

22 Sanhedrin Rules Broken at Jesus' Trial

Much debate has taken place over whether these, or all of these rules were in place in AD 33, since the Mishnah was not written and codified until about AD 200. However, oral tradition had passed down these laws for several centuries. A second objection focuses on the fact that these were primarily Pharisaical laws, and thus not written until after the destruction of the Second Temple. However, the absence of any mention of the Pharisees after Jesus' arrest may indicate that the proceedings of the Sanhedrin was totally dominated by the Sadducees who cared little about the laws promoted by the Pharisees. I have edited a few lines for clearer reading, and added scripture references for verification. (prb)

Rule 1: There was to be no arrest by religious authorities that was affected by a bribe (Based on Exodus 23:8). (Matt. 26:59-60)

Rule 2: No steps of criminal proceedings were to occur after sunset. This was to avoid the possibility of conspiracy, especially one that would be carried out using the cover of night. Once the sun had officially set, the authorities were not to proceed with any form of criminal proceedings. By Jewish reckoning, the sun officially sets once three stars are visible. (Luke 22:53-54)

Rule 3: Judges or members of the Sanhedrin were not allowed to participate in an arrest. The purpose was to ensure their neutrality. If they participated in the arrest, it meant they had already taken sides. (Luke 22:2; Mark 14:1)

Rule 4: There were to be no trials before the morning sacrifice. All of the daily morning rituals in the Temple had to be completed before any trial could be conducted. (Luke 22:66)

Rule 5: There were to be no secret trials, only public. In keeping with the second rule, secret trials were forbidden in order to avoid the possibility of conspiracy. (Matt. 27:1)

Rule 6: Sanhedrin trials could only be conducted in the Hall of Judgment of the Temple compound. Since all trials had to be public, the people would have to know where to go to observe a trial. Sanhedrin trials, therefore, had to be held only in this one room, the Hall of Judgment in the Temple compound. This hall was known as the Lishkat ha- Gazit, the Chamber of Hewn Stones. (Matt. 26:57-58)

Rule 7: During the trial, the defense had the first word before the prosecutors could present the accusations. This is the reverse of the western system. The defense provided all reasons why the accused could not be guilty of anything and presented character witnesses. Then the two or three witnesses for the prosecution officially presented the accusation. (Matt. 26:59-64)

Rule 8: All could argue in favor of acquittal, but all could not argue in favor of conviction. Under Jewish criminal law, it was permissible to “stack the deck” in favor of the accused, but not against him. It was permissible for everyone to argue only for acquittal, but it was not permissible for everyone to argue only for conviction. The accused had to have at least one defender. (Mark 15:64)

Rule 9: There were to be two or three witnesses, and their testimonies had to agree in every detail (Based on Deut. 19:15-19). (Matt. 26:59)

Rule 10: There was to be no allowance for the accused to testify against himself. This was to avoid two possible situations. First, a man might be suicidal and so confess to a crime he did not commit. Second, he might be trying to protect someone else who was guilty and so confess to a crime he did not commit. Therefore, the individual himself could not be counted among the two witnesses that were minimally required for a court case to be heard. (Luke 22:66-71)

Rule 11: The high priest was forbidden to rend his garments (Based on Lev. 21:10). In a Jewish context, the tearing of garments was a sign of the emotions. For example, if a family member died, the relatives would tear their clothing. This also happened if a family member married a Gentile or became a believer in Yeshua. Because the trial had to be decided based on the facts presented by two or three witnesses, and not on the basis of emotions, the high priest could not tear his clothing during the trial. (Matt. 26:65)

Rule 12: Judges could not initiate the charges; they could only investigate charges brought to them. Like the third rule, this law was supposed to keep judges neutral. If they originated the charge, it would mean that they had already taken sides. (John 18:19-24)

Rule 13: The accusation of blasphemy was only valid if the name of God itself was pronounced. In Hebrew, the name of God is comprised of four letters that correspond to the Latin letters YHWH or YHVH. Unless a person pronounced this name of God, they could not technically be accused of blasphemy. (Matt. 26:64-65)

Rule 14: A person could not be condemned solely on the basis of his own words. This rule emphasized the necessity of having two outside witnesses. (Mark 15:64)

Rule 15: The verdict could not be announced at night. This rule was to avoid a rush to judgment. It might have been a very long day with many witnesses being questioned, arguments back and forth, and people getting tired and edgy. To avoid a rush to judgment, once night had come (when three stars were visible), the judges had to wait until the next day to announce the verdict, even if they knew what it would be. (John 18:28)

Rule 16: In the case of capital punishment, the trial and guilty verdict could not occur at the same time, but had to be separated by at least 24 hours. The purpose

of this law was to permit more time for information to become available which might favor the accused. (Mark 15:64)

Rule 17: Voting for the death penalty had to be done by individual count, beginning with the youngest, so the young would not be influenced by the elders. (Mark 15:64)

Rule 18: A unanimous decision for guilt showed innocence, since it was considered impossible for 23 to 71 men to agree without plotting. The number 71 is the full membership of the Sanhedrin. Not all the members needed to be present, but there had to be a minimum of 23. However, even with the minimum, it was inconceivable in a Jewish context that all 23 men could agree on one issue, unless there was a plot involved. This came from the observation that Jews enjoy arguing among themselves, as noted earlier in the discussion on the school of the Sopherim. (Mark 15:64)

Rule 19: The sentence could only be pronounced three days after the guilty verdict. The trial and the verdict had to be separated by 24 hours, but three more days had to pass before pronouncing the sentence, for the same reason: to allow more time for information to come forth that would favor the accused. (Mark 15:64)

Rule 20: Judges were to be humane and kind. (Luke 22:63; Mark 15:65)

Rule 21: A person condemned to death was not to be scourged or beaten before his execution. (Matt. 27:26)

Rule 22: No trials were allowed on the eve of the Sabbath or on a feast day. (John 18:1, 12)

Source: Arnold Fruchtenbaum, Yeshua, The Life of Messiah From a Jewish Perspective, vol. four; San Antonio, TX: Ariel Ministries, 2017.