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**THE JESUS FILES – PROBING THE CRIME AND TRIAL OF  
JESUS CHRIST**

**BY**

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**APPROVAL FORM**

The undersigned certify that they have supervised and recommended to the Midlands State university for acceptance, a research topic entitled “**THE JESUS FILES – PROBING THE CRIME AND TRIAL OF JESUS CHRIST**”.

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## DECLARATION

I, **CLAPPATON MUSAVENGANA** the undersigned, hereby declare that the work contained in this dissertation is my own original work and has not previously in its entirety or in part been submitted at any University for a degree.

Signature: -----

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## **ABSTRACT**

A hasty trial, judgement and sentence of Jesus attracted my attention into a close investigation of the nature of Jewish and Roman Judiciary systems. The death sentence which was passed on Jesus appears to have been based on fragile grounds, accusations which could not have worth a death sentence at all. This project seeks to find out or investigate the actual reason which led to Jesus' death which might be beyond what is presented in the gospels. The paper gives a literary appreciation of the different accounts of Jesus' trial provided by the gospel writers. Looking at first on the manner in which the trial was held, one finds that it was not procedural according to Hebrew and Roman judiciary systems. The study provides a critic to Jesus' arrest, trial and sentence basing on the upheld Jewish and Roman trial systems. The paper will rely on data from both primary and secondary sources such as the bible, academic journals and other books on Jesus accounts.

## **DEDICATION**

To my wife Rebecca Pasipamire for her unwavering support and making my dream come true by making it possible for me to study.

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## **CHAPTER ONE**

### **1.1 BACKGROUND OF THE STUDY**

The Jews lived or existed on a real estate parcel known as Palestine, which was controlled by the Roman domain. The Romans were administered by Tiberius Caesar from 14AD to 37AD. He ruled with an iron fist. Tiberius was a perverted, hostile to Semitic gentile, as was Pilate. In portraying Pilate's identity, Philo composes that Pilate had, vindictiveness and heated temper, and was, normally rigid, a mix of self will and persistence. He additionally writes that Pilate dreaded a delegation that the Jews may sent to Tiberius challenging the gold-covered shields, on the grounds that in the event that they really sent an international safe haven they would likewise uncover whatever is left of his lead as senator by expressing in full the pay offs, affronts, the burglaries, the shock and wanton wounds, the executions without trial always rehashed, the incessant and remarkably terrible cold-bloodedness. In the accounts Pilate is uneasy. He is by all accounts reluctant to disappoint the Jews. Pilate was deeply an anti-Semitic Roman, in actuality his activities demonstrate that he was a flat out wolf for Jewish blood.

It had been approved by Rome that Palestine would under no circumstances bring a convicted person to capital sentence. The Jewish people were not allowed to put any person to a capital punishment, if they were, they would have stoned Jesus, since that was their mode of taking life. Given that the Jewish were under Roman power, they were supposed to hand Jesus over to Roman officials for crucifixion because that was the Roman means of capital punishment. They could only try an accused after bringing him to a council known as the Sanhedrin, which was a board of seventy to seventy three men. The council of seventy to seventy three men was regarded as the greater Sanhedrin and the lesser comprised of twenty three men. The Sanhedrin council was not authorized to give judgement of capital crimes. When the Jews reached an established indictment, they carried that person to the Roman authority (Pilate) who was a governor during the time of Jesus. And when Pilate said “thumbs down”, that is when a death would occur and that is why Jesus was crucified for treason rather than stoned for blasphemy. The Jews did not try him for treason; they found him guilty of blasphemy. Instead they twisted the allegation when they came before the Romans and accused him of treason since for Roman authority, the death was very instant for anyone convicted of treason.

## **1.2 STATEMENT OF THE PROBLEM**

The major problem which attracts my attention into a close investigation is an abrupt trial, judgement and sentence of Jesus Christ. The death sentence which was passed on Jesus appears to have been based on flimsy grounds, accusations which could not have merited a death sentence at all. Taking a glance at the way in which the trial was held, one discovers that it was not procedural according to both Hebrew and Roman judiciary systems. The main thing that strikes the interest of the researcher is that the trial procedures in the Jewish legal framework took place in daylight hours and no proceedings were permitted at night. There were various explanations behind this. In the first place, there were no electric lights, so there was the genuine prospect of misidentification. Second, it would be complicated to acquire witnesses by night. Third, darkness works against transparency required in legal procedures. Shockingly, we find that Jesus' arrest and trial procedures took place at night. According to Jewish law, Judas Iscariot was supposed to be considered a companion and partner in crime, consequently, he was not supposed to be permitted to participate or facilitate the arrest of Jesus but in this case, we find Judas Iscariot accompanying officers who came to apprehend Jesus in the garden of Gethsemane when he was arrested. Testimony by a companion, relative, or subordinate was viewed as unreliable source of information and was not provided or allowed in the court of law to stand as defence evidence of the accused. The arrest of Jesus was not the after effect of a legitimate command from a court whose expectations were to hold a lawful trial. The arrest was not based on a definite charge but just flimsy accusations.

## **1.3 AIM OF THE STUDY**

The main aim of this study is to find out or to investigate the actual crime of Jesus which might be beyond what is presented in the gospels.

## **1.4 OBJECTIVES**

1. To provide a literary appreciation of the different accounts of Jesus' trial provided by the gospel writers.
2. To examine the nature of trial proceedings in Jewish and Roman judiciary systems.
3. To examine how capital punishment is perceived in Zimbabwean context.

4. To provide a critic to Jesus' trial basing on the upheld Jewish and Roman trial systems.
5. To reconstruct the possible issues which could have led to Jesus' death working on the hypothetical 'Jesus Files'

### **1.5 JUSTIFICATION OF THE STUDY**

There are various reasons why the researcher has developed keen interest in this research topic. Firstly, this topic is of particular interest, by virtue of its inalienable significance, as well as its prompt preceding before, driving directly up and about what is the best disaster in mankind's history, the execution of an influential and powerful figure. Secondly, it is of additional interest because it is the only proceeding on record where two great legal systems of ancient times, the Hebrew and the Roman. Thirdly, these two legal frameworks have chiefly influenced modern legislation and jurisprudence; each played a most imperative part. The purpose of this essay on Jesus' trial is to provide an overview of issues surrounding the historicity of Jesus trial as presented in the gospels. Lastly, the research will go a long way in transforming mind-sets of people so that they may see the evil side of capital punishment at local, national and international levels.

### **1.6 METHODOLOGY**

This dissertation is going to employ four methods which are namely: the historical, comparative, canonical approach and social scientific criticism method. The historical approach attracts attention in the development of events and behaviour of main characters. It is the procedure in which a researcher collects and evaluates data to understand reports or observation made by others. It tests hypothesis concerning causes, effects or trends that may help to explain present events and anticipate future events. The main advantage of historical research is that it permits the investigation of topics that could be studied in no other way. It is the only research method which is well suited for trends analysis. Another advantage of this approach is that it dwells much on the actual life experience of targeted research. Historical technique or method is systematic in goal or objective location, assessment and synthesis of evidence in a bid to establish facts and draw conclusions about past events (Clarke, 2000.1). Comparative research method, it is an act of comparing two or more things with a view of discovering something about one or all of the things being compared. The comparative technique or method is going to be in this research in comparing the accounts of Jesus trial found in the synoptic and the gospel of John in order to reconstruct how the trial

could have actually proceeded as well as the possible reason/s that could have led to the death of Jesus.

Canonical criticism or canonical approach is a way of interpreting the bible that focuses on the text of the biblical canon itself as a finished product. It has been made popular (Brevard Childs), though he personally rejected the term. Canonical criticism involves “paying attention to the present form of the text in determining its meaning for the believing community. Social scientific criticism is the stage in the exegetical process that brings scrutiny to bear on the religious, geographical, historical, economical, social codes and cultural values operative within the world of early Christianity. Broadly defined, social scientific criticism approaches the texts of the New Testament from the viewpoint that meaning in language is embedded in a social system that is shared and understood by speakers, hearers and readers in the communication process (Horrell, 2002).

## **1.7 METHOD OF DATA COLLECTION**

The data for this research was gathered mainly through the study of written material. This written material fall into two categories which are primary and secondary sources. Primary sources are materials that were created at the time the event occurred or materials created by those who experienced the event. Primary sources include letters, speeches, diaries, newspaper articles, interviews with people who were around when the event occurred, documents, photographs, and artefacts such as tools, weapons, clothing from the time period. Boden (2012). The Ohio Historical Society defines primary sources as a "source created by people who actually saw or participated in an event and recorded that event or their reactions to it immediately after the event."

Secondary sources: materials that were created after the event. These materials might tell you about an event, person, time or place, but they were created by someone not from the time period. Secondary sources can include history books, school textbooks, encyclopedias, History magazines, websites, and documentaries Ihimaera (2008). According to Bowling Green State University, Library: "Secondary sources, on the other hand, offer an analysis or a restatement of primary sources. They often attempt to describe or explain primary sources. Some secondary sources not only analyze primary sources, but use them to argue a contention or to persuade the reader to hold a certain opinion."

### **1.7.1 WRITTEN MATERIAL**

Written material constitutes an important source of information for this dissertation. I have used the books, electronic media the Holy Bible and journals as source of information. National archives, Midlands State University and Chivhu magistrate court library were also used for the success of this project. There are a number of methods that can be employed or utilised in data gathering; however the researcher shall use published literature and other material found in the archives. Scholarly sources on Jesus crime and trial are also a vital source deployed in this research.

### **1.8 SCOPE OF THE STUDY**

This study will give attention to what is only significant to the arrest and trial of Jesus, starting with the intentions of the Jewish leaders and ending with the leading away to the execution. I will leave out, except from where tan delicately related:

- The account of last supper
- What happened to Judas after Jesus was arrested?
- The proceedings in the garden of Gethsemane before the arrest of Jesus.

### **1.9 LITERATURE REVIEW**

The arrest and trial of Jesus is not a virgin area in the academic field. This dissertation consequently, depended partly upon previous works done by others on this topic. A lot of research has been done around this subject, therefore it is important to acknowledge that there are a number of publications that deals with the area under discussion.

Cloer (2006) in his article, *The crimes of Christ*. Highlights the historical antecedents of Jesus. He points on the fabrication of circumstances of which Jesus did not do. The article mentions how the Jews twisted what was claimed to be a religious crime into a political crime to aggravate the charge. This article directs all the blame on arrest and trial of Jesus to rest totally on the shoulders of the Jews and the Sanhedrin council. However the article did not comment on his betrayal and other disciples who fled.

If these disciples had not fled they would have stood as Jesus' defence witnesses and this was going to exonerate Jesus completely from all said allegations but on the other hand the Hebrew legal system did not recognise friends to be witnesses.

Voytovich (2001) in his article, *The trial of Jesus, a Parish-wide activity*, has also an important work which needs attention. Voytovich mentions the leads which attracted the arrest and trial as a political crime. He said that when Jesus entered the city of Jerusalem the crowd shouted, "Hosanna, Hosanna" to him. But on the other hand Jesus publicly told them that his kingdom was not of this world, therefore this was not supposed to be perceived as a treasonous offense.

Benthien (2015) has something to say in his writing, *The arrest and trial of Jesus*. He emphasises on the inconsistencies between the gospels on the account of Jesus trial. This is noted especially in what happens during the identification of Jesus at night, his arrest and trial. Benthien also takes a look at the Hebrew law and how it was functioning and he argues that the arrest and trial of Jesus was not in accordance with what is written in Hebrew law.

Anderson (2009) structurally shows many evidential chains verifying the historicity of the canonical biographies of Christ. He probed the life of Christ by showing the reliability of the four gospels. He did not say anything about the difference in the narration of the gospels on the arrest and trial of Jesus. Hassner (2003) in his article, *Theory and Decision 54*, tried to fill in the gaps within the narratives of the four gospels, Matthew, Mark, Luke and John. Additionally he attempted to manage the divergences among the four adaptations or between the accounts and other open sources, which have left a considerable measure of unanswered inquiries: What is the reason behind Judas betraying Jesus his master, having succeeded, why did then Judas commit suicide? Why Pilate, the priests and Herod all unwilling to try Jesus? Why was Jesus crucified when Pilate, and at times even Jesus, seemed keen to shun it? He gave an understanding into the source of a groundbreaking religious development and furthermore shed light on the inceptions of Christian against semitism. He clarified Judas Iscariot's deeds that received little description in the gospels.

Brams (2003) has modelled a range of biblical state of affairs but has limited himself to the Hebrew bible. In his foreword Brams analysed the tactical relations in the Holy Scriptures or the bible. He also describes the usefulness of game hypothesis for infiltrating complex decision making state of affairs, Sanders (1993) comment that the chief immediate reason of the arrest of Jesus by the priests was his power exhibition in the temple, Jesus leaves the room also for Caiaphas knowing about the messianic approval that accompany his entry into the city. Sanders (1993:265) as well cite that Pilate and Caiaphas should have recognized that Jesus caused no military menace or threat. The private arrest and execution of the priests

confirms that they feared that he could awaken the mob, not that Jesus had formed a private army. Sanders does not mention how Pilate and Caiaphas could have identified this.

Catchpole (1984:319-34) more drastically, argues or disputes that the entire narrative is a cock-and-bull story or just fabrication of Jesus' baseless accusations. Daly (2000) on his report: Mediation, trial of Jesus Christ. The author make a follow-up on two hypothetical dialogues mediated by Ignatius Loyola, first between Jesus Christ and Caiaphas, a Jewish high priest and then between Jesus Christ and Pontius Pilate, the Roman Governor.



## **CHAPTER TWO**

### **2.0 A literary appreciation of the different accounts of Jesus' trial provided by the Gospel writers**

#### **2.1 Introduction**

The Gospel writers as other authors traverse a variety of themes and skills. It is imperative in the interpretation of these books to comprehend the environmental order which include topography, the period, intended listeners, and motivation behind composing the document. Devoid of this foundational information or data, critical interpretive mistakes can be made. The zest behind this work is to offer response as to why the gospel writers gave Jesus account in a different design. This furnishes the readers with a fundamental comprehension of the background of each book and major interpretive issues discovered therein.

#### **2.2 Writing of Mark**

Of all the gospels Mark's gospel provides the most vivid and fresh account of Jesus' account, Mark recorded many intimate details that only an eyewitness could have observed ( 1:27, 41, 43; 2:12; 3:5; 2, 4:35-41 , 5:1-20, 5:21-23) compared to corresponding verses in Matthew and Luke. Mark recorded a smaller proportion of Jesus' words, and a greater proportion of his works, than Matthew did. Mark used a relatively limited vocabulary when he wrote this Gospel. For example, he used only about 80 words that occur nowhere else in the Greek New Testament, compared with Luke's Gospel that contains about 250 such words. Another unique feature is, Mark often transliterates Latin words into Greek. Mark shows quite fearlessly how slow disciples to understand Jesus for example (5:3). The gospel writer indicates that his message is designed for the gentiles, he does quote much from Old Testament and when he mentions Jewish customs he explains them, (2:26, 7:2, 14:12, 15:42). Where he includes the Aramaic words which Jesus spoke Mark translates for the benefit of his intended audience or readers who are not Jews for example (5:41, 7:11, 7:34, 14:36, 15:22, 15:34). The way how the author writes shows that his core objective is to develop a messianic secret ideology for instance Jesus frequently silence those who proclaim him to be a messiah. In this gospel Jesus was entitled as both son of God and son of man; he has emphasis on his vocation to suffer. Gospel of Mark has a notion of agents and speed because

the writer repeatedly uses the word (immediately) which appears more than thirteen times. This word only indicates that the writer was speeding up to the cross.

The author put his unique stylistic stamp on his material for instance he had an interest in the word *immediately*, used double time expressions, included vivid facts and changed scenes rapidly. Mark displayed another literary art in which he brings about one story, interrupts it with another and later returns to the first story. The outcome is that the two narratives interpret one another. This device, known to scholars as *intercalation*, is sometimes called Mark's "*sandwich*" skill. He is more direct in his message and language. Mark made Jesus' story accessible to the uneducated by writing it in an unrefined plain street language. He centres on Jesus' emotions and respondent crowds. Mark used the process of Jesus healing the blind Bartimaeus to explain the slowness of disciples to see and understand the Messiahship of Jesus. The blind Bartimaeus gradually learns to see clearly (8:22-26), Peter, the disciple of Jesus makes the confession of faith in Jesus: *you are the Messiah*. 8:29,

### **2.2.1 Mark's writing skills on passion narrative**

Mark presented Jesus as a powerful and mystical saviour in a bid to reach Gentile nonbelievers who were faltering over the shamefulness of the crucifixion. Mark through his skill portrayed Jesus as a lonely sufferer. Jesus was deserted by all his disciples, none of them have ever truly understood him. It is merely with his death that his identity as the incarnation of God's love becomes noticeable and appreciable. The centurion's exclamation, "Truly this was God's Son" is the climax of the Gospel (15:39). For his whole narrative, Mark has portrayed every cluster of human characters – Jesus' family, Jesus' disciples, the scribes, the priests and the crowds –as unable to figure out or comprehend Jesus' identity (6:3, 14:47, 14:50, 14:63, 15:13). Mark displayed Jesus' divine Sonship in his Gospel in the first verse, twice by a heavenly voice, and on numerous occasions by the howls of demons (1:23, 24, 5:7). In Mark, at the minute of Jesus' death, the Roman centurion is the first person to perceive things clearly by "seeing the manner in which he died"(15:39) since for Mark, no one can realize Jesus' divinity unless they have encountered the cross. It is through his execution that God's love is disclosed. This is a vital message for Mark's persecuted church. Mark portrays Jesus as the Son of God who is also the suffering Son of Man.

For Ronald D. (2012) Jesus' life climaxes as a fulfilment of the Scriptures (14:50) and confirmation of the reason he was born, namely, to shed his blood for the world (14:24). In

the end, one of the closest disciples betray Jesus, Peter denies him three times, and the rest of the disciples run away for their lives. But this report is not an account of sheer human failure. It is rather the story of a “king” who redefines the nature of kingship and who makes the ultimate sacrifice for his people by the gift of his own body and blood. According to Ronald D. (2012), throughout the passion story, Mark searches and displays the kingship of Jesus, this search continues, with much of the questioning of Jesus surrounding the whole idea of his “kingship.” The chief priests, elders and scribes seek to know if he is the Messiah, the long-awaited leader who would cast off the Romans (14:61), while Pilate, the visible sign of Rome’s presence and power in Jerusalem, inquires directly about the nature of Jesus’ kingship (15:2, 9, 12). After his conviction by Pilate, Jesus is mocked as a king (15:18), and from the cross, he is again teased by passersby as “King of the Jews” and “King of Israel” (15:26, 32). Ironically, what his mockers do not realize is the truth of their words. Jesus is, in fact, a king, but not the kind they expect. His kingship consists not in leading armies but in being a true shepherd who cares for his flock (6:34), a suffering Messiah whose identity can only be understood from the cross that he came to bear. He is struck down and the sheep scattered (14:27), but in the end, a Roman soldier (paradoxically representing the Gentiles) recognizes in this drama that Jesus was truly God’s Son (15:39).

### **2.3 Writing of Luke**

In the gospel of Luke the presentation of the life and teaching of Jesus has been designed to appeal to the gentile readers. Luke presents Jesus as more than the Messiah of the Jews, he is the saviour of the world. Luke in his writing is not only interested in gentiles but is also interested in the poor and the despised for example (7:22, 4:18). Luke emphasised on the importance of the Holy Spirit, he connected the holy spirit with the birth of Jesus (1:15-35) the gospel ends with disciples waiting for the Holy Spirit. Luke in his writing acknowledges the importance and prominent role of women for example Martha and Mary. He emphasised that the first people to see Jesus after resurrection were women. About seven women are mentioned in their actual names in his gospel. He also emphasises issues of joy, this is expressed in prayer, thanksgiving and praise (2:20, 7:16, 24:52).

Luke as a Gospel writer displayed a literary style which can be described as a “foot and food” approach. His Gospel reveals the Mediterranean culture in which bulk of the narrative revolves around Jesus being at a meal or walking. This narrative pattern terminated in the Emmaus scene at the end of his Gospel (Luke 24:13–35). As a doctor, Luke is intensely

conscious of the human condition; hence he presents some warm pastoral narratives from Jesus which is not provided in other Gospels. These involve the Good Samaritan, the prodigal son and the Good Thief (Luke 15:11–32; 10:25–37; 23:39–43).

Luke's Gospel explicitly give an idea about how God's kingdom and Jesus' ministry breaks down the barriers between cluster of people and include both rich and poor, Jews and Gentiles, the healthy and the sick, men and women, adults and children, the respected and the outcast. Luke laid emphasis on the uniting of these groups of people as the fulfilment of God's plan. Luke calls attention to repentance of people as a most important action in the heavenly plan. The force of Jesus' ministry amongst the Samaritans is a surprising example of God's saving power reaching beyond Jewish boundaries. Luke displayed a biblical narrative style and these include psalms, oracles, prayers, and proverbs. Luke appears to be conversing with Jewish people and Gentiles from Jerusalem to the ends of the earth.

### **2.3.1 Luke's writing skills on passion narrative**

Luke portrays Jesus as an innocent saviour, the last prophet, brings reconciliation and harmony to a divided world, thereby bringing majesty to Israel and light to the nations. Luke brings in a number of imperative changes into Mark's account; he presents no Roman mocking of Jesus and as well crowning with thorns. Possibly this was because Luke has interest in portraying what is positive to Roman authorities since during this time he is hoping for Christians' officially authorized status in the Empire. While Simon carries the cross, Jesus comes across weeping women of Jerusalem. He warns or cautions them of the calamity that awaits the city in the time to come (23:30). In words peculiar to Luke's Gospel, Jesus prays for forgiveness for his executioners. Jesus the reconciling saviour pardons even those who are afflicting or torturing him. Unlike in Matthew and Mark in whom all of those present mocks Jesus, Luke differentiates between people in general and leaders of the people.

Additionally, one of the other thieves or crucifixion victims defends Jesus. The healing power or presence of Jesus works even during the time they were put to death. In Luke, the curtain of the Temple is torn prior to Jesus' death. Luke presents Jesus as someone who has power over his death and this is shown when he directs his last words, "Father, into your hands I commit my spirit," in a straight line toward the divine Presence in the Temple. Unlike the Roman centurion in Matthew and Mark who proclaimed Jesus as God's Son, Luke's

centurion exclaims what has been one of Luke's constant emphases throughout his passion narrative: Jesus is innocent. Finally, in Luke's Gospel, the whole crowd departs in grief and all of Jesus' friends or associates are present, including presumably the male disciples who in the other Gospels had all fled. Luke consistently desires to portray Jesus' disciples as a harmonious community.

## **2.4 Writing of Matthew**

Matthew in his writing demonstrates that Jesus was a long anticipated Messiah in the Jewish community. Matthew makes more frequent quotation from the Old Testament which was familiar with the Jews. He puts the title (son of David) which is not found in other gospels. Matthew write in such a way that authenticate or link Old Testament promises with Jesus as a fulfilment of the scriptures since it was a common belief that the messiah will come from the house of David. Matthew shows Jesus working only among his own people the Jews, when Jesus send the twelve on a missionary tour, he instructed them not to go to gentiles the Samaritans (10:5-6). Matthew shows some interest in the eschatology and apocalyptic of Jesus' teachings. He frequently mentions "closing of the world" which is translated as the consummation of the age meaning the present age ending when the judgement comes. Matthew carefully arranged Jesus' teachings in five discourses and this shows that his target audience was the Jews who were accustomed to the five books of Mosaic Law.

The gospel of Matthew comprises of Jesus' five major sermons. The first discussion is presented in chapter 5 to chapter 7 and is generally known as the Sermon on the Mount. The second discourse is presented in chapter 10 and manages or deals with orders to messengers of the gospel. The third discussion is a set of allegories displayed in chapter 13. The fourth discourse deals with commands for the community to adhere to, which include advices relevant in dealing with disagreements and this is presented in chapter 18. The final discussion is generally called the Olivet Discourse which talks about the eschatology and is presented in chapters 23-25, it also gives a sense of continuity between Judaism and Christianity. The Jewish interest is also seen by its opening genealogy and references to Old Testament prophecies. Matthew is the only Gospel writer to include Jesus' statements that his mission was limited to "*the lost sheep of the house of Israel* (10:5-6; 15:24), referring to the Jews.

#### **2.4.1 Matthew's writing skills on passion narrative**

Matthew portrays Jesus' death as the passing on of the great King. Israel's scriptures and nature itself testify that the death of God's living Wisdom means life beyond death for all. Matthew's narrative is much similar or parallel to Mark's. Major distinction enters in, though, at the moment of Jesus' death. After the curtain of the Temple is torn, an earthquake uncovers nearby tombs and the dead enter into the city after Jesus' resurrection. Unlike in Mark's Gospel in which the centurion perceived Jesus' true identity after seeing the manner he died, in Matthew the centurion and his companions are led to the same insight by seeing the earthquake. This corresponds to an episode at the very beginning of the Matthew Gospel. In chapter 2, the Gentile magi had sought out the "king of the Jews" after observing a cosmological natural phenomenon. Here the Gentile Romans realize the truth about the king of the Jews after observe a tectonic natural incident.

#### **2.5 Writing of John**

The gospel of John appear to have no particular listeners at heart or at the top of his priority list, his message is very evangelistic as well as theological. He mentions his intention or reason of writing in a more clear language in (20: 31) in which he tells his audience that he wrote this document only that people may believe that Jesus is the son and anointed one of God. Another purpose of John's writing according to (20:31) is to let people know that they may have abundant life in believing in Jesus' name. The gospel of John contains very few narrative stories as compared to the books of Mark, Luke and Matthew. It also contains a number of monologues and dialogues of Jesus than those presented in the synoptic gospel.

##### **2.5.1 John's literary art**

John put on show simple but Highly Symbolic Language. John's words have a more profound symbolic meaning, denoting more complex and deep spiritual facts than physical articles to which the words or phrases usually represent, for instance: light, word, life, water, bread, wind, lamb, world, hour, shepherd, bread, sleep, vine to mention just a few. He as well used dualistic opposites for example, opposing adverbs and nouns: life/death, light/darkness, above/below, truth/lies, spirit/flesh, God/devil, free/slave and so on. He also uses opposing doing words for instance: accept/reject, confess/deny, believe/not believe, live/perish, see/be blind, love/hate and so on (John3:16-21 and 5:19-47)

### 2.5.2 Multiple meanings and misinterpretations

The most exciting literary skill the gospel of John possesses is that, the dialogue or conversation of Jesus with other characters frequently revolves around phrases and words that have several meanings. The literary mould is often the same: the Johannine Jesus speaks something, an individual or many people misunderstand him, then Jesus gradually brings the dialogue partner or partners to a deeper meaning. Repeatedly the confusion or misunderstandings is because people interpret the expressions of Jesus on physical level, while he is actually speaking on a more symbolic or spiritual level for instance (2:19-22) "*Destroy **this temple**, and in three days I will raise it up.*"

This caused misunderstanding between Jesus and the authorities, since they thought of Jewish *temple*. John's intended or figurative meaning: by saying the temple Jesus was referring to his own body.

(3:3-10) – in this scripture Jesus saying it is impossible for to see the kingdom of heaven without being born again. Misconception by Nicodemus: (bodily birth from the womb of one's mother) John in fact was symbolically meaning: "...born *from heaven or of spirit or born anew*."

John uses precise statements which are full of truths distinct from the phrases spoken: – Jesus asks Nicodemus (3:10) is he a teacher among the Jews who fail to understand these little things. 3:14-15 - "*And just as Moses **lifted up** the serpent in the wilderness, so must the Son of Man be **lifted up**, / that whoever believes in him may have eternal life.*"

### 2.5.3 Literary Thread

Jesus works as a literary thread, constructing suspense throughout the Gospel. For example, "**the Hour**" (2:4) – "*And Jesus said to her (his mother), "Woman, what concern is that to you and to me? **My hour has not yet come.**"*" (5:25) – "Very truly, I tell you, ***the hour is coming**, and is now here*, when the dead will hear the voice of the Son of God, and those who hear will live." (5:28) – "Do not be astonished at this; for ***the hour is coming*** when all who are in their graves will hear his voice" (7:30) – Then they tried to arrest him, but no one laid hands on him, because ***his hour had not yet come***."

#### 2.5.4 Representative Named Individuals:

A lot of characters or people that are unidentified or appear in groups in the Synoptic Gospels are identified by names or appeared as individuals in the book of John:

In Synoptic Gospels: Jesus during his ministry interacts with a group or crowd of **Pharisees**.

**John 3:1-21** - Jesus with **Nicodemus** an individual (Pharisee)

In Synoptic Gospels: Jesus in his ministry interacts with different clusters of **Samaritans**

**John 4:1-42** - Jesus had a conversation with a **Samaritan woman** (an individual)

In Synoptic Gospels: An **unidentified woman** anointed Jesus

**John 12:1-8** - **Mary** of Bethany anoints Jesus

In Synoptic Gospels: **a number of disciples** complained concerning the misuse of fragrance, which was supposed to be sold and benefit the poor.

**John 12:4** - **Judas Iscariot** complained about the misuse of perfume

In Synoptic Gospels: An **unidentified disciple** during the arrest of Jesus slice off the ear of an **unidentified servant** of the high priest

**John 18:10-11** - **Peter** is the disciple who cut off the ear of **Malchus** the high priest's servant.

In Synoptic Gospels: **a number of women** go to an empty tomb on Easter morning to see Jesus.

**John 20:1-2, 11-18** - Jesus appears to an individual, **Mary Magdalene** after her visit to the tomb alone.

#### 2.5.5 John's writing skills on passion narrative

The passion story in the Gospel of John stands apart from the synoptic narrative precisely because of highly mystical and theological themes evoked through the symbolism that John uses. In fact one cannot read the passion account in John apart from the rest of the Gospel. John presents or portrays Jesus as someone totally in control, drinking the cup the Father has prepared for him, and then exalting and glorifying God by being raised on the cross the portrayal of Jesus carrying his cross to his death shows him being completely in control. There is no Simon of Cyrene to carry his cross. He carries it by himself. In John's passion



narrative there are no three clusters to mock Jesus. If anything at all, the theme of Jesus' exaltation and kinship continue into the passion.

Jesus is crucified between two others. In the Gospel of John, they are not mentioned as thieves, and an inscription is put up on the cross, just as is described in the other Gospels. However, the particular emphasis here is on the inscription written in three different languages. Pilate keeps proclaiming Jesus as King to the world even during his crucifixion and death. Many people read the inscription, because the crucifixion was in a prominent place. Consequently at the moment of his execution, Jesus is proclaimed as King to the whole world. This is the ultimate reason why he is "lifted up" on the cross just as Moses did, that he lifted up a brazen snake in the wilderness so that people might be saved. A final word is spoken: "I am thirsty". John aims to link this with the fulfilment of Scripture. This perhaps refers to Psalms (69:21) which talks of vinegar – "They gave me poison for food, and for my thirst they gave me vinegar to drink" – and Psalms (22:16) which explains the thirst of the suffering just man – "my mouth is dried up like a potsherd, and my tongue sticks to my jaws". Both psalms may have played a key role in linking Jesus' thirst to the scripture. But John tries to portray that Jesus not only fulfils the scripture, but completes it. More than a mocking of Jesus is implied in this utterance of Jesus. It is an obvious reference to the moment of violence in the Garden, when Jesus rebuked Peter and told him to hold back his sword: "Am I not to drink the cup that the Father has given me?" (18:11). Completing the work of the Father – giving his life out of love for the world and thus returning in exaltation to God – this was "food" Jesus would eat (4:34) and the "cup" he would drink (18:11).

John paints a consistent portrait to his Gospel: Jesus dies with majestic assurance. The mission of redemptive love that brought the Word to flesh and animated his signs and life-giving words now reaches its summit and completion at the instant of death. The moment of death is described in a way that fits this tone of completion. Jesus "bowed his head and gave up his spirit" (19:30)

### **2.5.6 Conclusion**

Though Jesus is the subject in the gospel narratives, the gospel writers decided to report some account of Jesus' life, teachings and passion in a different approach so that they can advance their own interests, themes and satisfy their audiences. It is imperative in the interpretation of these books to comprehend background information of the writer, which include the period of writing, intended listeners and reason why that book was written. Mark presented Jesus as a

powerful and supernatural saviour, Luke portrays Jesus as an innocent saviour, Matthew portrays Jesus' death as the passing of the King, John stands apart from the synoptic descriptions precisely because of highly theological and mystical themes. He portrays Jesus as someone totally in control in the passion narratives. However the combination of these gospel writers gives us a reliable source of Jesus account. The next chapter will examine the nature of trial proceedings in Jewish and Roman Judiciary systems.

## **CHAPTER THREE**

### **3.0 Nature of trial proceedings in Jewish and Roman judiciary systems**

#### **3.1 Introduction**

Whilst considering the Gospel writers to be a reliable source of Jesus' trial it is also imperative to understand the Judiciary systems which were used at his trial. Jesus was tried before the high priest under Hebrew law and later stand before Pilate and Herod for trial under Roman Judiciary system. Although Jesus' death and resurrection are indeed the key events in the Gospels and basis of salvation in Christian faith. However, for the purposes of this chapter we need to pay a particular attention to the measures leading up to the death of Jesus. I will explore the basics of Hebrew law to see how Jesus' arrest and trial violate almost every aspect of this law.

#### **3.2 Hebrew Law**

The Hebrew judiciary system originated from two documents: the Talmud and the Pentateuch. The Pentateuch (generally called the Mosaic statute or Law) contains the first five books found in the Old Testament. The Talmud consists of traditions and sayings that were cascaded down verbally from one generation to another. Goldberg (1987).

The Talmud is divided into two segments, the Gemara and the Mishna. The Mishna comprised of a very basic level of laws and general regulations. The Gemara included interpretations and opinions. The Talmud's contents were cascaded down in words from one generation to another. These contents were not dedicated to writing until the devastation of the temple in 70 AD. The Talmud is extraordinarily big. If the Talmud is translated into English, it would approximately occupy 400 volumes of 360 pages each. Goldberg (1987)

##### **3.2.1 Hebrew courts**

The Jewish law consisted of three categories of courts

1. The Great Sanhedrin comprised of 71 members;
2. Minor Sanhedrin, contain 23 members each
3. Lower Tribunals had three members each. Benthien (2015)

The Sanhedrin was the highest court in the Hebrew legal system. This is the court under which Jesus was convicted.

The number seventy that makes up the Sanhedrin council was derived or emerged from Numbers 11: 16–17, where Moses under the instruction of God chose seventy elders among the people and God divided the spirit that was upon Moses among the elders so that they as well share the responsibility of trying law breakers among the Israelites.

These seventy elders of the people and Moses give us number seventy one. Twenty three judges make up a quorum required for a trial. A member who displayed or had an interest in the case or had complaints against the accused person was not allowed to preside as a judge. Benthien (2015), 6

There were firm requirements for the Sanhedrin membership. A member was supposed to be:

1. Of Jewish lineage
2. Learned under Hebrew teachers of Law
3. Experienced in legal affairs and as well have worked their way up through the lesser courts
4. Detailed in knowledge of the sciences (medicine, astronomy and so on)
5. A gifted linguist, well-versed with languages of neighbouring states
6. Popular, of good look or appearance, not haughty and Modest,
7. Devout, strong, courageous Benthien (2015), 7

### **3.2.2 Composition of Hebrew judiciary council and methods of capital punishments**

The Sanhedrin council was categorised into three sections or chambers and are as follows:

1. The chamber or section of the priests;
2. The chamber or section of doctors or the scribes
3. The chamber or section of the Elders. Chandler (1925)

Each section was usually comprised of 23 people, including the president and his deputy gave the number 71. The priests who qualified to be members in the chamber of priests were influenced just out of the people who held the rank of Chief priests. The section of scribes included laymen and Levites well versed in the law. The section of more experienced people or elders composed of men held in high respect by the nation.

There were four method of capital punishment under Hebrew law:

1. Strangling
2. Beheading
3. Burning
4. Stoning Chandler (1925) ,133

Strangling was a penalty for giving false prophecy, adultery, kidnapping, and bruising a parent. Beheading was a sentence or punishment for communal apostasy, murder and divorcing one's self from Judaism to idolatry. Burning was a penalty for different form of incest. Stoning was a penalty for idolatry, blasphemy, magic, cursing a parent, child sacrifice, contravening filial duties and also adultery. The stoning for adultery was not done always but only practised when the woman involved is specifically a virgin (Leviticus 20:10). For example in (John 8:1-11) we have a story of a woman caught in adultery. Her accusers brought her to Jesus ready to stone her, but amazingly they brought only one part whilst adultery involves two people as in accordance with (Deuteronomy 22:22-24). It is also surprising that a person caught in such a serious sin as adultery could be brought to the temple instead of taking the accused to the Sanhedrin council as their custom. In beheading as a form of punishment the accused was dragged to a placement and his or her head cut off with a sword. In strangling the accused was buried up to their chest and then strangled with a rope. Burning as a form of punishment was the similar to strangling except that a flaming wick was put in the mouth of the accused person just after he or she became unconscious. Stoning as another way of capital punishment, the accused person was removed garments or clothes and thrown aggressively from the peak of a steep cliff or hill. Usually this falling broke the spine or neck of the condemned person. If the accused person was not dead, then large rocks were hurled down to crush the accused person Benthien (2015), 8. All cases of capital punishment were done by the aggrieved witnesses.

### **3.2.3 Unique characteristics of the Hebrew court system**

1. No trial or questioning before a sole judge was allowed under Hebrew law. Just God was considered ready to judge alone.
2. No legal representative or advocate should stand for the condemned person.
3. The judges were the protectors as well as the judges, there was no room for public prosecutors.
4. Witnesses were also the accusers of the condemned person. They offered the indictment and presented the evidence. The witnesses were also the executioners in capital cases.
5. No less than two witnesses in addition to a prosecuting witness were necessary to present evidence against the condemned in order to effect a conviction. Witnesses provide their testimony independently and within the presence or sight of the charged person. A witness' statement or testimony should cover the whole case.

A testimony or statement covering just a single part of a progression of occasions associated with the wrongdoing was not permitted. The Testimonies or statements of all witnesses are required to agree in each fundamental detail or the condemned would be discharged.

6. Women, companions, family members and associates of the charged were not permitted to be witnesses.

7. A witness who appeared to be a fabricator was liable to a similar penalty the accused person faced. This has biblical bases in Deuteronomy 19: 18– 21.

8. The accused was not allowed to be a witness against himself. A declaration of guilt of one's self was not regarded as proof unless two witnesses can certify it in detail.

9. Gossip or circumstantial evidence was not permitted.

10. Arrest, trials, judgement and sentence were to be completed in broad daylight and no closed sessions were allowed

11. A trial session could not start earlier than the morning sacrifice (at sunrise) and every session should close before the night sacrifice (at sunset).

12. No chastisement or ill-treatment should be done to the accused person before his or her conviction.

13 A unanimous or an agreed vote against the charged person results in a discharge. It was rational that the charged person had no friend in the court.

14. No trial which amounts to death penalty could start the day prior to a Sabbath or a day of feast.

15. Any death sentence pronounced outside the corridor Gazith (of slashed stones) is not legal. Chandler (1925)

### **3.2.4 Procedure of legal arrest and trial in Hebrew law**

Looking at the procedure of arrest and trial proceedings under the Hebrew law. To begin with, the complaining witness goes to an official of the court to file a report. This complaint should have the charge of the accused and this charge must not be altered later. If the aforementioned complaint or grievance is considered worthy of a trial, then condemned person is arrested and the aggrieved witness will be a prosecuting witness. The arrest should be made during day not at night.

Before the trial session, the complaining witnesses or the aggrieved witnesses were interrogated one by one by a special committee of the court to ascertain whether their statements are convincing and do not disagree.

Statements or testimonies observed to be fictitious were expelled. Moreover, irrelevant points were removed from witness statements so as to promote justice in the court. The trial would start after the morning penance at daybreak. It regularly took not less than an hour for all the judges to gather. The judges were supposed to sit or assemble in the chamber in a half circle and the high priest seated at the centre. Two scribes would sit in front of the high priest. First scribe would write down the declarations, arguments, and votes against the condemned person. The other would carry out similar duties for the charged person. The accused was placed before the high priest where all people in the court could see him. The witnesses against the charged were examined first. The examination starts with a fixed or permanent set of questions known as Hakiroth, Benthien (2015), 10

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

After these questions were adequately answered, the subsequent stage was an inflexible examination into the actualities or facts linking the accused person to the crime committed. The next process was of examination and cross-examination of the accused person which was generally known as Bedikoth, Benthien (2015), 10. After this stage, the accused is now authorized to speak anything in his defence. All the facts are analyzed and examined in detail.

The next step was casting of votes which proceeds from youngest members to the most established member so that the more youthful individuals would not be influenced by the vote of the more esteemed individuals. Each member casting his vote would give convincing reasons for his vote. A unanimous or agreed upon vote for the conviction would follow instantaneous discharge of the accused. If the accused was discharged, the trial session was over. If the accused person was found guilty of a capital offence, a second trial session was held subsequent day. This second trial session was regarded as a fast day. On this day the evidence or facts presented in the previous trial session was reassessed and fresh arguments could be advanced. Other votes were also taken at the close of this trial. Judges could not change their votes if they previously voted for acquittal of the accused person.

However, a judge that had previously voted for conviction of the accused was at liberty to change his vote to a discharge if he provided convincing reasons. Chandler (1925)

The capital punishment process starts immediately after the conviction of the accused. It must happen before sunset. There was a procession conducted on the way to the execution site. In the procession there was a herald carrying a crimson banner on a pole. He shouts out to the public along the way that---- is being crucified or executed for the crime of ---- on the testimony of---- and ----- . He encourages anyone who has anything positive to say concerning the defendant to come forward. If someone approached the court officials with new facts, the procession was halted and the accused is taken back to the trial chamber for further discussions. The prisoner was given a concoction of myrrh and frankincense supplemented with vinegar or wine, on arrival at the site of execution, stupefaction follows, making the accused unconscious of his awaiting doom and insensitive to the distressing of death Benthien ( 2015).

Taking a leaf from aforementioned procedure of arrest, trial, judgement and sentence, we can see that Jesus did not deserve to die. It is very clear that there was no herald carrying a crimson banner shouting out to the public along the way in the procession. If it were like that more defence witnesses would have come forward with their testimonies and evidence. From reliable sources, the four gospels, the claim that Jesus is messiah was not an empty claim since there were a number of people healed and many miracles performed. So all these witnesses would have come up front with their evidences and this would have resulted in the complete exoneration of Jesus.

### **3.3 Roman law and methods of capital punishment**

In the early period of Roman record, criminal law existed not as a well-organized body of rules unbreakable by sanctions and directed by courts of justice. As in other ancient societies, various acts that are today treated as crimes against the nation and put on trial by public authorities were considered private offences that presented the ill-treated party with a lawful claim to find revenge on the offender as a request assortment of guiding principle reinforced by sanctions and controlled by standard courts of justice. As in other prehistoric social orders, numerous acts that are at present regarded as crimes against the nation and prosecuted by open experts were perceived as private crimes that gave the aggrieved party a genuine case to



look for vengeance on the wrong doer Mousourakis (2007). However, certain illegal demonstrations that directly incapacitated the state's existence and security, for instance, treachery (the unlawful killing of a freed individual) were rejected as offenses.

These wrongs were exceptionally serious, making it not possible to be given reparation for, by fiscal pay. Besides the aforementioned wrongs, the early rules valued certain breach of religious principles as offences at risk to provoke the divine beings' anger against the entire group; this was just turned away by the appropriate discipline and reparation for the infringement. The punishment that was normally offered involves handing in the guilty person to a god concerned and the capture of his possessions for religious uses.

Such punishment was perceived as compensatory in nature; it served to re-establish the friendliness between the community or group of people and its gods by weeding out the contamination caused by the commission of the crime.

During the Monarchy era under the Roman tradition, the king possessed all jurisdictional powers. The king would usually delegates his jurisdiction in criminal cases of treason and murder to two or a pair of judges who were particularly chosen for each event. These pairs of judges would pronounce capital verdict to those convicted and the king had the discretion to let an appeal to the people, and could sanction their ruling on whether the wrongdoer should be freed or killed. On the other hand, it was not possible to find out the whole truth in the traditional account. Soon after the Republic was established, authority over the most important secular offences was vested in the representatives. When a case of treason arose, the representatives chose two judges to carry out the examination and then pronounce the punishment. The magistrate could level a charge against a person and criminal procedures had a totally inquisitorial nature. Immediately after the commission of an offense the Magistrate had the duty to undertake an investigation of the case and obtain any required evidence. Mousourakis (2007).

Under Roman custom, there was an act which stipulated that a Roman inhabitant could not be killed basing on a judge's ruling without approval of the public. Sometime later in 450 BCE we observe that the king's judgments were initially codified in the Twelve Tables. The statutes about appeals and the limitations laid on the magistrates' legal powers by legal services bring about the exercise of criminal jurisdiction by the Roman populace in vital cases during most of the republican period. Mousourakis (2007).

If the charged was found accountable, the magistrate gives an order summoning the suitable

assembly to gather on the termination of the normal interval of three market days. When the assembly gathered on the chosen day, the magistrate presented a motion in the form of a bill for authentication of the judgment and sentence. If the general public in the gathering was in support of conviction, the magistrate in charge pronounced the punishment. Mousourakis (2007). In Roman lawful procedure the charged had the right to run away from Rome's area of jurisdiction as a voluntary exile at any time prior to the assembly's ultimate vote. This basically meant banishment followed by loss of possessions and citizenship.

### **3.3.1 Roman courts and sources of Law**

The Twelve Tables were firm and ruthless. As the small city-state of Rome by the Tiber River developed, more comprehensive laws were required to control a society that was developing more difficult and more educated. The Roman magistrates were the foundation of this new law. Mousourakis (2007). The magistrate for foreigners' task was to decide cases, by reading between the lines of the Twelve Tables and by applying their rules to the argument in question. This had to adjudicate a case where the act or law was not understandable or where it was not precisely appropriate, he provided an interpretation according to his opinion. This new verdict, if found effective, was then implemented by his successors. At the commencement of his term, each magistrate for foreigners issued an edict stating the ethics he would utilize to direct him in the enforcement of the law. The biggest body of Roman law was the common law Mousourakis (2007). It was practical to Romans only. After Roman rule was stretched over to the Mediterranean, arguments occurred between Roman and foreigners. In Rome, a new representative, the magistrate for foreigners, was appointed to listen to arguments between citizens and foreigners. In the provinces, the governors had the task of settling arguments between Romans and natives. The judgments of both the magistrates for foreigners and the governors together created a new set of laws called the law of nations.

In order to come up with fair rulings, the *magistrate* for foreigners and governors cautiously studied the statutes and traditions of the dominated territories. They often found that foreign statutes and traditions were appropriate to Roman desires, so the *magistrate for foreigners* progressively integrated them into the common law. In such a manner they come up with excellent regulations. Mousourakis (2007).

As the law developed more intricate over the years, institutions arose to educate lawyers in the technicalities of their line of work. Lawyers give advice to the emperors, who became

another source of law by pronouncing decrees, while other jurists consolidated the written sources of law. These written sources were consolidated in the time of Emperor Hadrian. They were as well edited, by instruction of the emperor, issued into one body of law called the Perpetual Edict. It was mandatory in every Roman court. Mousourakis (2007). Some 400 years later, the Emperor Justinian issued the most well-known law code in western antiquity, and it was through this code, Body of Civil Law, that Roman law was passed on to us. Roman law was based on the concept of (justice) and the (rights of an individual) Mousourakis (2007). During Jesus time we had Pontius Pilate as the governor who usually presides over cases which warrants justice in his area of jurisdiction. Pontius Pilate was well known for his ruthless practices in territorial regions Josephus and Philo, described him as or charged him with "*corruptibility, violence, robberies, ill-treatment of the people, grievances and continuous executions without even the form of a trial, endless and intolerable Cruelties.*" Philo p.1034. It is amazing that Pilate on Jesus' case was different since he made several attempts to avoid his execution. Pilate found Jesus not guilty, he also sent him to Herod to confirm his verdict and finally he proposed that who should be freed either Barabbas or Jesus aiming that they would choose Jesus to live.

On the other hand Hoehner (1970), 88 said Pilate surrendered Jesus to Herod not because he was kind to Jesus but Pilate wanted to do away with such an awkward case. The secondly Pilate handed over Jesus to Antipas as a diplomatic politeness in order to recover his relations with Antipas.

### **3.3.2 The Twelve Tables:**

In 450 B.C.E the Romans codified their laws and wrote them on twelve bronze tables which were set up in the Roman Forum. These Twelve Tables were the foundation of all later Roman law, and the bulk part the world legal system today

Under listed are some additionally significant extracts from the Twelve Tables:

#### **TABLE III:**

1. *If any debtor accepts his debts in a court of law, 30 days shall be given to settle that debt.*
2. *In case the debtor fails to pay an agreed some, within 30 days, the debtor may be detained and brought before the magistrate.*

3. *Unless the debtor discharge the debt, or someone come forward in court to guarantee payment, the creditor may take the debtor away with him and bind him with thongs and fetters the weight of which shall be fifteen pounds, or less if the creditor wishes.*

**TABLE IV:**

1. *Malformed child may be killed, by the father.*
2. *Any female person shall be under the power of a guardian. .*

**TABLE VI:**

1. *The legal effect of every contract and of every conveyance shall rest upon the declarations made in the transaction.*
2. *Anyone who refuses to stand by such contractual declarations shall pay a penalty of double damages.*

**TABLE VII:**

7. *Owners of property shall sustain the road to keep it passable.*

**TABLE VIII:**

8. *Anyone who writes falsely intending offense or wickedness to anyone—shall be killed with clubs . . .*
12. *Any burglar in the night shall be legally killed.*
13. *A robber or stealer in the daytime may not be killed except he carried a weapon . . . .*
23. *Liars and fabricating witnesses shall be killed by throwing them from the rock . . . .*

Mousourakis (2007)

### **3.4 Conclusion**

The procedure employed in the arrest and trial of Jesus according to the Gospels proved to be totally outside the scope of both the Hebrew and Roman systems of justice. Both Jewish and Roman law were apparent and straight forward but the presiding judges deliberately twisted the case to advance their own interests. In the next chapter I will look into methods or apparatus used in the miscarriage of justice such as suppression of evidence, private examination, trial at night, unanimous verdict, irregular balloting, rush judgement, assaulting the accused among others to achieve their goals.

## **CHAPTER FOUR**

### **4.0 Critic to Jesus' trial basing on the upheld Jewish and Roman legal systems.**

#### **4.1 Introduction**

There is an ever increasing evidence to validate that Jesus' arrest was entirely gratuitous. Drawing from the sources cited before, together with a variety of information put on public record, there are some grave legal and ethical contravention of justice in the procedure followed by Hebrew and Roman judiciary systems during arrest, trial and sentence of Jesus. This chapter seeks to unearth legal and ethical violations of law in two great judiciary systems of antiquity on Jesus' trial.

#### **4.2 The Arrest of Jesus**

To begin with there was no convincing charge upon which to base or support an arrest. Jesus was arrested devoid of any prescribed indictment made against him (Mark 14:43-52; Matthew 26:47-56; John 18:1-12; Luke 22:47-53). In fact, no allegations were levelled against Jesus until after he appeared before Caiaphas. Additionally according to Hebrew and Roman judiciary systems before the arrest of Jesus, a written warrant for an arrest was supposed to be issued since this was their routine, Acts 9:2; 26:10; see Jeremias (1969), 74, Tenney (1981), 169 observed: The synoptic Gospels concur that Jesus was apprehended by a crowd together with a group of structured military guard. During the process of arrest there was no evidence of any warrant issued prior to the arrest of the accused person which is another breach of the law according to both Hebrew and Roman legal frameworks. (Matthew 26:47; Mark 14:43)

#### **Some of the grave legal abuses in the court of law are chronicled as follows:**

1. All procedures were forbidden at night, this means all which is in connection with the courts starting from the arrest until execution. There are many reasons for doing this. First, there was poor source of light since there was no electricity, so the probability of misidentification was too high at night that is why it was prohibited. Secondly, it was not easy to find witnesses. Thirdly, darkness defeats transparency desired in lawful court proceedings.
2. According to Hebrew law, Judas Iscariot would have been regarded as a companion and a partner in crime. As a result, he was not supposed to participate or facilitate the arrest of Jesus in any way.

Testimony or statement by a companion, relative, or partner in crime was considered untrustworthy and demonstrate a lack of moral fibre, consequently it was not allowed.

3. This arrest was not the result of a legal mandate from a court whose intentions were to hold a legal trial. The arrest of Jesus was not based upon a specific charge. Corley (1992)

#### **4.2.1 The involvement of Annas**

Following his arrest, Jesus appeared before Annas, Caiaphas' father-in-law, the devout minister (John 18:13-24). Annas had been delegated as high priest in year A.D. 6, however he was dismissed nine years later. However, he was still entitled "high priest" (Luke 3:2; cf. Acts 4:6), possibly because he had influence behind Caiaphas his son-in-law, the presiding high priest. Edersheim (1947), 547 notes: "He enjoyed all the dignity of the office, and all its influence also ... without either the responsibility or the restraints which the office imposed". Annas' link was only his relationship with Caiaphas (John 18:13) yet he had no right in any way to try Jesus. Moffatt (1909), 751, concluded that Jesus was "taken wrongfully" to stand before Annas. This evade to the position of Annas, this however is another pointer to a legal flop. The initial hearing is written down only in John. As the head of the high clerical family Annas was sought for advice first. When Jesus complained about this private arrest and trial, stating his actions and words were not private, a nearby officer slapped him in the face. This action was designed not merely to humiliate Jesus, but to stand as a forewarning to any person who might want to speak in his defence. The examination or the assessment was done at night. Moreover, this does not provide a room for a proper defence or justification and is also private. No magistrate or judge sitting alone was allowed to question an accused person judicially. The Mishnah says "Be not a sole judge, for there is no sole judge but One." The examination or interrogation was not public. No closed sessions were allowed under Hebrew law.

#### **4.2.2 Caiaphas' Involvement**

Jesus also appeared before Caiaphas soon after a trial before Annas. The official high priest, Caiaphas, was almost not an objective judge to attend to the case. Previously, he already had shown interest to put Jesus to death on political grounds. (John 18:14; 11:49-50). This present another violation of law, this was obligatory that the presiding officer should not be a friend or an enemy of the accused. Under no means or circumstance "was a man known to be at

enmity with the accused person permitted to occupy a position among the judges" Wingo (1954), 88; cf. Goldin (1952), 101.

### **4.3 Sanhedrin trial proceedings**

1. Trials were not allowed start before sunrise or morning sacrifice. This implied that all trials must be conducted during the daylight hours, and it as well meant that a prayer to God was their custom before a trial session could begin. The Sanhedrin council (comprising of the chief priests, the scribes and the elders — “the whole assembly,” Matthew 26:59) all gathered at the house of Caiaphas to hear the charges against Jesus. Yet, this "trial" meeting was unlawful. In the first place, there are various indications or signs to show that this gathering was during the evening (cf. John 18:3; Matthew 27:1; John 19:14). As indicated by Jewish law, any trial involving a capital offense should not be held at night Westcott (1981), 263. Goldin (1952), 111 notes that in capital cases, a conviction “must be reached in the daytime”.

2. No trial was held or begins on Biblical holiday (such as the Passover) or a Sabbath. In capital offenses, the trial could not commence a day prior to a Sabbath or Biblical Holiday. The Jesus’ trial was held on the eve of the Passover and on the first day of the Feast of unleavened Bread.

3. Trials for capital offenses could only be finished in one day if the accused is acquitted, if not, another trial session was conducted on the following day.

4. Whenever the verdict of the court was unanimous. The accused person was supposed to be released immediately. It is then surprising that the Jewish court of law did not release Jesus. Mark 14: 63–64 reads: *The high priest tore his clothes. “Why do we need any more witnesses?” he asked.*

*“You have heard the blasphemy. What do you think?” They all condemned him as worthy of death.*

5. The high priests were not allowed to tear off their clothes, as observed above. This was not allowed in Leviticus 21:10

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

It was generally accepted for a regular citizen to split his clothes as a way of expressing disgust, but it was shocking for a high priest to do this.

6. There was an order followed when voting. Younger members were supposed to vote first prior to the high priest' decision. As we can see in the trial of Jesus, the high priest was the first to cast his vote and this stand as well as another violation of Jewish judiciary system.

7. Any judge who indicated an interest or biased against the charged person was automatically disqualified and considered undeserving to preside over the case of that person. This implied that some of the members among members of the Sanhedrin council including the high priest were not supposed to try Jesus. Matthew 26:3–5 we find

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

8. No room for Jesus' defence witnesses was allowed, a clear evidence of denied justice. If this court's thrust were justice it could have found many witnesses that could have gave evidence to defend Jesus.

#### **4.4 Inconsistencies**

Fairness demands that when a charge is filed, it should be followed consistently, the allegations were not supposed to be changed halfway during the process (Wingo, 61-68). In the measures against Jesus, that was exactly what happened. First of all Jesus was alleged of having claimed that he would demolish the temple, and in three days build another (Matthew 26:61; Mark 14:58). When that indict proved unauthentic, Jesus must have been released and the case put to rest. However, when Jesus declared that he was Son of God under examination, the accusation was altered to "blasphemy" (Matthew 26:65) The Jews wanted authorization from the governor so that they may execute capital sentence. When presenting the charge to Pilate they altered the allegation from blasphemy which he would not recognize, to that of opposition to Caesar—opposing paying of taxes and setting himself up as a king. Of course, this change of accusation was patently unethical and illegal.

Pilate was amazed by Jesus' conduct and response. Jesus clarified what kind of king he was and that he was not after overturning the Roman authority. He told them that his kingdom was never to be physical and also not of earthly origin, *Harmony* (1893), 221. When the Hebrew leaders pronounced further allegations, Jesus chose not to answer. Pilate was surprised, but he had all he wanted to conduct a just judgment. Pilate was afraid of working against the Jewish leaders and when he established that Jesus emanate from Galilee, he



forward him to Herod, who was in Jerusalem at this point in time for Passover. Jesus was charged of being an enemy of Caesar (Luke 23:2; John 19:12), which was equal of sedition.

#### **4.5 Contradictions**

When witnesses give their testimony in a serious case, it was necessary that an “exploration and assessment of [the] witnesses be carried out” Goldin (1952), 106. No such method was used in Jesus’ case. Furthermore, witnesses were firmly and independently questioned and it was very important that their statements be reliable Westcott (1981), 263. Goldin (1952), 125 the Jewish law as well insisted that: “If the witnesses disagree with one another, whether the inquiries or the cross-examination, their statements become worthless.” But the witnesses who gave testimony that Jesus was a bogus prophet were extremely contradicting with both the reality and one another. First of all, when Jesus cleanse the temple at the beginning of his ministry (John 2:13ff), he had said: “Destroy this temple, and in three days I will raise it up” (John 2:19). The motivated writer, however, particularly clarify: “But he spoke of the temple of his body”. Christ was future telling his resurrection. When the bogus witnesses gave their testimony against Jesus, they said this: “We heard him say, I will destroy this temple that is made with hands, and in three days I will build another. (Mark 14:58). That was a lie, pure and simple. Secondly, the witnesses disagree with one another (see Mark 14:56, 59). The trial must have been concluded there and then. But it was not, because fairness was not their objective.

#### **4.6 Suppression of Evidence**

Here is another example of violation of justice. This is shown in that no proof or statements was called for in the trial session which might have maintained or buttressed Jesus’ claim that he was the “Son of the Blessed” (Mark 14:61). When the group of Pharisees and officers from Chief priests approached Jesus in the garden, one of Jesus’ disciples called Peter drew a sword and cut off the right ear of Malchus, a servant of the Jewish high priest (John 18:10) Jesus scolded the impulsive disciple (Matthew 26:52), and restored Malchus’ ear (Luke 22:51). This is a clear “sign” and demonstration that Jesus’ claims were genuine (cf. John 20:30-31). Then where was Lazarus whose life was restored (John 11.43), the blind man healed (John 9.6) and Malchus whose ear was healed (Luke 22.51) when Jesus was charged with “blasphemy” Obviously, this evidence was concealed.

#### **4.6.1 Jesus' Confession**

When the false witnesses' testimonies or statements proved fruitless, Caiaphas asked Jesus: "Are you the Christ, the Son of the Blessed?" (Mark 14:61). According to the Mishnah the high priest is not allowed to participate in the questioning of the accused. Bock, D. (1998), 49. Jesus firmly answered: "I am." Then the high priest shouted: "What further need have we of witnesses? You have heard the blasphemy... (63-64). According to Hebrew law a man could not be found guilty basing on his testimony. Dupin quotes : We consider it important, that no one shall prejudice himself. If a man accuses or charge himself before a tribunal, we must not believe him, unless the fact is proved by two other witnesses, Dupin cited in Greenleaf (1903) , 582. And so, Jesus' was found guilty on the basis of his declaration and this is also another violation of law. "The blasphemer is subject to capital punishment only when he himself mentions the Name of the Almighty and blasphemes Him" Goldin (1952) ,154 Jesus was certainly not charged with "blaspheming" of this mode. Therefore, justice was deprived of space.

#### **4.7 Rush to Judgement**

Another matter of significance to mention is the issue of judgement. First, according to Hebrew law, it was not legal for an accused person to be tried and convicted for a capital crime on the same day, Goldin (1952), 111. The judges required sufficient time for examination and reflection of the case. However, Jesus was tried and found guilty in a matter of hours. Secondly, if an accused person had been found guilty of a capital crime, by a public vote under the Sanhedrin council, the punishment was to be conducted two days later, in case new facts would turn up which could acquit the accused. In the case of Jesus, though, he was apprehended late in the evening (John 13:30), by nine o'clock the following morning he was already crucified on a cross (Mark 15:25).

##### **4.7.1 Treatment of the Accused**

Goldin (1952) and others have shown interest to the unusual measures the Hebrew tribunal usually used to make sure that one found guilty of a capital offence had every chance for his punishment or sentence to be reversed before execution. For instance, any judge who had voted for conviction of the accused person in the trial session had to change his vote to discharge (eleven votes out of a quorum of twenty-three would acquit). But no one who had voted to acquit could revert to condemnation.

Additionally, while on the way to execution site, if the convicted person remembered new reasons that might exonerate him from the crime, he had the right to ask for permission to be taken back to reappear before the judges. This was done five times Goldin (1952), 132. Even in the procession to the execution site, a herald marched along, shouting out to the crowd, saying: This person [name mentioned] is led to chastisement for [crime stated]; the witnesses against him are [names given]; if any person has proof facts to present in favour of him, come forward quickly Greenleaf (1903), 583. The Hebrew system put in place the many legal restrictions, so as to make it almost not possible to impose the death sentence according to Goldin (1952), 24. In this light, one might need to consider some treatments Jesus was afforded: (a) When Jesus appeared before Annas, he was assaulted by an official (John 18:22). (b) Jesus was blind-folded, mocked, spat upon and repeatedly beaten before the Sanhedrin (Matthew 26:67; Mark 14:65; Luke 22:63-65) to mention but just a few.

#### **4.7.2 Judicial Murder**

When Jesus' case was finally placed before Pilate, not less than three times the governor announced Jesus "not guilty." After Jesus' examination, the Pilate said: "I find no crime in him" (John 18:38). Again (John 19:4), and again (John 19:6), the judgment of "innocent" was pronounced. The governor even washed his hands, to symbolise the outcome of his trial, declaring that he was innocent of the blood of Jesus (a righteous man) (Matthew 27:24). Renan (1991), 200 explained the whole matter as "judicial murder

#### **4.8 Conclusion**

The true intentions of Pilate and Caiaphas were exposed. The purpose of Jesus' trial was made obvious. The reason why Jesus was apprehended was totally different from the reason why he was executed for. Jesus was arrested for blasphemy and was later put to death for treason. The only sincere conclusion which we can safely draw is: the judgement and capital punishment put on Jesus was not because he was blameworthy of a crime but, there was something at the background which made his death inevitable. Therefore the research shall be firm on the ground to sniff out any information which can be perceived as possible causes of Jesus' death. The next chapter will look at the religious, social and political environment surrounding Jesus' day.

## CHAPTER FIVE

### **5.0 The reconstruction of possible issues which could have led to Jesus' death working on the hypothetical "Jesus Files"**

#### **5.1 Introduction**

In gospel stories, we can clearly see an illegal arrest of Jesus, false allegations being levelled against him, a hurried trial, a rushed verdict and he was later executed regardless of the fact that Pilate found him not blameworthy several times. This section seeks to delve in the political environment during Jesus' times. It also attempts to unearth political relationship between Jesus and Jewish political authorities. This section shall as well consider the beliefs, practices and traditions of the Jewish sects which seemed to contradict with Jesus teachings and gave birth to antagonism between these parties and Jesus. These bitter conflicts seem to have originated from five religious and political groups that exercised extensive power over the people of Israel and these were the Pharisees, the scribes, the Sadducees, the Herodians and the priests.

#### **5.2 The Pharisees' File**

The Pharisees are one of the Jewish religious sects which Jesus frequently came into clashes with, according to the Gospels. The Pharisees seem to concur that they belong to a non-priestly group but were considered experts in the Jewish laws; worked as social power agent between the ruling elite and the general public; advanced traditions additional to biblical laws; were always after issues of ritual cleanness and tithing. The Pharisees took care of the synagogues throughout the land of Israel and acknowledged the idea of an afterlife, judgement and a spirit world. The Pharisees were about 6,000 towards the end of the reign of Herod the Great (that is few years before the time of Jesus' birth) as testified by Josephus (*Ant* 17.41–42), the first-century Jewish historian and a Pharisee himself.

JB Green (1995) comments that Luke is visibly interested in the Pharisees and that in his Gospel they have two main character traits. First, they read between the lines of the Jewish Law, explain them to the Jewish community and they were concerned with its observance on daily basis.

This gave birth to conflict with Jesus' actions and teachings since he spent much of his time associating with sinners and tax collectors (5:30; 7:39; 15:2), his Sabbath practice (6:2,7; 14:3), his failure to honour hand-washing ritual before eating (11:38), and the disregarding of the fasting ritual of his disciples (5:33). Jesus, however, questioned their concern on outward or external ritual cleanness whilst neglecting inward and ethical purity. He as well questioned their concern on particular tithing but neglecting to practise God's justice and love (11:37–44) Criticism of the Pharisees, (2000) pp 97–98. In Luke the Pharisees are concerned with upholding themselves. They love the position of honour in synagogues and reverent greetings at public or marketplaces (11:43). Only in Luke we have the parable of the Pharisee and the tax collector, where the Pharisee self-virtuously compares himself with the tax collector (18:9–14). Pharisees are as well described as lovers of money (16:14). In fact, Green (1995) consider the main story in Luke's portrayal of the Pharisees to be hypocrisy (12:1) see Hypocrisy, (1995) pp99–100) which Green perceives not as hypocrisy but as failure to adhere to God's purposes. The Pharisees viewed Jesus as a law breaker and consequently, a blasphemer. To the Pharisees, Jesus besides breaking the Law of Moses, he also fails to adhere to the "*traditions of the elders*" – which were the written laws or traditional laws, cascaded down from one generation to another.

In Matthew 9, he is asked the reason why he was eating with the sinners and tax collectors, the outcasts of the society. Jesus' concern in this community is later repeated in his statement in Matthew (11:19), where he regards himself as"..... "a friend of sinners and tax collectors" Jesus' ideology when it comes to societal relations goes against usual cultural principles, and for this cause Jesus must have been viewed strangely and with some degree of "enmity". This hostility was amplified and kept alive by the political authority and privileged within the Jewish community as seen in the many arguments between Jesus, Herod, the Pharisees and other authorities.

Furthermore, Jesus plainly uncovered the hypocrisy of the Pharisees and the scribes. They (the Pharisees and scribes) assumed that if this were allowed to go on like that, they would lose integrity in the eyes of the people. Matthew (23:1-36), Mark (12:38-40), Luke (20:45-47) All these charges that Jesus levels at the Pharisees along with an increasing wave of support he earned from public portrayed him a potential threat to the current power structure (including both Herod's administration and the Pharisees' influence). The other point of

conflict regarding the Pharisees and Jesus seems to be the practical rules that the Pharisees put forward to the people to follow, Luke (6:2, 7; 14:3).

Then as a result Jewish authorities desired to get rid of this danger. When Jesus appeared, he did not exactly come in the way that matched the scribes, the Pharisees and the doctors or experts of the law. Therefore they calculated his path for a considerable time, without showing any positive opposition or antagonism against him publicly. In fact, for about eighteen months of his public ministry, these people were studying him and looking to see what would develop. They observed him to see how the matter would come out. However, Jesus made no outstanding demonstration of power; he just went on gently healing and teaching the people. They did not find fault in that, and it was all right if he would build up into what they anticipated. But when more than a year had gone by, his reputation had expanded across the land and drew the interest of the Scribes, the Pharisees, the experts of the law and as well the ordinary people.

At this time Jesus had provoked their selfish and active attention because as they observed him in his route, they saw that he did not build up into what they anticipated but instead they saw that Jesus was acquiring an influence with the public but was not playing within their hands; and as Jesus went on further, the public were increasingly drawn to him. They thought and really supposed that if Jesus did not build up into what they anticipated then, this of course would be an indication that he could not probably be the Messiah and consequently his efforts would not bring expected results. Since the Jews were under the powerful hand of the Roman Empire tossed to and fro perhaps were looking forward to a Messiah with a physical military muscle who would overturn the Roman government and establish the Jews. So after a considerable time watching Jesus' work the Pharisees discovered that Jesus could not come to what they expected and they began to doubt him. This possibly can be another source of hatred and a long term cause of Jesus' death.

However, the Pharisees are categorised as different from other Jewish sects and as well are described as sympathetic to Jesus. In Luke the Pharisees invited Jesus to have a meal with him in their homes (7:36; 11:37; 14:1). They addressed him respectfully as a "Teacher" (19:39). Other Pharisees even warn Jesus of Herod Antipas' menace on his life (13:31)

### 5.3 The Sadducees and Priests' File

The name "Sadducee" comes from the ancestor of the tribe or Zadok the High Priest. There were about 5000 Sadducees during the time of Jesus (*Antiquities*. xiii, 10, 6). The Sadducees were patrician and as well belonged to the upper and wealthy class, Josephus (*Antiquities*. xiii, 10, 6). Caiaphas, the high priest during the time of Jesus, was a Sadducee. The high-priests belonged to the party of the Sadducees, who controlled the Temple and its rituals. The Sadducees were after the policies designed to please the government of Rome. Sadducees were conservative in both religion and politics opposing any rebellion or rioting. Any outstanding movement was a potential menace to the Sadducees, especially anything that would be considered as an uprising. In the same sentiment we observe that the bulk part of Jesus' actions in the gospels appeared to be against the social standards and ethics of the Jewish community and his ever increasing influence on the community suddenly arises as a recognised danger to the Roman political order. The group of chief priests said about Jesus: "*If we let him go on like this, all men will believe in him and the Romans will come and take away both our place and our nation*" (John 11:48).

The group of priests originate from the lineage of Levi who was the leader of one of the twelve tribes of Israel. This group of Jewish sect trace back to Aaron particularly Moses' brother, a Levite, Aaron was selected by God to stand as the first High Priest. In the Old Testament period, high priests were chosen for a lifetime. The other descendents of Aaron worked as priests and helped the High Priest in his expected duties as the highest spiritual leader of the descendents of Israel.

However, for a long period, the high priest's office turn into a greatly desirable position among priests to such an extent that they frequently resort to plot and trickery to acquire the office. This was true during Jesus times under Roman rule. The governor of Judea would frequently order the high priest out of the office and replace him with another who could better suit Rome's interests. High Priests, who were pushed into premature retirement and the leaders of the 24 courses of priests formed a group called chief priests (Josephus, *Antiquities of the Jews*, 17:213) During the time of Jesus, the chief priests, the High Priests and the priests were just about 100,000, according to Josephus. When they sacrificed at the Altar, only a small piece of the beast was burned. The rest was reserved for the priests. The priests were given the "*first fruits of the seven kinds*" (**Exodus 23:19**), these were the first produce or fruits of barley, the vine, the wheat, the fig tree, the olive, the pomegranate, and honey.

They also collected from the people the choicest fruits of every growing thing, or one-fiftieth of the crop, as a way of their personal support. Moreover, they received tithes, that is one tenth of everything that was be consumed as food (**Numbers 18:20-22**). Finally, the priests received a portion of all the dough used in baking (1/24<sup>th</sup>). This means every country, even in a poor country priests lead a prosperous life and this was some of the things those 100,000 priests did not want to lose. The priesthood during the time of Jesus was at the peak of corruption and wickedness. Josephus, *Antiquities of the Jews*, 17:213. The priests, high priest and chief priests probably collectively viewed Jesus as a danger to their financial or economic prosperity. It was a familiar belief within the Jewish community of Jesus' day that when the Messiah came to power, the first thing he would do would be purging Jerusalem of its dross, the corrupt priesthood. It was broadly known by the ordinary people that the chief priests, priests and high priests were ethically corrupt and religious compromisers, these priests would be the first to be stripped of their power.

Furthermore Jesus drove away the money changers from the temple and charge the priests with changing his father's house into a den of thieves (**Matthew 21:12-15**) the worship of God was twisted into a big enterprise and the priests and chief priests were at the centre. There are at least 10 examples in the scriptures where the priests, chief priests or the High Priest opposed Jesus to defend their terrain and these are as follows:

- a) *They were angered by what Jesus did in cleansing the Temple. (Matt 21:12-15)*
- b) *They demanded to know by what authority Jesus spoke and acted the way he did. (Matt 21:23-27; Mark 11:18, 27; Luke 20:1)*
- c) *They were constantly plotting to kill Jesus and seeking a way to eliminate him without arousing the crowd. (Matt 26:1-5; 27:1; Mark 14:1; Luke 19:47; 20:19; 22:2)*
- d) *It was the priests who were behind Jesus' arrest in the garden. Their own temple police made the arrest. (Matt 26:47-56; Mark 14:43; Luke 22:52)*
- e) *It was to the house of Caiaphas, the high priest that Jesus was first taken for a mockery of a trial. (Matt 26:57-58' Mark 14:53; Luke 22:54)*
- f) *It was to the Sanhedrin that Jesus was taken for another trial. This body was made up of scribes, Pharisees, Sadducees, priests and the elders. But it was the priests that ruled the proceedings and who hired false witnesses against Jesus. (Matt 26:59-61; Mark 14:55)*
- g). *It was the high priest who was the principal cross-examiner of Jesus. (Matt 26:62-68; Mark 14:60-64)*



h) *It was the priests who delivered Jesus to Pilate and who brought the charges against Him. (Matt 27:1-2, 12; Mark 15:1-3; Luke 23:3-5, 10)*

I) *It was the priests who urged the mob to choose Barabbas over Jesus. (Matt 27:15-23; Mark 15:11)*

J) *It was the priests who led the shouts demanding the crucifixion of Jesus. (Luke 23:18-23).*

The Sadducees were known to be exceptionally strict in the administration of justice, matters of law and order. Josephus described the Sadducees as “*more heartless*” (or “*savage*”) as compared to other Jews when they preside in judgment (*Antiquities*, xx, 9.1). Additionally he said that the Pharisees were “*naturally lenient in the matter of punishments.*” Josephus deserted the Sadducees to become a Pharisee. He pointed out that the Sadducees were accountable or guilty of James’ death, the brother of Jesus (*Antiquities* xx 9.1; Acts 12:1-2).

The Sadducees did not believe in the afterlife, angels, demons, and the resurrection of the dead. (Acts 23:8). They believed or thought that the soul decomposes in the body. When Jesus’ deeds and message seem convincing many people across the land, both Pharisees and Sadducees collectively viewed these deeds, misdemeanour against the social ethics and while at the same time frightening the existing social order of the Jewish society. Although these sects were enemies, they sometimes join hands in a bid to trap Jesus (Matt. 16:1).

Furthermore the Sadducees’ enmity towards Jesus was also driven out of a terror of what Jesus could become if the people believed his sayings of being the Messiah. The Sadducees were generally political and religious leaders among the people of Israel. They feared that Jesus might rise to authority at the same time claiming Messiah ship and lead a revolt against Rome. In view of the fact that this movement would provoke Rome and as usual she was duty-bound to crush any outstanding uprising. The political and religious leaders of Israel feared that the Roman authority would bring down their anger upon the entire nation. If this happened, then, the Sadducees’ financial prosperity suffers, their positions of authority and power threatened. Jesus to Sadducees was a profound threat to the Roman Empire, a rebel against the state and as well a revolt with great devotion since it was based on a belief that Jesus was a Messiah. Therefore this also stands as another potential cause of Jesus’ death.

#### **5.4 The Scribes' File**

The Scribes were an additional group with whom Jesus repeatedly clashes with. Within the broader Greco-Roman culture, a scribe was basically an official who is clerically competent or had ability to draw a document. However in Jewish background, scriptures were given great value, the notion of a scribe also implied the role of a religious teacher and this seems to be point of conflicts between the scribes and Jesus. Hence, one can be a scribe and also a Sadducee or a Pharisee. Scribes had no specific or unified set of beliefs since they were from two different Jewish sects. Hence, Mark can talk about both 'the scribes' on their own (Mark 3:22) and 'the scribes of the Pharisees' (Mark 2:16) bitterly opposed Jesus they later persecuted early Christians. In Mark, Jesus had conflicts with the scribes primarily on matters of doctrine and matters concerning to law observance (Mark 9:9-11) which makes sense, given their profession, whereas with the Pharisees he mainly discusses manners. Jesus plainly uncovered the hypocrisy of the Pharisees and scribes, and they said that if the influence of Jesus was allowed to continue, they would lose trustworthiness in the eyes of the public. (Matthew 23:1-36; Mark 12:38-40; Luke 20:45-47) We can just say those scribes who were vigilant about Jesus or were unfriendly towards him, were so because of variance over doctrine.

However it is as well worth knowing that not all the scribes in the gospels are antagonistic to Jesus. In Mark 12:28-34, there is a scribe who is presented in a positive manner than other corresponding narratives in Matt. 22:34-40 and Luke 10:25-28. Additionally, in Matthew's Gospel, there is a scribe who desires to become Jesus' disciple.

#### **5.5 The Herodians' file**

The Herodians, were a cluster of people who were faithful and loyal supporters of King Herod Antipas. They exercised authority over areas on behalf of the Romans. Herodians ruled in regions where it was believed that close or direct Roman rule would be difficult or not accepted.

Herodians were only cited in Mark 12:13 and Mark 3:6. Hence, we can safely say the Herodians did not clash with Jesus more frequently as what he did with the Sadducees, scribes and Pharisees. They emerge in relation to '*doing good or doing bad on the Sabbath*' (Mark 3:6) and when asking Jesus concerning taxes (Mark 12:13). While it is logic that a cluster, loyal followers of king Herod would like to understand the teaching of Jesus on taxes, it is not clear why they were concerned with healing of Jesus during the Sabbath day. Paying

taxes to the Romans was a problematic issue in Palestine and provided the Herodian's interest to power, it is as well logic that they need to be aware of Jesus' opinion and feeling on this issue. The degree and frequency of these clashes is not comparable with Jesus had with the Sadducees, Pharisees or Scribes. Herodians as a group of people were not a religious sect, instead they were more of political party of rich Jews like the Sadducees and were powerfully absorbed in Greek culture.

Jewish business people wanted to make sure the sustained rule of the Herods' within Israel, assuming that would guarantee political stability. They perceived Jesus as a threat to the peace and harmony of Israel. Jesus was quickly attracting the minds and hearts of the Jewish community as well had developed into an outspoken detractor of the political and religious leaders in Jerusalem. A civil eruption of antagonism against Rome would attract or provoke the anger of Rome against Israel's inhabitants and literally destroy the economy of the Jews. Consequently, to defend their own financial or economic interests, the Herodians were generally fast to support those who were against Jesus. It is crucial to note who these Herodians worked with in their hatred to Jesus. First, **Mark 3:1-6** – When Jesus entered the synagogue and healed a certain man with a withered hand on Sabbath day. The Pharisees and Herodians then plotted how they might destroy or kill Jesus. These were early days of Jesus' ministry. It was the Pharisees who were looking for the Herodians to come up with a plot to eliminate Jesus. Even though the Pharisees detested any person who was compassionate with Rome, they fall in an alliance with the Herodians. The Pharisees surely did not like Jesus' rise into power or authority as the Messiah for religious reasons and at the same time the Herodians did not also want Jesus to lead a rebellion against Roman authority for economic reasons. Consequently, both the Herodians and the Pharisees had a common concern or interest.

Second in **Mark 12:13-17**: The Pharisees and the Herodians sent some people to Jesus to trap him in his words. They put to him a controversial question, whether it is lawful or not lawful to pay taxes to Caesar. Then Jesus brilliantly answered them, he told them to give Caesar what belongs to him and as well to God what belongs to him. The scribes, the chief priests and the elders of the people were so angry that they sought to apprehend Jesus right on the spot but were afraid of the people. Hence they wanted a new approach that would be put to Jesus so that he would either irritate the people by saying they must pay taxes to the Roman government or provoke anger of the Roman government by saying that it is unlawful to

disburse taxes to Rome. Their objective was to either make Jesus lose his great support or to be arrested and with treason. Therefore the scribes, the chief priests and the elders of the people sent the Herodians and the Pharisees to trap Jesus over the issue of payment of taxes. Thus, when we look into the intention behind the Herodians' enmity to Jesus we see that it was driven only by fear that Jesus would disturb the peace and defence of Israel.

Then in verse 13 note "*they sent to him [Jesus] some of the Pharisees and Herodians, to catch him in his words.*" A day later after Jesus went into the city of Jerusalem and purified the Temple, he got back to the Temple to preach and was instantly met by the scribes, the chief priests and the elders of the people who questioned Him,

*"By what authority are you doing these things? And who gave you this authority to do these things?"* Jesus tasked them to respond whether John's baptism was from God or from men. And when they refuse to answer, Jesus move on with his teaching, he gave an allegory of the bad vinedressers (**Mark 12:1-11**) which implied that God was planning to seize the vineyard of the whole Israel from the evil political and religious leaders and devastate them, and offer the vineyard to others. This type of allegory might have been understood as a blow or an insult to the scribes, the Chief priests and elders.

## **5.6 Conclusion**

Jesus' works and teachings presented him as a detrimental threat and potential revolutionary in the eyes of the Jewish religious and political groups in the light of their traditions, beliefs and practices. Most of Jesus' deeds in the gospels appear to go against social norms and accepted customs of Jewish community and his ever increasing influence on the people rapidly arose as a recognised hazard to the Roman political order. Whilst his message and actions won over many people throughout the land, both Roman and Jewish authorities collectively perceived these actions as misdemeanour against current social ethics. In this light we can clearly see the potential cause of Jesus' death besides what is presented in the gospels. On the other hand Jesus' philosophy is after all particularly anti-political. He never stated anything regarding the government, political administration or rule of any kind but he was always after the gospel of God. Jewish authorities interpreted his expressions on physical level, while he was actually speaking on a more symbolic or spiritual level.

## CHAPTER SIX

### 6.0 Summary and concluding remarks

The chief purpose of the study was to find out or investigate the actual reason which led to Jesus' death which might be beyond what is obtainable in the gospels. The evidence or facts which are presented in the gospels does not hold any water. The researcher explored and analysed the literary skills of the gospel writers that is Matthew, Mark, Luke and John. It was noted that these writers sought to advance different interests, themes and even write for specific audiences. These set objectives were achieved through use of skills and devices peculiar to each writer. The difference in the art, themes, devices and intended audience best explained the difference in how the gospel writers presented Jesus narrative. To know skills deployed by each writer is very imperative in the interpretation of these books to understand background information. Whilst considering the combination of gospel writers' narratives a portion of a reliable source of what actually transpired during Jesus trial, the researcher was also concerned with the malpractice of both the Hebrew and Roman judiciary systems.

The researcher sought to understand the nature of the Jewish or Hebrew Judiciary system used by the high priest on Jesus' trial as well as Roman Judiciary system used by Pilate and Herod. The research managed to display the sources of these judiciary systems, composition of their councils and methods of capital punishments. The research also managed to put on show modus operandi of arrest and trial in the Hebrew law. The researcher noted that the procedure taken by both the Jewish and Roman authorities on the arrest, trial, judgement and sentence of Jesus was totally outside the scope of their legal frameworks. The research as well managed to put on view some of the grave legal and moral breaches in the trial by the Jewish court of law which was held at night. The trial was not fair since there was darkness and darkness among others, works against the transparency desired in legal proceedings. The research presented some inconsistencies on the statements brought forward by witnesses testified against Jesus. These contradicting statements were all considered as evidence against Jesus by the Sanhedrin council under Hebrew judiciary system of which was an alarming degree of malpractice. The trial should have been concluded there and then, but it was not so because justice was not their objective. The research also noted that there was suppression of evidence, which could have exonerated Jesus from charges filed against him.

No evidence was permitted to find its way in the trial which might have supported Jesus' claim that he was the "Son of the Blessed." The Jewish authorities were afraid that there was going to be an overwhelming evidence of that claim. The research exposed the rush judgement done by the Sanhedrin council under the Hebrew law. In this capital case Jesus was not supposed to be tried and convicted on the same day. The judges were supposed have adequate time for research and reflection, yet Jesus was tried and convicted in a matter of hours. The treatment of the accused is another matter that throws a floodlight upon the moral fibre of Jesus' trial. When Jesus appeared before Annas, he was struck by an officer. Jesus was spat upon, blind-folded, mocked and repeatedly beaten before the Sanhedrin council. This raised the eyebrows of the researcher and gave him keen interest to dig deeper in the story in order to ascertain what actually could have been the basis of Jesus' death.

The research made an endeavour to reconstruct the possible issues which could have led to Jesus death. The researcher began by looking into the political and social environment of Jesus' time, then tried to understand his relationship with the political authorities of his day considering their beliefs, practices and traditions. The research noticed that there were existing bitter conflicts between Jesus and Jewish religious and political authorities. These clashes come from five religious and political groups that exercised extensive control over the people of Israel and these were the Pharisees, the scribes, the Sadducees, the Herodians and the priests. The Pharisees were experts in the Jewish laws; functioned as social power brokers between the ruling elite and the general public; promoted traditions additional to biblical laws; were concerned with matters of ritual purity and tithing. The Pharisees controlled the synagogues throughout Israel and believed in the existence of an afterlife, judgement and a spirit world. Jesus, however, criticised their focus on outward, ritual purity to the neglect of inward, moral purity and their focus on particular tithing whilst neglecting God's justice and love. Jesus expressed love to the outcasts and sinners since they were a target of his mission to redeem them spiritually. Pharisees considered it unholy to associate with the sinners. Sadducees were primarily concerned with keeping peace in the nation and thereby avoiding trouble with the Romans. Any popular movement was a potential threat to the Sadducees, especially anything that would be regarded as an uprising. The Sadducees perceived Jesus' deeds and teachings as a detrimental menace and potential revolutionary movement.

The Sadducees, the Pharisees and the Herodians seemed to be the chief drivers of the charges levelled against Jesus because the first charge which Jesus was accused of, was Blasphemy yet the Pharisees were the strict enforcers of religious practices and later the charge was changed to treason which happened to be the key interest area of the Herodians and the Sadducees. The Herodians, were a group of people who were loyal followers of King Herod Antipas they exercised power over certain areas on behalf of the Romans in areas where it was believed or thought that direct Roman rule would be difficult or not accepted. They perceived Jesus as a nuisance to the peace of Israel when Jesus quickly won the hearts and minds of the Jewish people. He also became an outspoken detractor of the political and religious leaders in Jerusalem. The priests, high priest and chief priests perceived Jesus as a danger to their financial or economic prosperity since the priesthood was at the peak of corruption and evilness in the days of Jesus. They thought or believed in that, in the fullness of his [Jesus] ministry would strip them of their powers and leave them decadents hence compromising their prosperity. Therefore Jesus' actions and teachings were collectively perceived as a threat to the Jewish political and religious set up. In this light we can see the potential cause of Jesus' death besides what is presented in the gospels. Hence they jointly devised a strategy to eliminate him through fabrication of punitive charges yet he was innocent and fair in all his dealings.

### **Zimbabwean Context**

In trying to take the project home in Zimbabwe we also face similar challenges where security and judiciary sometimes fail to align themselves with the supreme law of the land. In Zimbabwe there are a number of areas in which the security agents and police violate human rights of citizens in the country. These include; during the course of investigation, interrogation, detention, especially when dealing with the vulnerable individuals or groups and when policing political activities. The ZRP has been accused of violating human rights through torture, excessive use of force and unlawful arrest and detention (Amnesty International 2011). On 22 April Tinashe Chimedza, former ZINASU president, was brutally assaulted by police officers and was hospitalized (Amnesty international 2005). Another case of arbitrary arrest and torture which got international attention in 2005 was that of Lovemore Madhuku an NCA activist who was severely beaten when police broke up a peaceful demonstration outside parliament (Amnesty International 2005). Yet another case, Jestina Mukoko was assaulted by security agents before trial when she was accused of insurgency, banditry, sabotage or terrorism in Zimbabwe in January 2009 (Judgment No. SC 11/12 Const.

Application No. 36/09). In 2006, the then Judge President of the High Court of Zimbabwe Justice Rita Makarau, expressed concern over the conditions of pre-trial detainees who were being held at one of Zimbabwe's largest remand prisons – Harare Central Prison. (*Law Society of Zimbabwe 2013*).

In Zimbabwe there are also cases of unlawful detention. During a visit to the prison, Justice Makarau met a number of pre-trial detainees, including at least ten who had been held on remand for ten years without trial. (*Law Society of Zimbabwe 2013*).

The MDC National Youth Chairperson, Solomon Madzore and 28 other party activists have been incarcerated since June 2011 up to June 2012 when their trial finally kicked off in the High Court of Zimbabwe. For up to twelve months the police and the state have been arguing that they are still gathering evidence against the accused (Makwerere, Chinzete & Musorowegomo 2012). The existence of corruption within the justice delivery system is cause for real concern and is related primarily to the government's inability to adequately address working conditions within the system. This was revealed as Chief Justice Chidyausiku remarked on the opening of the 2013 judicial year (*Law Society of Zimbabwe 2013*).

There are also delays in trials of the accused persons. In the case of *State vs Tau 1997 (1) ZLR 93 (H)*, the High Court found that a delay of five years in finalising a trial was due to the State's administrative inertia and incompetence, and could not be attributed to the accused person. The court also found that, as the accused was uneducated, the fact that he had not complained about the delays could not be regarded as constituting a waiver of his rights to be tried within a reasonable period (*Law Society of Zimbabwe 2013*).

Though there are a rampant cases of inconsistencies of police and judiciary agents with the supreme law of the land the majority of the people do not support capital punishment. In Zimbabwe, the first people to suffer death penalty were Mbuya Nehanda and Sekuru Kaguvi at the hands of British colonialists after the First Chimurenga War of 1896 to 1897. According to Sibanda & Marevesa (2017), they were charged with treason and causing political mayhem in the country by leading the resistance of the Shona people in Mashonaland.



According to Chief Fortune Charumbira, the President of the Chiefs' Council in Zimbabwe the death punishment was foreign to Zimbabwean culture and was a true legacy of the colonialists. Along the same lines, a traditional practitioner, Sekuru Chisanyu, the President of the Zimbabwe National Practitioners Association (ZINPA) opposed death sentence. All AICs, other Christian denominations and organisations as well are opposed to capital punishment basing on the Decalogue in the bible. Through his personal experience Emmerson Mnangagwa is in the forefront of strongly advocating against the death penalty to the extent of proposing the amendment of the Constitution of Zimbabwe. Hangman left the post in 2005 after hanging two notorious armed criminals, Edgar Masendeke and Stephen Chidhumo (Matabvu 2016).

## **6.1 Conclusion**

It is hard for us to comprehend the reason why Jesus was detested and perceived as worth of death but according to this research it was revealed that the Herodians, the high priest, the chief priests, the priests, Pharisees and most part Sadducees opposed Jesus because they loved the world, desired riches, authority, power and prestige yet Jesus' gospel was against worldly lusts. The bulk of Jesus' actions in the gospel seem to go against social norms and accepted practices of Jewish community and his ever increasing influence on the people was recognised as a danger to the Roman political order. Jesus' message and deeds won over many people throughout the land. Both Jewish and Roman authorities collectively perceived these actions as a contravention against existing social principles of the Jewish community. In this light we can see the potential cause of Jesus' death besides what is presented in the gospels. Finally, we also find that, in Zimbabwe there are as well victims who encounter the same fate like that of Jesus at the hands of judiciary legal framework and oftentimes are consoled with his experience.

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