

**THE TRIAL OF JESUS
CHRIST. A LEGAL
MONOGRAPH**

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The Trial of Jesus Christ. A Legal Monograph by A. Taylor Innes

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A LEGAL MONOGRAPH

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MEN have too much forgotten that the central event in history assumed the form of a judicial trial.

The prodigious influence of the life and personality of Jesus of Nazareth is admitted by all. But His tragical death, early and passionately accepted by Christianity as the significant fact of His career, has become more than any other incident the starting-point of modern history—His tomb, as Lamartine put it, was the grave of the old world and the cradle of the new. Yet that memorable transaction was the execution of a capital sentence, proceeding upon a twofold criminal trial—upon one process conducted under Hebrew and one under Roman law.

In its forensic aspect, as in some others, it is peculiar—perhaps unique. There have been many judicial tragedies recorded in history.

Capital trials, like those of Socrates, of Charles of England, and of Mary of Scotland, have always had a fascination for men. And this trial has impressed and attracted the world more than any or all of these. But these pages recall to general readers—what scholars have long known—that it has in addition a purely legal interest which no one of them possesses. By common consent of lawyers, the most august of all jurisprudences is that of ancient Rome. But perhaps the most peculiar of all jurisprudences, and in the eyes of Christendom the most venerable as well as peculiar, is that of the Jewish Commonwealth. And whenever these two famous and diverse systems happen for a moment to intersect each other, the investigation, from a legal point of view, of the transaction in which they meet is necessarily interesting. But when the two systems meet in the most striking and influential event that has ever happened, its investigation at once becomes not only interesting, but important. It becomes, undoubtedly, the most interesting isolated problem which historical jurisprudence can present.

And the problem is not only interesting, but difficult. For questions such as the following

are at once raised :—Were there two trials, or only one? Was the second a mere review of the first, or was the first a mere preliminary to the second?

Farther, were the forms, in the one case of Hebrew, in the other of Roman, law observed, or attempted to be observed? And was there in either case an attempt, with or without form, to attain substantial justice?

Again, were the charges preferred before the Hebrew and Roman tribunals the same, or nearly so? What was the crime for which the accused died?

Lastly, as to the decision. Was it in either case right in form, and attained by steps in conformity with the process which was binding (or was observed) at the time? And was it right in substance, *i.e.* was it, if not just, at least legal—in conformity with the Hebrew law, or the Roman law, as those laws then stood?

These questions of law proceed of course upon an assumed or ascertained history of fact. The history is abundantly familiar; and, fortunately, there is no special necessity that we should commence this inquiry by an examination of the sources. Men are not agreed

how far back they can exactly trace the three Gospels on the one hand, or the Fourth Gospel of John on the other. But the detail, verisimilitude, and authoritative calm of all these documents, impress the reader with a sense of close proximity to the life narrated—proximity, at least, on the part of the original oral narrators. And they have no competitors. A few words in Tacitus, a disputed sentence or two in Josephus, occasional execrations scattered throughout the Talmud,—these and such as these are the outside references to a career which burned itself in detail into the hearts of a generation of surviving disciples, and thence into the imagination of the world. To some readers it will appear a singular advantage that, so far as the documents bear on this special legal question, there is no reference to miracle. In none of the four records of the trial is there (after the first arrest) any touch of the supernatural in *that* sense of the word. The whole narrative of external fact might have been told of any morning's work of the Sanhedrin, of any forenoon condemnation by the Procurator. We may not indeed stretch this too far. The judicial narrative, unbroken by actual portent or marvel, maintains in each Gospel the same