CHRISTIAN HISTORY
Issue 59: Life & Times of Jesus of Nazareth

Mistrial of the Millennium

How those in power bent the rules to ensure the outcome.

Craig S. Keener

Less than a generation after Jesus' trial, Joshua son of Hananiah began prophesying judgment against the temple, shouting, "A voice from the east, a voice from the west, a voice from the four winds, a voice against Jerusalem and the holy house, a voice against the bridegrooms and the brides, and a voice against this whole people!"

The priestly aristocracy, who controlled the temple establishment, angrily arrested him. They dragged him before the Roman governor, Albinus, who had Joshua scourged with a ***flagellum***—a leather whip with pieces of bone or metal embedded in its ends—reportedly "till his bones were laid bare."

But there the similarity between Jesus' trial and Joshua's ends; Jesus went on to be crucified; Joshua was released. Why?

Joshua, unlike Jesus, seemed harmless: Josephus reports, "Albinus took him to be a madman, and dismissed him," allowing Joshua to walk the streets for seven years shouting, "Woe, woe to Jerusalem" until he was killed in the siege of Jerusalem in A.D. 70.

Jesus, on the other hand, was charged with claiming to be a king—a claim that in Rome's eyes constituted high treason. When this charge was prosecuted by means of a series of improper procedures, Jesus' fate was sealed.

Historical problems

Jesus' trial was anything but typical. In fact, the Gospels' descriptions of the trial stray so far from the Mishnah (an early third-century A.D. collection that explains Jewish law) that some scholars have doubted the Gospels' reliability.

Here are some of the legal principles that the Gospels' descriptions seem to contradict:

- Judges must conduct and conclude capital trials during daylight.
- Trials should not occur on the eve of a Sabbath or festival day (though executions provided their greatest impact in such public settings).
- The Sanhedrin should not begin its meetings in the high priest's palace but in a more formal setting.
- A day must pass before a verdict of condemnation is issued.
- If testimony fails under cross-examination, it is to be discarded.

The Mishnah, however, reflects the way Pharisaic rabbis thought the Jerusalem Sanhedrin ***should*** have operated, and then more than a century after the Sanhedrin ceased to exist. The Sanhedrin was likely more pragmatic and flexible than the Mishnah description.

The Mishnah also differs from the Gospels because it reports legal ethics whereas the Gospels report violations of those ethics. Many of the Mishnah's rules represent legal standards widely accepted in the ancient Mediterranean world. Later rabbis sought legal safeguards to prevent hasty trials

and miscarriages of justice—the very sort of injustices that took place at Jesus' trial.

The picture of the Sanhedrin's activity in the Gospels is much closer to Josephus's first-century description: the powerful Sadducees were hardly interested in following Pharisaic ethics and probably did what they had to do to get the job done. Their primary responsibility as Jerusalem's aristocracy was to keep peace for Rome, and Jesus appeared to be a threat to Rome's power and to their own authority.

If Jesus had challenged their authority by overturning tables in the temple and had attracted a following, some of whom believed he was the promised Davidic king, he potentially threatened the peace.

To preclude a riot, the Sanhedrin came to a quick decision at night in time to hand Jesus over to Pilate by morning. An informal hearing to decide the case would be much faster than a formal and lengthy trial. For Jerusalem's aristocracy, then, the outcome mattered more than the rules.

Conflicting testimony

The testimony of the witnesses focused on Jesus' apparent opposition to the temple. Joshua ben Hananiah had been punished for merely prophesying against the temple, but this Jesus had reportedly promised to tear it down himself! But in such a rushed trial, the witnesses contradicted each other, forcing the high priest to take another approach.

Jesus had recently made implicit claims in public about his identity as "Son of God." The title, at least in some early Jewish circles (like the sect who owned the Dead Sea Scrolls), was akin to claiming to be the Davidic Messiah. So the high priest asked Jesus a question he couldn't avoid: "Are you the Christ, the Son of the Blessed One?"

"I am," Jesus said. "And you will see the Son of Man sitting at the right hand of the Mighty One and coming on the clouds of heaven." The response weaved together Old Testament passages that suggested he considered himself the eternal ruler and "Lord." A simple "yes" would have caused plenty of trouble, but Jesus' response, combining claims to heavenly and earthly power, was, some would say, the worst move to make. (On the other hand, Jesus knew his "hour had come" and was in control of the situation, deliberately provoking his own execution.)

The high priest immediately denounced Jesus' response as "blasphemy," and, in Jewish tradition, tore his garment. To the priest, Jesus had desecrated the divine name by inappropriately associating himself with it. His colleagues agreed.

Execution policies

A group of Jerusalem leaders apparently held a brief but more formal hearing at daybreak to ratify the night's work. They also needed to bring Jesus before the Roman governor because, though they were allowed to pronounce death sentences, they were forbidden from carrying out executions.

Rome allowed its client kingdoms to execute criminals without Roman approval only rarely (perhaps for a more flagrant desecration of the temple than the high priests had proved Jesus guilty of)—otherwise local governments might execute Roman loyalists behind the empire's back! Illegal lynchings still occurred, but in this case, none would be necessary: it was in Rome's own interests for Jesus to die.

Pilate, however, was reticent to execute Jesus. When Jesus spoke of kingship and of "truth," he reminded Pilate not of a revolutionary but of a harmless wandering philosopher. Many philosophers claimed the right to reign as kings, but many who made such claims were also apolitical and posed no real threat to the authorities.

Then again, Pilate could not afford to alienate the Jerusalem authorities. He had a long history of provoking local officials, and they had forced him to back down before.

One of his first official acts as governor was to order his soldiers to bring the imperial standards into Jerusalem under cover of night. But after throngs of Jews bared their necks, saying they would rather die than allow the standards depicting emperor worship, Pilate backed down.

Under the increasingly paranoid emperor Tiberias, a refusal to prosecute anyone charged with treason might call into question one's loyalty to Caesar. Pilate was no political fool. For the Roman governor, like the Jerusalem aristocracy, political expediency held a higher claim than justice, so he approved the execution of Jesus.

Disturbing "justice"

Moving forward 2,000 years can help us appreciate the emotions such flagrant misuse of power may have engendered among those loyal to Jesus. In our day, we've seen in the news—and maybe experienced in our own lives—violations of justice and we recoil at them.

But few modern cases can match the miscarriage of justice in the hasty and unethical trial of Jesus. It broke ethical guidelines, railroaded an innocent man, and demonstrated a flagrant misuse of power. Readers of the account, both Jewish and Gentile, would have been deeply disturbed, if not furious.

It is all the more telling, then, that Jesus from the cross forgave his prosecutors, who in one sense knew very well what they were doing.

Craig Keener is visiting professor of biblical studies at Eastern Baptist Theological Seminary and author of* The IVP Bible Background Commentary *(1993) and Matthew commentaries for InterVarsity Press and Eerdmans.

Other resources:

Craig Keener is written numerous books on Jesus and the New Testament, including The IVP Bible Background Commentary and a volume on Matthew for the IVP New Testament Commentary

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The Scandal of the Grave

Jesus' humiliation didn't end at the cross.

Byron R. McCane

Jewish funerals almost always took place the same day as the death. The eyes of the deceased were closed, the corpse was washed with perfumes and ointments, its bodily orifices were stopped, and strips of cloth were wrapped tightly around the body—binding the jaw closed, fixing arms to the sides, and tying the feet together. Once prepared, the corpse was placed on a bier or in a coffin and carried out of town in a procession to the family tomb, usually a small rock-cut cave entered through a narrow opening that could be covered with a stone.

After eulogies, the corpse was placed either in a niche or on a shelf, along with items of jewelry or other personal effects. Once in a while, a Jewish funeral might even be a little too hasty: the rabbis told stories of people who were mistakenly buried before they were actually dead!

But the Jewish rituals of death did not end with the burial. A week of intense grieving, called ***shiv'ah*** ("seven") followed, during which family members stayed at home and received the condolences of friends. (Mary and Martha were in this period of grief for Lazarus when Jesus arrived at their home.)

Then came a month of less intense mourning, called ***shloshim*** ("thirty"), during which family members still did not leave town, cut their hair, or attend social gatherings. After ***shloshim***, most aspects of normal life resumed, but the immediate family of the deceased continued to mourn for one year. Then they would return to the tomb for a private ceremony known as "the gathering of the bones." In this secondary burial, the bones of the deceased were collected into a small stone container, called an ossuary.

Finally, the rites of mourning were over and the relatives could return to normal life.

No rest for the wicked

Different burial customs awaited those who had been condemned by order of a Jewish court. Burial in disgrace was well-known from earlier periods in Israel's history. The bodies of some prophets and kings, for example, suffered ignominious treatment after their deaths.

In Jesus' day, shameful burial meant two things: (1) a condemned criminal could not be placed in the family tomb until secondary burial, and (2) a condemned criminal could not be mourned in public. The family was not to observe either ***shiv'ah*** or ***shloshim***. On the contrary, they were expected to agree with the verdict of the court.

It is striking that the burial of Jesus conforms to both these Jewish customs of dishonorable burial. In each Gospel story, Jesus was neither buried in a family tomb, nor did anyone observe the rituals of mourning for him. Even when the women came to the tomb, they came only to "see the tomb" or to anoint the body.

Furthermore, Matthew, Luke, and John each explicitly described Jesus' tomb as one "where no one had yet been laid."

Jesus' humiliation, then, did not end with his crucifixion. Even after he died, Jesus' body was treated as an object of shame—he was buried in disgrace like a condemned Jewish criminal.

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Other resources:

Byron McCane is also the author of Building a Faith to Live By: Programs for Youth.

Links:

Christianity Today ran an interesting article about two Jerusalem tombs claiming to be Christ's: "Where Have They Laid My Lord?"

Those two churches, the Church of the Holy Sepulchre, and the Garden Tomb, each have several links to them.

Here's a page of links to Holy