

LL4219/LL5219/LL6219 THE TRIAL OF JESUS IN WESTERN LEGAL THOUGHT

Course Instructor: Professor JHH Weiler

Course Description

The Trial of Jesus is an excellent case for students to learn how to conduct non-practical studies of legal and normative issues. It is, arguably, the most consequential legal event in the evolution of Western Civilization. We will examine the historical, political, and legal background to the Trial, and, especially, the procedural propriety of the Trial. Questions to be explored include: Were his procedural rights preserved during his trial before the Sanhedrin? Was his trial a miscarriage of justice? Through reflecting upon these and other questions, we will explore if and how this trial shaped the Western culture.

This module is also concerned with the 'method' or 'process' of how students digest and integrate 'substance' or 'content'. Thus, there is emphasis on the significance of understanding and clarifying, the complexity of each and every problem, and not only the importance of offering, or trying to offer, a clever solution to it.

Learning outcomes

The course is designed to enhance the students' knowledge and understanding of comparative and foreign law, as well as legal theory and legal history. In particular, they will learn how to think, question, differentiate, internalize, and communicate complex issues of culture and civilization in general and of law and trial processes in particular.

Mode of Assessment: 100% written paper on student's own choice of topic.

The subject of this course—a legal analysis of the Trial of Jesus—is very complex and intricate, entailing a variety of theoretical, conjectural, and empirical discussions (motive analysis, observations of many data, etc.) set against the historical context, the factual matrix and the legal issues concerning the trial(s) of Jesus by the Jewish and Roman authorities. Readings will include some of the principal primary sources and a selection from the vast secondary literature and the classes will be conducted along three core themes.

Unit 1: Introduction – Methodological Analysis and Historical Background

In this unit, we will discuss two methodological approaches to this trial (i.e., Historical vs. Canonical) and the historical background of the trial (i.e., power structure, different social groups in Judea of the First Century).

UNIT 2: “Was there a Trial?” – Caiaphas’ Plot and the Procedural Aspect of the Trial

In this unit, we will first discuss the plot of the Jewish Authorities to kill Jesus, and then the procedural aspect of his trial before the Sanhedrin as described in the gospels.

UNIT 3: "What was the Trial About?" – The Substantive Aspect of the Trial before the Sanhedrin

In this unit, we will examine the substantive aspect of this trial in light of the biblical and rabbinic laws of blasphemy and false prophecy. The central questions will be: for what charge was Jesus convicted? Did his conduct during the trial, or during his public life, constitute capital offense according to regnant law? In short, what was the trial about? We will also try to present a synthetic view of the death and the trial(s) of Jesus as a conclusion of our project.
