

Did Jesus Christ Receive a Fair Trial?

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The concept of procedural due process, or fair treatment, is essentially a biblical concept.

What is considered to be fair treatment for a person accused of a crime varies greatly among governing units, but at the very least due process includes an opportunity for an accused to present his side of a controversy before an impartial tribunal (cf. Deut. 17:6; 19:15; Num. 35:24).

But where a governmental unit has added specific due process requirements to those mentioned in Scripture, that government's fairness in handling an accused must be evaluated in light of those additional requirements. Jesus had been accused of misleading those easily misled (probably the young and elderly, (Luke 23:2), uttering treasonous statements regarding taxes (Luke 23:2), and encouraging Jews to rebel against Rome (Luke 23:5). The Sanhedrin, as part of Rome's accommodation to various groups within its empire, was permitted to exercise broad authority over civil and religious areas involving controversies among Jews. Over the years, the Sanhedrin had devised an elaborate set of procedures to ensure fairness to an accused. Among such procedures were the following:

- Judicial meetings at night or the day before a Sabbath were forbidden.
- No member of the Sanhedrin could be an arresting officer, and arrests could not be made after sundown.
- The Sanhedrin was required to be impartial as a hearing tribunal.
- The initial interrogation of an accused was to be before an examining board (three to seven members) of the Sanhedrin or the entire Sanhedrin, never an individual member.
- Witnesses were to be interrogated before the accused, and the accused was never required to incriminate himself.
- An accomplice in a crime was not considered credible to testify, and an accused had a right of cross-examination.
- The High Priest was not allowed to express his opinion until all others had spoken, and physical violence toward an accused was forbidden.
- A record of the proceedings was required to be kept.
- At least two votes among Sanhedrin had to be cast on behalf of the accused before there could be a conviction, and at least one witness had to appear on the accused's behalf.
- Sentencing could not be done on the same day as conviction.
- Witnesses were to be the first to lay hands on the accused at an execution (executions possible only with Roman consent).

Even a cursory reading of Scripture will reveal that none of the above requirements were met. The Sanhedrin met at night (Luke 22:66; John 18:28), as well as on the day before the Sabbath (Mark 15:42). A member of the Sanhedrin was apparently one of the arresting officers (Matt. 26:55), and Christ's arrest occurred... after sundown (John 18:3). The Sanhedrin as a body plotted against Jesus early in His ministry and thus denied its status as an impartial tribunal (cf. Mark 11:18, 14:1-2).

Christ's first interrogation occurred separately before two members of the Sanhedrin (John 18:13, 19-24). Christ was placed under oath without prior witness testimony and in spite of protection against self-examination (Matt. 26:63; Deut. 17:6; Mark 14:60-62). Contradictory testimony of accusing witnesses was never challenged by cross-examination (Mark 14:55-57). The High Priest led the way in condemning Jesus and permitted acts of physical violence by other members of the Sanhedrin (John 18:13,24; Mark 14:63,65, cf. Lev. 21:10). No written record of the proceedings appeared to have been kept by the Sanhedrin, as evidenced by the rush from conviction to sentencing on the same day (Mark 14:53-15:15).

The Romans, who could have negated the Sanhedrin's hue and cry for Christ's death, nonetheless ignored their own rules of fair treatment. Jesus was denied a public trial and appeared only privately before Pilate and Herod (John 18:28-38; Luke 23:6-12). The Roman assurance of an impartial tribunal became acquiescence in the verdict of an accusing mob (cf. John 18:38 with 19:4-6). The Roman protection against double jeopardy was ignored when Christ was first acquitted by Pilate, then put in jeopardy before Herod, then again acquitted by Pilate, only to be turned over for crucifixion by the same governor.

Even though Christ's death had been planned within the Council of the Godhead from eternity past, there is no question that Jesus was taken "and by wicked hands" was crucified and slain (Acts 2:23).

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