22:66-71 As soon as it was day, the elders of the people, both chief priests and scribes, came together and led Him into their council, saying, "If you are the Christ, tell us." But He said to them, "If I tell you, you will by no means believe. And if I also ask you, you will by no means answer Me or let Me go. Hereafter the Son of Man will sit on the right hand of the power of God." Then they all said, "Are You then the Son of God?" So He said to them, "You rightly say that I am." And they said, "What further testimony do we need? For we have heard it ourselves from His own mouth."

What we see here is basically a reenactment of what we read before; but, in this case, this was after daylight. They had convened another council, supposedly with more of the members of the Sanhedrin there. They went through the same procedure, and it went the exact same way. They asked the same question. Jesus didn't deny who He was at all. Why should He? He was who He was! And so they convict Him

again, and here is *the fourteenth illegal occurrence*. Sentence was pronounced in a place forbidden by law. The original sentence was pronounced in Caiaphas' house, or in his courtyard — whichever it was. That was illegal. But what they did here—by doing it in daylight and at the proper place—was to put a face, a façade, a legality on the whole thing. This was His second trial. They had actually condemned Him to death in the first trial. They were just doing this one to make things look right to other people.

I want to back this up. This is from Maimonides, in his section on the Sanhedrin. "*A sentence of death can be pronounced only so long as the Sanhedrin holds its sessions in the appointed place.*" Also the Talmud says, "*After leaving the hall Gazith [which is the court] no sentence of death can be passed upon anyone soever.*" They were not in the court when they passed the sentence of death.

Here also is *the fifteenth illegality*. This is very general. Many on the Sanhedrin were disqualified from trying Jesus' case. According to Josephus, many of them—particularly those like Annas, and Caiaphas, and his brothers-in-law, and others—had taken bribes, or paid bribes (to Judas especially). Jot down Exodus 23: 8 and Deuteronomy 27: 25, where it very specifically says that you shall not take a bribe because it perverts justice.

Also I mentioned before that there were twelve ex-high priests that were alive and on the Sanhedrin. The Bible says that there should only be one high priest at a time, and that it is a lifelong office. Mendelsohn again [wrote]: "*Nor must there be on the judicial bench either a relation, or a particular friend, or an enemy of either the accused or the accuser.*" And the whole Sanhedrin were His enemies.

A man named Benny, in his Criminal Code of the Jews, says: "*Nor under any circumstances was a man known to be at enmity with the accused person permitted to occupy a position among his judges.*" So that fifteenth point was that many on the Sanhedrin were disqualified from trying Jesus' case—under Jewish law.

I want to quickly go through what happened before Pilate. I'm not going to go into this very deeply. It's in John 18, beginning in verse 28. It also goes back to Luke 23: 2-17, and in Matthew 27: 23-31. I'm just going to go through my notes now, because I just want you to get the flavor of what we are talking about here.

He was lead before Pilate, and the Jews switched charges before Pilate. This was their sixteenth illegal action. They had accused and condemned Him of blasphemy. When they came before Pilate, they accused Him of sedition and treason. So *the sixteenth illegal act* was

that they switched charges.

They did this for political reasons. At that time, they did have the power to execute for blasphemy. They could have stoned Him. But they didn't want to, because they didn't want the people to come and say, *"You killed the Messiah."* They wanted Pilate and the Roman government to do it, so that they could say, *"No, we didn't. The Romans found Him guilty of sedition, or treason, or something; and they did it."* They were trying to pass the buck off to Pilate.

When He heard that the charge was sedition and treason, Pilate was forced to take the case. He couldn't just shrug it off. He had to do it. One of his principal functions as governor was to keep the peace — and especially in Judea, because it was a hotbed of rebellion. So, once they accused Jesus of such a heinous charge, Pilate had to judge it. He couldn't just put it off.

But notice that the charge itself was false. They told Pilate that He had perverted the nation, that He had told people not to give taxes to Caesar, and that He had proclaimed Himself a king. He had done none of those things. He had actually said (in Matthew 22: 21) that they should pay taxes to Caesar. And He had NOT proclaimed Himself publicly as king. The people had done that, when He had come into Jerusalem; but He had not necessarily acknowledged it, or said, *"Yes, I am your King."* It had all been done, basically, symbolically. That's in Matthew 21: 1-11.

What we find in verse 38 is that Pilate says, *"I find no fault in Him at all."* So he acquits Him. He saw that Jesus was not a danger to Rome or to Caesar, and so he acquitted Him. But the Jews say that He is a Galilean. So Pilate says, *"Ah, ha. He's a Galilean. Herod the Tetrarch is here in Jerusalem. It's his territory. It's his jurisdiction. He should take this case."* So he sends Him off to Herod.

Well, Herod berates Him, and tries to talk to Him; and Jesus doesn't answer a word, while the chief priest and all the rest are accusing Him very stridently. And Herod can get nothing out of Him, so he sends Him back to Pilate. This was a second acquittal. Basically, Herod couldn't do a thing with Him. There were charges, but no witnesses. There was no real charge. There were just accusations. There was no defense, and so there was really no case. And so Herod sent it back to Pilate, and acquitted Jesus.

So they bring Him back to Pilate. (You'll find this in Luke 23: 13-17.) And he says, *"I find no fault with this Man."* Again, a second time he acquits Jesus. But he says, *"I'll scourge Him, and then let Him go."* Well, the scourging itself was illegal. There was no case. There was no

sentence. There was nothing! There was no condemnation of Him.

Pilate thought that, by scourging Him, this would satisfy the people in the Sanhedrin; and then he would release Him, because there was a tradition of commuting the sentence of one condemned criminal on the Passover. And Pilate thought this was a perfect person to do it, because He was innocent of all the charges. So he acquits Him for the third time, but he does this illegal scourging.

Then, after that, they accuse Him some more before Pilate. (You'll find this in John 19:1-6.) After they scourged Him, Jesus came out (verse 5) wearing the crown of thorns and the purple robe.

John 19:4-6 Pilate then went out again, and said to them, "Behold, I am bringing Him out to you, that you may know that I find no fault in Him." And Pilate said to them, "Behold the Man!" Therefore, when the chief priests and officers saw Him, they cried out, saying, "Crucify Him, crucify Him!" Pilate said to them, "You take Him and crucify Him, for I find no fault in Him."

He acquitted Him for the fourth time in verse 4, and for the fifth time in verse 6. Jesus has been acquitted five times now. And still the Jews are not satisfied. In verses 7-12, the Sanhedrin commits its *seventeenth illegal act*. They switch the charge back to blasphemy. This time they say that He made Himself the Son of God.

John 19:8 Therefore, when Pilate heard that saying, he was the more afraid.

This was a double-edged thing. Now what they were saying was not only was He the Son of God to the Jews, but He was the Son of God to the Romans. And who among the Romans was actually called "the Son of God?" Caesar! So, basically, what they were accusing Jesus of here was proclaiming Himself Caesar and equal to Caesar, by being the Son of God.

Now Pilate was stuck between the Jews and Caesar. Who could he please here? He couldn't win. So, after speaking with Jesus again, he continues to try to release Him because He's innocent. I think basically, at heart, Pilate was just. At least, he wanted to do what was right. So when you go through there you see about everything that Pilate said

was acquitting Him again — for a sixth time. He was trying to free Him.

But the Jews won't allow it. And finally—out of weakness and political expedience—Pilate gives into the crowd, duped by the Sanhedrin that are shouting, "*Crucify Him! Crucify Him!*" So he scourges Him a second time and sends him to be crucified.

We have seen a *terrible travesty of justice* here. We've counted seventeen illegal acts and about six acquittals before He was condemned to death—an innocent Man, railroaded in a mockery of justice to a cruel and undeserving death. How did Jesus take it, through all of this? Voluntarily, mostly silently, meekly, uncomplainingly. Isaiah 53 talks about this.

Isaiah 53:3 He is despised and rejected by men, a Man of sorrows and acquainted with grief. And we hid, as it were, our faces from Him; He was despised, and we did not esteem Him.

Isaiah 53:7-8 He was oppressed and He was afflicted, yet He opened not His mouth; He was led as a lamb to the slaughter, and as a sheep before its shearers is silent, so He opened not His mouth. He was taken from prison and from judgment, and who will declare His generation? For He was cut off from the land of the living; for the transgressions of My people He was stricken.

Isaiah 53:10-12 Yet it pleased the LORD to bruise Him; He has put Him to grief. When You make His soul an offering for sin, He shall see His seed, He shall prolong His days, and the pleasure of the LORD shall prosper in His hand. He shall see the labor [travail] of His soul, and be satisfied. By His knowledge My righteous Servant shall justify many, for He shall bear their iniquities. Therefore I will divide Him a portion with the great, and He shall divide the spoil with the strong, because He poured out His soul unto death, and He was numbered with the transgressors, and He bore the sin of many, and made intercession for the transgressors.

He endured all this for us — all this injustice. From His betrayal and illegal arrest; all the way through His unlawful trials, before three different courts and jurisdictions; all the way to His cruel, bloody, and undeserved punishment and death. He experienced this for us, because it was for this reason that He had come into the world. Think on this as we near the time to take the Passover—just two and a half weeks away.