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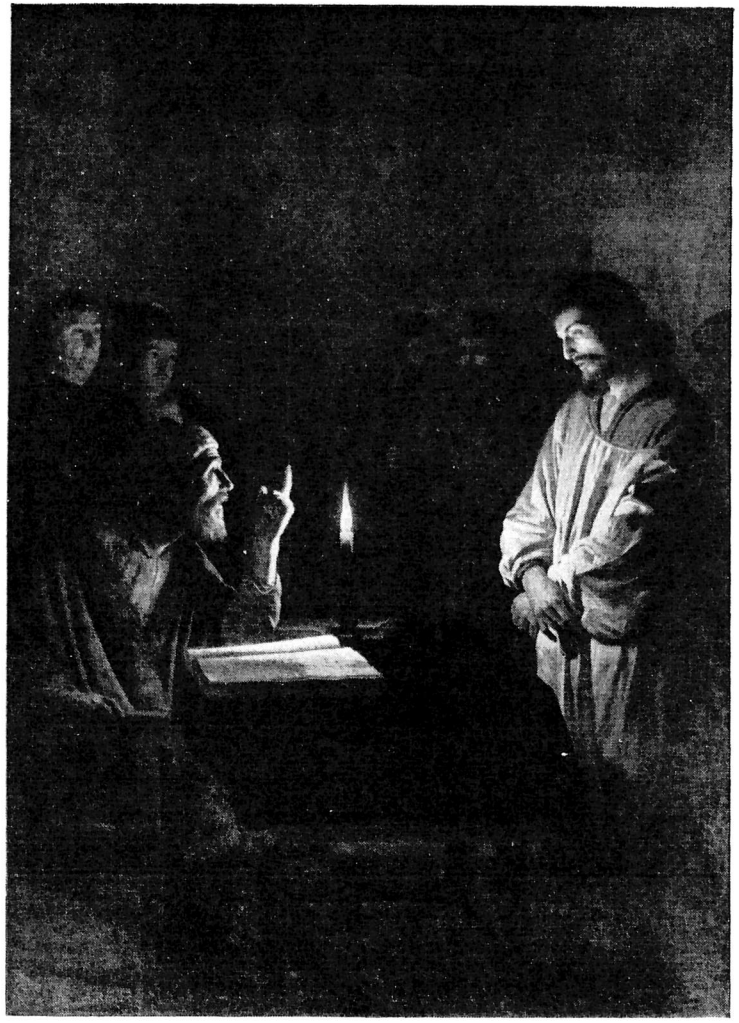
THE TRIAL OF JESUS CHRIST



CHRIST BEFORE PILATE.

From the painting by Gerard Honthorst.

THE TRIAL OF JESUS CHRIST

BY

The Right Hon.

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K.C., LL.D., Lord of Appeal.

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THE TRIAL OF JESUS CHRIST

A few months ago there was published a very remarkable book of "Historical Trials," written by Sir John Macdonell, one of the most accomplished jurists of the present generation.

Sir John was my intimate friend; and in perusing the sheets of his papers for publication I not infrequently found myself musing over a certain question: "Yes, these were great trials—that of Socrates, of Bruno, of Servetus, of Galileo, of Joan of Arc, of the Knights Templars, of Mary the Scottish Queen—but how I would have prized Macdonell's view of a far greater landmark in the history either of jurisprudence or of the world—namely, the Trial of Jesus Christ."

It is within the bounds of likelihood that he did not address himself to the task because in his opinion it had been accomplished with scholarship and thoroughness forty years before by the late Mr. Taylor-Innes. Innes, too, was my friend. I knew the general cast of his mind ; and I do not doubt that the judgment of these two deep thinkers would have been largely, if not entirely, in accord.

Speaking for myself—although much has been written upon this tragic and stupendous topic—I humbly reckon the judgment of Innes to be in substance an unassailable judgment.

* * *

The subject is one which even in a sketch is worthy of being treated judicially ; and therefore (which is the true secret of any judicial treatment) with resolute dispassion. Such a bare and studied realism yields a rich fruit of interest. Let one, for instance, set on one side either horror at the tragedy, or the movings of compassion with the Victim. On another let him forswear antagonisms, and of these one in particular—namely, that antagonism to ancient

formularies which tempts the mind to prejudice by the contrast of these with the humaner and more tolerant considerations of a modern age.

* * *

It is assumed, of course, that the record of the trial and execution is a real and historical record, made by four different sacred writers who were contemporaries of Christ; and, further, that the references by others to the events and their immediate and striking sequences are real and historical references. Vehement assertions were at one time made to the contrary. They went the length of pleading, for example, with regard to Tacitus, not only that the passage as to Christ's execution under Pontius Pilate was an interpolation, but even of claiming that the whole annals of Tacitus were not the work of that great author, but of an Italian named Poggio Bracciolini !

Let any dispassionate man read the accounts in the four Gospels, let him put them side by side, as Mr. Taylor-Innes did, and then add to them the references in the Acts of the Apostles, and

such a man will be struck, as every judge accustomed to handle evidence is always struck, with one fact which is common, and in such cases almost inevitable. Namely this : that while there may be great variety in detail, or in the forms of expression, or in the narration of occurrences, or in the accent put upon incidents—all according to the light in which they have struck the writer's or the witnesses' memory or reflection—yet underneath all these things the substance and weight of the narration are true. In the case of the trial of Jesus Christ, the simplicity with which events of stupendous import are told arrests and holds the mind, making an indelible impression, and leaving an abiding sense of the realism and veritable fact of the most tragical incident in all human history.

* * *

Jesus Christ underwent a double trial. Two great and independent systems of criminal jurisprudence were called into play to determine his fate. The procedure under each of these systems deserves scrutiny and survey.

The Jewish law, more ancient and more austere, had prescriptions of a most striking character, whereby a scrupulously careful fence was set round a trial when life was at stake. One had almost said that this code was as rigorous, as denunciatory, as prohibitive against evils and error in the course of legal procedure, as against evils and error in the course of human life.

The sacredness of the life of the accused is illustrated by the precautions taken in a Palestinian trial, in the days before the Roman Conquest. While the Jews had retained their full executive power, the chief form of the execution of a condemned prisoner was stoning to death. Other forms, strangulation, decapitation and drowning, were more rarely resorted to ; crucifixion never.

But this execution was by law fixed at a distance apart from the place of judgment (" without the camp "). And then follows the passage quoted by Innes from the Mishna : " In the meantime an officer is to stand at the door of the Court with a handkerchief in his hand ;

another, mounted on horseback, follows the procession so far, but halts at the furthest point where he can see the man with the handkerchief. And if anyone offers himself to prove that the condemned man is innocent, he at the door waves the handkerchief and the horseman instantly gallops after the condemned and recalls him for his defence."

The Roman law was, in the early Empire, as it had been during all the later Republic, shaping itself into a system which in later years was formulated by the most profound and authoritative jurists whom the world has ever known, and the spirit of whose teachings has since ruled the greatest systems of law. It at once introduced the search for principles of justice under all exterior forms. Upon these, as on the rock, it laid the foundations of Roman jurisprudence. This jurisprudence unified the power of Rome. As that power extended and extended so as to embrace all the known and civilised world, so consolidation of Empire came, not by the sword but by the genius of law. So true it was, as Florus

had written, "*Viribus parantur provinciæ, jure retinentur.*"

Bearing these things in mind, let us see what happened to Jesus Christ under both systems.

* * *

To begin with, let us not quarrel on legal grounds with the power to arrest in the Garden of Gethsemane. That power lay with the Sanhedrin, and it seems to me to have been inherent in the criminal jurisdiction which that body possessed. The body was the General Council, seventy-one in number, with a Higher Committee or inner ring of twenty-three. Although Judea was a Roman province, it was still, under the wisdom of Rome, permitted the self-government of its own theocracy, and the Council was appropriately presided over by the High Priest Caiaphas. It contained apparently the leaders of both the Pharisaic and Sadducean castes. It was moved by traditions which it was bound to respect and which constituted the body of the law. In later years these were consolidated in the Talmud. But the Mishna,

or central body of the Talmud, includes those traditions which were admittedly in force as law when the Christian era began.

* * *

Jesus Christ was betrayed by a follower, and by that the arrest was facilitated. To this betrayal some of the leaders of Jewish clerical opinion, who, without doubt, were members of the Sanhedrin which was to try him, were accomplices. It was a dark and indefensible transaction and blood money passed. Under a stricter jurisprudence—with facilities for criminal appeal or review—this might have arrested or quashed the whole trial. But the Sanhedrin was above appeal. To the limits of its power, that is up to the gates of death, it was supreme. There is enough in what follows to enable us to pass on to see whether jurisprudence or its defiance ruled the scene.

On one side the Sanhedrin : on the other the accused thus arrested. Who was he ? Here we are up against every temptation to deflect us from the jural questions which arise. We think of the man with whose name, in his birth

and at and after his death, are associated mystery, miracle, and the attributes of divinity. But these feelings must be put aside so that we may see the bare law of the case. He was a working man, a carpenter hailing from Galilee, who had begun at thirty years of age to teach and preach. He was acquainted with his native land, its lakes and shores, its cornfields and its mountain tops : he could picture its beauties ; he knew its customs ; he saw and pitied its miseries and its sorrows ; and his psychology was such that he saw under common things a spiritual meaning which gave illustrative force to his teaching and a dignifying uplift to human thought.

But he had aroused in the midst of a theocratic community, as he penetrated beneath its traditions and religious forms, the hostility of those who resented his fearless analysis of these, and who were revolted by the repeated charge that the most rigorous formalism might conceal hypocrisy. This antagonism had become pronounced on the part of the clerical leaders : and the accused man had approached Jeru-

salem steadfastly, and conscious that his life was at stake.

At last the leaders had him in their power. He was to be tried according to Hebrew law for his life. If ever there was a case in which the scrupulous forms and protections of jurisprudence should have been respected, his was the case. For his own followers had all forsaken him and fled ; and there were arrayed against him the massed and organised forces of ancient traditions, and of present, inflamed, popular passion. It was in these circumstances that the trial began.

At once sprang up a difficulty—namely, the difficulty of the count on which the accused man was to be tried. By the Hebrew law it was undoubtedly the case that it was the witnesses themselves who had to satisfy the Court that there was triable matter. " Their deposition was the beginning of every proceeding, and until it was publicly given against a man he was held to be in the judgment of law not merely innocent but unaccused."

Trouble arose. The witnesses agreed not with each other. Let us, of course, assume that according to law they were put on oath. But what an oath was that of Hebrew jurisprudence in a trial for life ! It was an adjuration of arresting solemnity :

" Forget not, O witness that, . . . in this trial for life, if thou sinnest, the blood of the accused and the blood of his seed to the end of time shall be imputed unto thee. . . . Therefore was Adam created one man and alone, to teach thee that if any witness shall destroy one soul out of Israel, he is held by the Scripture to be as if he had destroyed the world ; and he who saves one such soul as if he had saved the world."

It was from the agreed testimony of two witnesses, thus swearing and adjured, that alone a charge against an accused in a criminal trial could spring. There was no such concurrent evidence. It followed inevitably as matter of law that no formulation of a charge was possible.

Nor, I must add, did there seem a possibility

of extracting from the statements of witnesses, in a point in which they appeared nearest accord, anything which would give countenance to a capital charge. The point was that the accused had said that he would or could destroy the material Temple and rebuild it in three days. But this was no trial for a breach of the peace or a fantastic boast: it was a trial for life.

Consider the situation. The witnesses agreed not with each other. No count of capital import could therefore by law emerge. It is manifest that Caiaphas and the tribunal were conscious of this, and that it was for this cause that he overleaped the legal barrier by a final act of illegality. Caiaphas took to questioning the accused; and, contrary to Hebrew law, he founded upon the accused's own answers, and there and then he formulated a charge himself —a charge importing death.

This is admitted. What, then, was to be done? By law, the prisoner stood free; the entire proceeding suffered arrest; trial was impossible. What was to be done? There he

stood, upon the sacrifice of whose life it now became apparent that the mind of the tribunal was set. Caiaphas had himself declared that it was expedient that one man should die for the people. This was nothing but a trial for life, and the expediency of death had been announced from the highest seat of justice.

In literature and history the spirit and sentiment of the scene have often appeared. When in the second part of "Henry VI.," Queen Margaret had been pleading, out of her settled hate:

> This Gloster should be quickly rid the world
> To rid us from the fear we have of him,

then Cardinal Beaufort (the Caiaphas of his time) replied:

> That he should die is worthy policy:
> But yet we want a colour for his death.
> 'Tis meet he be condemned by course of law.

Yes, a trial by all means, and law by all means. But if witnesses failed, and the proceedings could not find their legitimate start, why not simply defy the law and start an

inquisition of the accused? Here was difficult ground: and the accused, maintaining silence, broke it with a reproof grounded at once on justice and on the Hebrew law. "I have spoken," said he, "openly to the world. I ever taught in the synagogue and in the temple whither the Jews always resort, and in secret have I said nothing. Why askest thou me?—ask them that heard me what I have said unto them. Behold they know what I said."

More than 400 years before, Socrates, entangled with the law because of a not dissimilar offence to that of Christ, had adopted a similar attitude. Plato, in the Apologia, puts these words into his mouth as uttered before the great popular judicatory: "If anyone says he ever learned from me in private what other people did not hear, be sure he is not speaking the truth." But in the case of Christ the appeal was not only on the merits of the point, but a plain statement of an elementary requirement of Hebrew justice.

The embarrassment of the position was more than some of the inflamed auditors could abide.

They chid the accused for such an answer, and in presence of a Court of Justice struck him on the face. To this obloquy and assault he replied with a second appeal to fairness and legality in trial: "If I have spoken evil bear witness of the evil, but if well why smitest thou me?"

No, this could not go on. The witnesses failed; the trial was in peril.

* * *

The first requisite of Hebrew law had gone, but there remained, as has been said, a supreme illegality. The law of the Jews was: "Our law condemns no one to death upon his own confession." Further, "It is a fundamental principle with us that no one can damage himself by what he says in judgment." Mr. Innes gives the citations and adds with justice: "Putting the question to the accused and founding a condemnation on his answer was therefore the last violation of formal justice."

This was the course which the judges took. The difficulties were not to be denied. Not only must the trial proceed, but, alas, it must

proceed upon a charge; and what was the charge to be?

Here was a fellow-countryman living under a theocratical form of government. He professed to have an intimate sense of the Divine influence and presence. Why not question him about that? They still were a nation of Messianic hopes—hopes, however, which were in their minds but of a material kind. Still, it was possible that they might even out of this man, from whose mouth they knew had proceeded strange doctrines—pointing to a new realm of spiritual truth, to the immanent presence of the Divine and to the immortality of the soul—out of his mouth they might extract something. Let the effort be made.

There ensued those questions culminating in "Art thou the Christ, the son of God?" and the greatest hour in Jesus' human life had come. He made the confession and the acknowledgment. It was in accord with his whole teaching. It was, as he viewed it, that supreme fact, the consciousness of which had supported him till that hour and was support-

ing him now. He undoubtedly believed that he came, not to redeem the Jews alone, but all mankind, and that it was in truth and fact he who was realising the inspired dreams of Isaiah—their prophet and his.

Then came the tragical scene; and that note of precipitancy rang out which crowns the whole trial with infamy. The High Priest rent his clothes and ended the so-called trial by the declaration that there was no need of further witnesses. In that sentence he abandoned the humane prescriptions of Hebrew law; and the trial plunged on, through informality and illegality, to condemnation and to death.

* * *

This note of precipitancy must be specially marked. It proclaims the radical illegality of the entire proceedings of those fateful hours. For, according to the careful provisions of Hebrew jurisprudence, it is beyond all question that those proceedings were from beginning to end illegal, because *they were conducted by night.*

No Israelite acquainted with his nation's

traditions or its sacred writings could accept as legal a criminal trial begun and largely conducted by night, and followed by condemnation without postponement to a second day.

The Mishna, dividing trials into the two classes of money trials and trials for life, prescribes expressly thus: "The former, money trials, are commenced only in the day time, but may be concluded after nightfall; the latter, capital trials, are commenced only in the day time and must also be concluded during the day. The former may be concluded by acquittal or condemnation on the day on which they have begun, the latter may be concluded on that day if there is a sentence of acquittal, but must be postponed to a second day if there is to be a condemnation." So that this precipitancy in the trial of Jesus Christ was a flagrant contravention of the most anxious and cardinal safeguard for human life provided by Hebrew jurisprudence.

* * *

Pause for a moment to consider: Jesus was arrested in the Garden of Gethsemane on a

Thursday night. The Sanhedrin or its High Committee was assembled by night to try him; and by night it did try him. Making every allowance for religious fears and prepossessions and for political views of expediency, and even for the heats of personal rancour, yet this procession of illegality still staggers the mind; it tears up jurisprudence and justice by the very roots.

Further, a trial for life, as we have seen, must be postponed to a second day if there is to be a condemnation. But Jesus was condemned and declared to be worthy of death, and this before the darkness of even the night of his arrest was over.

The simple question which Hebrew law asks is: Was this a condemnation in a trial for life postponed to a second day? No. Arrested as we have seen on a Thursday night, the accused was tried overnight, was condemned, was handed over in the morning to the Roman Governor, and with the sanction of that high officer, he was crucified at nine o'clock; and at three of the Friday afternoon, the greatest

son of one of the greatest races of mankind poured out his soul unto death. Viewed simply as a trial and an incident in human history, it was, so far as the Hebrew side of the transaction was concerned, a deliberate and defiant illegality, a swift and pitiless judicial murder.

What was the reason for this precipitancy? It is not accounted for simply by the passionate and clamorous appeal for dispatch made by class and religious fanaticism. I have considered this point over and over again; and I have come humbly to the conclusion that this precipitancy was largely due to the knowledge that the people of Jerusalem were mercurial in temper. This knowledge bred fear—fear of a revulsion and recoil in popular feeling. These very people had but a little while ago received the accused with all the fervour of a public welcome: they had acclaimed him with "Hosanna in the Highest."

How soon might they hark back to that? For very pity's sake they might turn on those who spat upon him and had smitten him on

the mouth. They might remember the outspoken reformer, the renowned healer of the sick, the consoler of the forlorn. In a fury of remorse they might turn on those who were hounding him to death. Haste, haste—what need have we of witnesses? Let law slide, make haste. Alas! we have no longer the executive power, or we would make quick work. Let us, however, exhaust our legal power, convict him, declare him worthy of death, and hand him over to Rome.

* * *

In the disorder and confusion of the trial Caiaphas had kept his head. He it was who brought affairs to the point of a definite charge. He addressed to Jesus publicly that adjuration—the most solemn and momentous which the voice of Judaism could utter or the ear of Judaism hear: "I adjure thee by the living God that thou tell us whether thou be the Christ, the Son of God."

Mark the question. By a Jew, to a Jew, among Jews, that is to say, to and among a people familiar with the idea that, unless their

prophets and their poets and their faith were all false, such a Christ *was* to arise among them —a leader and a redeemer of his people. The question was not " Are you the introducer and inventor of a new doctrine ? " but " Are you our Christ—do you claim to be the very man who has been foretold to us, who is our expectation as a nation ? " For Jesus a life's crisis was come.

Yet for him, in this poise of destiny, disclaimer was an impossible thing. That would have been falsehood to his nature, his faith, his mission upon earth. He was the Christ. And he asserted his claim—a simple and stupendous claim, associating himself in kinship and sonship with God and with judgment to come. But not a word passed his lips claiming any material sovereignty, any victory by the sword, any overthrow of Rome or any kingdom of this world. His life and teaching had been a repudiation of that. The kingdom he proclaimed was within the hearts of men. His lordship was a lordship of the soul.

The last was a severe blow to the tribunal. Their Messianic hopes were of the earth, of a redemption from Rome, of an independence of every other race or nation. Such a man as that now before them, a humble worker and teacher who repudiated their lifelong ideas and ideals and claimed a kingdom not of this world, such a man—befooling their hopes and their ambitions—could never be the Christ. To men so animated, the circumstantial evidence was a demonstration. So often is it forgotten that the force of circumstantial evidence depends on the class and condition of mind to which it appeals. To them, a demonstration. " He has spoken blasphemy " ; and by the Hebrew law blasphemy is worthy of death. Hurry him to Pilate.

* * *

Caiaphas knew his Pilate. Pilate knew his Caiaphas. But Pilate had a bad record. He was, no doubt, the actual representative and procurator of Tiberius the Emperor. Palestine was, one might say, our nearest analogue to a Crown Colony : in it Pilate sat in Cæsar's seat.

But there had been abuses, and he had done doubtful things.

He was the foe of Jewish institutions: and Josephus asserts that he had removed the army from Cæsarea to Jerusalem "in order to abolish the Jewish laws." Into a city where images were forbidden he had introduced the effigies of Cæsar upon the ensigns. The citizens were outraged, but he had surrounded the mob with soldiers. The crowd had fallen upon the ground and laid bare their necks demanding death rather than yield to the desecration of his designs: and he had yielded. He might yield again, before the clamour of a Jerusalem crowd, inflamed with religious fury.

On another issue, an issue of local government, he had not yielded. He had robbed the treasury of the Temple to pay for the introduction of a water supply to the city. When a vast crowd of citizens rose against him, he ordered armed soldiers, in plain Jewish dress, to mingle with the crowd, and to use their daggers. Wounding and massacre ensued, but

the riot was quelled. It is beyond imagination that this had been forgotten or forgiven.

That he was an unpopular Governor, unscrupulous, and with no hesitation in shedding of blood—this appears to be undoubted even at the date of the trial of Jesus Christ. Subsequent events confirmed these traits; there were trouble and assassinations in Samaria; and, after ten years of office, Pilate was superseded by Marcellus and recalled to Rome "to answer," as Josephus puts it,—"to answer before the Emperor to the accusations of the Jews."

At the period of confrontation with the Sanhedrin over the trial of the Galilean whom they had condemned there was enough in his record—to his knowledge and to theirs alike—to make him view with dread accountability to the Emperor. It has to be remembered that by this time in history the Emperor had accumulated in his own person every office and function of the Roman State, religious, military, and civil. At any moment he might, by his august fiat, pronounce for doom—death

for a life, or for maladministration, or for delinquency great or small, or for that most dangerous of all treasons, for not being Cæsar's friend.

Caiaphas was a man of much dexterity. But not many men could so dexterously have approached Pilate on a line to break his will for the prisoner's acquittal, and to win through his doubts and fears a consent to a warrant for the prisoner's execution.

Caiaphas and Pontius were unscrupulous ; but the former was the cleverer man ; the latter, under all the outward shows of terror and of power, was the greater coward.

When the Court of Caiaphas the High Priest, the head of the religious power, thus remitted the cause to Pilate, the representative of another high priest, the Pontifex Maximus (who was also, however, the head of the political power), there was enacted a collision, alas ! too often repeated in history in the relations of Church and State when their powers are combined. Passions aroused in the religious sphere ; the demand for the help of the

political power to give its sanction to ecclesiastical anathema, by forfeiture, imprisonment, or death ; the initial struggle by the State to avoid entanglement with opinions, professions, or faith ; the prolonged persistence of the religious power ; and finally the reluctant acquiescence of the State, and its exhausted surrender of itself as an instrument of ecclesiastical vengeance or propagandism or fury.

* * *

What was the nature and the relation between these two—the Hebrew and the Roman Courts ? It is a point of jurisprudence worth considering. The one was the Sanhedrin presided over by Caiaphas, the High Priest. The other was the Court of Pilate, the Procurator of Tiberius, in the Pretorium, on the seat of Roman justice.

To begin with, Caiaphas was not conducting a preliminary investigation as an examining magistrate. He was conducting a real trial under the forms and sanction of Hebrew law. Before the subjection of Palestine by Rome condemnation would have been followed not

by sentence alone but by execution. But now Rome had intervened. After all, the accused was a subject of the Emperor, and he and such as he should not die without the protection of the Emperor's representative and the warrant of the law of Rome. The one trial, a complete trial, was ended. The punishment of death was remitted elsewhere.

But when Pilate accepted the remit, he did not do so as a Court of Appeal. Jesus Christ had made no appeal. Nor did Pilate act as a mere executive officer presiding over a tribunal of sentence. He could, and he was bound to, review the proceedings themselves which had brought the accused citizen to this pass. I declare that I think the nearest present-day analogy that can be found for his legal situation is the power of the Judicial Committee of the Privy Council in regard to crime within a dominion of the Crown like, say, India. Over and over again the Committee has protested that it is not a Court of Criminal Appeal. Yet it has reserved to itself the fundamental right to prevent a violation of natural justice, as,

for instance, by corruption in the judge, or such a denial of right as prevented the accused from his defence, or—I should presume—of trying as a crime what is not a crime.

Pilate had this power; but he had undoubtedly more. He could not only hear both sides, but he could add to the sum of his knowledge by personal interrogation of the accused. I incline to think, further, that he could, in order to get to the bottom of the dispute, have convened witnesses before himself. Before ratifying the condemnation he had at least these rights: he stood free to review the whole proceedings, to decline execution of sentence, and to set the accused at liberty, declaring that he had done nothing worthy of death.

Finally to this power of administering Roman justice and conserving the liberty of the subject were added the requirements of order which as a Roman administrator he was bound to consider. He was Judge and Secretary of State in one. Thus he was vested with a power of mitigation and mercy to the con-

demned. With him also lay the defence of public order against local violence, at the call of administrative safety—a review punctured by expediency.

But beyond all question these administrative considerations could not, dare not, be reached till the jural question was settled: was this man a guilty or was he an innocent man? If he were guilty he might be forgiven, or a mitigation of sentence made; but if he were innocent the stage of administrative expediency was not reached, the innocent must go free. If not, death was murder, and that quality attached not because a Governor was strong or a Governor was weak, but because he was wicked.

* * *

This was the situation of Pontius Pilate, when in the early Passover morning he was confronted by the urgent remit of the hierarchy of Palestine that he, in his Court, should sentence to death a prisoner whom they, in their Court, had convicted and condemned. There was something here, surely, out of routine.

Why this urgency? Why was he asked to perform such a judicial duty on the Passover, a day excluded from such business by the Hebrew law? Why, indeed, had this trial, a trial for life, been held in apparent contravention of Hebrew law and practice:—"such a case is not tried on the eve of a Sabbath or a festival"? And then, presumably in the very presentation of the case, he would learn that, quite apart from this, and fundamentally contrary to that jurisprudence, this man's trial had been conducted overnight. Yes: this was no routine case: he must walk warily.

It is an interesting psychological study—this working of the mind of Pontius Pilate. He knew well the troubles lurking in differences with a Jewish mob. To yield to it, to resist it: he had done both; on either hand a Governor's record either as a judge or an administrator might be at stake. Let him examine this case for himself. It is only fair to him to conclude that at this stage and throughout the investigation he reckoned that a strictly judicial attitude was for him the only

line either of propriety or of safety. Granted the defects of character which his later acts disclosed, yet he knew well, both as a judge and an administrator, his duties, his responsibilities, and his accountability to Rome. Let him bear himself as both : straight was safe.

* * *

It is a speculation, still in the psychological region : but I reckon it not unfair to conclude that the resolve of Pilate in this direction may well have been strengthened by the vision unfolding before his eyes. An accusing crowd with every sign of fierce and explosive animosity ; that on the one side. But on the other, the accused man, silent amid clamour, patient amid insult, undefended, unfriended. I do not think so lightly of Roman jurisprudence and its central ethical principles as to imagine that there would fail to be a revolt in any judge's mind against conditions so untoward, and a steeling of Pilate's resolution against the weighted scale.

If they thought to overawe him, he showed them quickly that he would have none of that.

Brusquely he demanded, " What evil hath he done ? " ; getting as brusquely for answer the disrespectful reply that if the man had not been a malefactor he would not have been there—a reply which answered nothing. Then occurred a stage when it is plain that Pilate was experiencing the very difficulty which had occurred in the High Priest's Court, the difficulty of getting the formulation of any definite charge.

The fullest statement is given by St. Luke in these words : " We found this man, perverting our nation, and forbidding to give tribute to Cæsar, and saying that he himself is Christ, a King." Upon this followed Pilate's investigation, the accusers giving this and that testimony and Christ answering nothing. To Pilate it was clear, as it had been to the Court below, that no progress towards a real charge was being made by such proceedings : the one —of perversion—being clearly in the religious sphere, the other as to tribute being notoriously contrary to the accused's teaching and here unproved.

But as to the third there was doubtful

matter: Christ's claim to be a king. The synoptic Gospels are agreed that to Pilate's question "Art thou the King of the Jews?" Christ gave the answer "Thou sayest." It was the equivalent of a confession, leaving the trial on its proper footing, under the Hebrew law—viz., a requirement of proof. The matter could not be allowed to rest there. Here was a something which might be more than a difference among Jews upon a traditional or ecclesiastical topic, and might reach into the political sphere. Upon this Pilate, justly, thought it right further and more closely to interrogate the accused.

Then occurred a conversation between Governor and prisoner—the like of which has never been known in the world's annals. It took place in the privacy of the Palace, which on Passover day the accusing Jews could not enter. Here, Governor and prisoner addressed each other with a greater and more confidential freedom.

The record in the fourth Gospel is as follows:—

"Pilate therefore entered again into the palace, and called Jesus, and said unto him, Art thou the King of the Jews? Jesus answered, Sayest thou this of thyself, or did others tell it thee concerning me? Pilate answered, Am I a Jew? Thine own nation and the chief priests delivered thee unto me: what hast thou done? Jesus answered, My kingdom is not of this world; if my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews: but now is my kingdom not from hence. Pilate therefore said unto him, Art thou a king then? Jesus answered, Thou sayest that I am a king. To this end have I been born, and to this end am I come into the world, that I should bear witness unto the truth. Every one that is of the truth heareth my voice. Pilate saith unto him, What is truth?"

The interest in these passages of the narrative is deepened by this consideration. Here is contact—actual contact—of the mind of Jesus Christ with the mind of a pagan who was by no means uninstructed, or narrow, or unphilo-

sophical. In the interview it is clear that Pilate quickly doffed authority—seeking for reason and for truth ; but the former, the condemned wayfarer in his presence, spoke with an authority strange and commanding as he serenely opened the vision of a new world.

A king ! Yes : a king. But they were not met about words : all depended upon the nature of the kingdom. Then, as they reasoned, it became clear that there was no question of rivalry with Rome, of disloyalty to the mistress of the material world : a King, no doubt : for that very purpose was he born. But " my kingdom," said he plainly, " my kingdom is not of this world." If it were, there would be war and fighting and force : but there dare be none of those things, for " I bear witness to the truth, and every one that is of the truth heareth my voice."

These were strange words for a Roman, a materialist, a pagan, to hear ; and I venture the belief that in all the history of human opinion and freedom the first true gleams of the light of toleration are to be found in the hesita-

tions of Pontius Pilate. It was a noble and thoughtful and philosophic anxiety. I reckon at the very highest such anxiety of mind.

To a courtier of Tiberius or to any of his class, mythology was dead. Its monumental emblems remained ; but a worship regulative of life or thought had passed away.

> Apollo from his shrine
> Can no more divine,
> With hollow shriek the steep of Delphos leaving.

Polytheism was dead. The multiplied forces of Nature had been deified—even the instincts of the nature of men—till finally polytheism had been sluiced into the channel of patriotism, and the Emperor was named divine. This at least remained : but such worship was merely—avoid treason and keep within the law—a material control of human action, but no mover nor controller nor inspirer of the soul. What did this Hebrew mean ? According to him it was plain that there *was* a soul of man, a something which inhabited another kingdom, and was moved, controlled, and inspired by truth.

What was this truth? After all, might there not be something in this message? If there was, then the passing of all older beliefs had been succeeded by a belief more nearly satisfying the cravings or even the dreams of the heart, an allegiance to a kingdom in the world of ideals, whose ruler and head and centre was truth.

All this might or might not be, but as it appears unto me, one thing was beyond all others plain to Pilate: this doctrine of the soul and of truth had nothing whatever to do with any contravention of Roman law or any interference with Roman administration. This harmless, convinced, serene idealist who had ruled his life and teaching upon this doctrine and would stake his death upon it, he had committed no crime and he was no traitor to Rome. To slay such a man, that he would not do. He must and would go free.

The interview closed. Let the conclusive result be noted as recorded:—

"And when he had said this, he went out again unto the Jews and saith unto them, 'I find no crime in him.'"

The trial was ended. The verdict was pronounced—a verdict of not guilty. Roman jurisprudence had done its task, it had acquitted Jesus Christ.

* * *

Upon the baulked and maddened crowd the spirit of hate descended; and there arose a cry of defiance—defiance of law, of the acquittal, of the Governor himself, a passionate cry for blood. Then it was that into the mind of Pilate the fiend of expediency entered: and from that moment he slid down from light to darkness. Yet at each stage of his intimidation and compliance he called out aloud that he found no fault in the accused.

The capitulation of Pilate was pitiable. Down the steps of it he slipped and staggered to infamy, in a positive squalor of procedure. At the first outbreak of the passion of the mob he seemed to quail. This responsibility in face of an infuriated crowd—of letting law and plain justice have their course and the prisoner go free—this responsibility was past all bearing. Already he had endeavoured to shirk it by

remitting the cause to Herod on the ridiculous plea that the accused was a Galilean and that apparently Herod might get a jurisdiction by some principle of domicile of origin. But Herod took the gesture as one of courtesy and sent the case back ; and so he had tried it and he had given his verdict.

But what was to be done now with this Jerusalem mob ? Let him play down to their animosities. If he dare not slay an innocent man, let him compromise with their thirst for blood. Let his soldiers put the victim to the lash. Let the kingship charge be solved in derision ; let him robe him in purple, and crown him, but with thorns. Jesus Christ he again openly declared was innocent, but this vehement crowd hated him ; let them slake their hate in scorn, and let that suffice.

It would not suffice ; and the mob, apparently realising that they had got, not Christ alone, but Pilate in their power, clamoured for crucifixion.

What was this ? Crucifixion ! That would be lynching ! And then a final plunge ; let

him shuffle out of his executive responsibility for a massacre of the innocent, let the crowd take up that responsibility, let them lynch him themselves. It was the word of a coward's despair. But unavailing. Law failed, administrative order failed ; the mob was in command.

Then he hurried back the accused into privacy and questioned him again. Nothing came of it ; the prisoner was still an innocent man guilty of neither crime nor fault, and when they returned again to the crowd he repeated this declaration. By now, the crowd had abandoned all governance but that of passion ; their thirst was for blood. The man must die upon the cross.

* * *

The hunted Governor struck another course. There was a custom of the Jews, which in past years had been honoured by Rome—a custom of releasing one of the prisoners condemned to death. *That* was the way out. Thus his conscience would not be outraged ; order would be preserved ; law would be satisfied, and Jewish customs respected.

It was too late. No release for Jesus. Rather than that release, let a robber and murderer —by name Barabbas—go free. Then it was, at this very poise of fate, that by the voice of the accusers Caiaphas shot his bolt. Pilate, speaking both in the name of law and of administrative order, had declared that no fault was to be found with the accused ; but here was a new and terrible threat, a threat of impeachment of himself, Pontius Pilate, before the Emperor : " Thou are not Cæsar's friend." And he fell, pierced with the stab of personal fear.

Do not let there be any mistake about this. I know well the fierce controversy that has been waged over it, and the search for a defence for Pilate in the region of administrative requirements. I have considered and reconsidered the point, and in my opinion the defence has nothing in it. We are not in the region of what he might have done, or how far he might have stretched his powers as a Governor ; we are in the region of what he did. The administrative position, the requirements of law, the

requirements of order, the whole range of Governmental duty had been fully before his mind, and with these things in view he had properly and justly and openly acquitted the accused. He would not sacrifice the majesty and justice of Roman rule and law to the clamour of clerically inflamed Hebrew passion. But when the threat of personal impeachment of himself as Governor came, his courage wilted away. The scene was changed, controlled by fear.

Impeachment ! What might not that bring up ? It would bring up far more than the transactions of a single day or a single death. His whole record might be unrolled, and with that his reputation and his life would be at stake. This crowd had, inspiring it and fanning the flame of its wrath, the highest in the land ; no mean company ; knowledgeable ; with no little argumentative power, with vehement religious antagonism—all this he knew. But to all this was now added a diplomatic dexterity which twisted a religious into a political issue, and would put him and all his doubtful ad-

ministration into scrutiny and demand a defence at Rome.

This was the cleverness of Caiaphas. Before himself the charge had been blasphemy; but when the political sphere was entered that was easily convertible, it became treason. The cleverness was to be repeated again and again in history, and, alas! not so much in Jewish history as in the annals of Christianity itself. A thousand times over, while the clerical or ecclesiastical power has sought to achieve its ends by alliance with any earthly monarch or material power, it has used its alliance for infamous purposes and clamoured for human sacrifice. In the prosecution of this alliance official Christianity learned too well its lesson: but, alas! it learned it not from Christ but from Caiaphas.

* * *

In Pilate's case the final demand for the execution of Jesus Christ was founded upon the threat that if Pilate dared to stand firm he would be the abettor of treason.

In the furnace of human passion now raised,

any plea for toleration would have been burned up like a wisp of straw. Toleration is the noblest but, alas! the latest blossoming of culture, the highest bloom of civilisation. But what was truth to this clerically inflamed crowd? The bounds and form of truth were tradition; any other truth was to be feared, to be hated, to be suppressed; force, material force, was the remedy, and dowsing of the new light, and death.

In Caiaphas's time the sole test of truth was tradition: in later ages it was the inspired Word. Bruno and Galileo were condemned because "the doctrine attributed to Copernicus that the earth moves round the sun, and that the sun is stationary in the centre of the world, is contrary to the Holy Scriptures, and therefore cannot be defended or held."

But though the test for persecution changed, its method of invoking the political power still remained the Caiaphas method. Heresy was a danger to the State. To follow conscience was to follow a treasonable leader. Freedom of opinion was rebellion; loyalty to truth, sedition.

The reader's mind springs forward. "Even to-day," he is asking, "might not the trampled ashes of persecution, at some gust of a people's passion, spring again into a flame?" What of the loose words "subversion of the Government"? Is this, alas! some modern version of "perverting our nation"? But reflections upon such a topic are for some other hour. Sure however it is that enlightenment must still be on guard for liberty.

Through many centuries the Caiaphas method prevailed, and the proclaimers of new truth were led to the stake. Nay, rather, when the new truth came to power, the weapon—the same weapon—changed hands, and was turned with persecuting fury upon those who refused to embrace it. It required brave men, brave monarchs, brave administrators to decline participation in these dark transactions, and Pontius Pilate was not of that class or fibre.

Three men: three policies. The Caiaphas method, proscription. The Pilate method, toleration. Jesus Christ had witnessed in his own body the triumphs of proscription, indomit-

ably pursued he had watched in his own fate the failure of toleration weakly maintained. What was the policy of this stricken Galilean? It was to all appearance a something still less approved than toleration, but in fact a something which would change the face of history. It was forgiveness.

Toleration is of the mind: it shines. Forgiveness is of the heart: it glows; and in that glow is veritably formed the secret of human concord. To that greatest height had Christ risen when in his dying agony he had exclaimed that his enemies were misunderstanding the true position, and when he had pleaded for them to Heaven that they be forgiven.

Yet so little were the master-lessons learned that, both by Jew and Gentile alike, forgiveness was left to heaven; and toleration fled the earth. The Jewish race that bore him were plunged into a glut of hatred by the Gentiles who, bearing his name, betrayed his spirit. Hate is the poison of the soul: and hate begat hate: and for many weary centuries hate ruled the world.

Slowly through the ages the recoil has come. The noblest chapters of political struggle in England have given the refuge of good and equal laws to that race whose tenacity and achievements and gifts remain the wonder of mankind. It may be that within great spaces of the earth the pogrom is still within the range of practical politics. But enlightenment is afoot: let toleration have her perfect work. Emancipation is not enough: toleration is not enough. Our strivings and our dreams are for reconciliation—the reconciliation which only mutual forgiveness can bring. This, as we love light rather than darkness.

In the confusion of the trial of Jesus Christ, those separate lines of policy appear and are flung out on history. Let us turn to the trial's closing scene.

* * *

The final appearance of Pontius Pilate in the story of the trial is beyond measure pitiable. Trying to assuage a craven spirit, and to give a satiric and dramatic touch to his protesting compliance, he took water and washed his

hands before the multitude, saying, "I am innocent of the blood of this righteous man; see ye to it." Thus far had fear led him—to the abdication of authority, to the conscious prostitution of justice, with a final touch of "man's inhumanity to man," "let him be scourged before he is crucified." So was Jesus Christ delivered. And so was consummated—

"The deep damnation of his taking off."

* * *

Thus of Caiaphas; thus of Pilate. But there is an unwritten chapter in every trial, the psychology of the accused. Most of that is hidden by a veil, which only the eye of Omniscience can penetrate. Yet within that veil the real truth and tragedy are enacted; and if that region were revealed great chapters of the history of humanity would have to be rewritten. In the present case—a judicial study of a judicial trial—we dare not seek the aids of religious mystery or the refuge of religious faith. Propriety forbids. Even reverence might be a deflective influence. Literature, and the thought and imagination of the world, art,

painting, sculpture, music; all these for centuries have knelt in reverence before him, sublimating out of the injustice and cruelty of men the divine glory of his sufferings. But in a juristic study it is only by his utterances and conduct that a prisoner can be judged.

One thing is past all doubting. He knew the fate before him, steadfastly setting his face towards Jerusalem and revealing to his followers, ere they fled from him, that his conviction and his death were at hand. Throughout the trial he only once made an apparent protest. He asked why he was being smitten for not answering accusations. Otherwise, in the midst of divergence from legal propriety, of brutal and violent outrage, he opened not his mouth, accepting all, even the lash, and the ignominy of a crown of thorns. All this as if he were under a destiny, realised by him, accepted by him, borne by him without a murmur, a destiny enacted according to the purpose of a God in whom he trusted. Even Pilate, to whom he serenely asserted his faith—in God, in truth, in a Kingdom not of this

world, and in judgment to come—could not ascribe this to a whim of fanaticism; the accused adhered to his faith in the near presence of a death upon the cross.

Nor could there be a doubt that a fate, so accepted as divinely purposed, was unrolled before their eyes as that of a man who believed that the Kingdom of his profession was a real Kingdom and that all men would be drawn into it. He had not lived, he was not dying, in vain. For him no reflective age, no Indian summer. In mid-time of his manhood cut off, living, dying, a pioneer apparently without followers, a sower apparently without a harvest. What resolution, what a faith in ideals! Of set purpose I put aside all but the human element. Yet the task is difficult, for at every stage this exhibition of lofty faith in an immortal life, in the existence of God, in a Kingdom, not of this world yet revolutionising the soul of man—all this rises (no other word can express it) into the divine,

"Thereby to set the hearts of men on fire,
To scorn the sordid world and unto Heaven aspire."

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