

JEWS AND CAPITAL PUNISHMENT - attach 3

<https://www.neverthirsty.org/bible-qa/qa-archives/question/why-did-the-jews-not-crucify-jesus-but-then-kill-stephen/> This is edited for brevity.

Why the Jews couldn't crucify Jesus, but could kill Stephen

John 18:31 records that the Jewish leaders could not crucify Jesus, but then they killed Stephen Acts 7:54-60. This explains this apparent contradiction.

So Pilate said to them, "Take Him yourselves, and judge Him according to your law." The Jews said to him, "We are not permitted to put anyone to death..."

1). Flavius Josephus says that the emperor Titus allowed Israel's religious leaders to kill anyone violating the temple. But he required certain circumstances and procedure. Josephus reports, Titus was quite annoyed by the incivility of it all and reproached John and his group, saying to them, "Have not you, vile wretches that you are, by our permission, put up this partition-wall before your sanctuary? Have not you been allowed to put up the pillars thereto belonging at due distances, and on it to engrave in Greek, and in your own letters, this prohibition, that no foreigner should go beyond that wall? Have not we given you leave to kill such as go beyond it, though he were a Roman? And what do you do now, you pernicious villains? Why do you trample upon dead bodies in this temple? And why do you pollute this holy house with the blood both of foreigners and Jews themselves?"[1] Part of this quote is importantly repeated later in Flavius Josephus' Jewish War. 5.5.2.

John quotes the Jews saying they were not permitted to put anyone to death. The truth is **they could, for violating the temple**. They could not kill Jesus because He had not. In fact, **they feared killing Jesus out of their own fear of the people**. Matt 26:5.

2). The article "**Ancient Temple Mount 'warning' stone** is 'closest thing we have to the Temple' written by Ilan Ben Zion in 22 October 2015 shows the warning that the Sanhedrin Council had posted to anyone who did not belong on the temple grounds. [2] It is an archaeological artifact "forbidding Gentiles from entering the temple area proper." The warning dates c. A.D. 30. It was in effect during Jesus' last week. The author quotes Josephus's Jewish War. 5.5.2. and the artifact itself states, "No alien may enter within the barrier and wall around the Temple. Whoever is caught is alone responsible for the death which follows." It is from the "Herodian Period, 37-34 BCE. In The Israel Museum, Jerusalem..

3). Acts 21:28-30 affirms that Gentiles were not allowed on the temple grounds.

..."Men of Israel, come to our aid! This is the man who preaches to all men everywhere against our people and the Law and this place; and besides he has even brought Greeks into the temple and has defiled this holy place." They had been seen Trophimus the Ephesian with him and supposed that Paul had profaned the temple. This provoked the city and people rushed together and dragged Paul out of the temple and slamming closed the doors.

This is biblical, historical and archaeological support for why Jews didn't crucify Jesus. But they did kill Stephen.

4). Roman law allowed Jewish leaders to kill anyone who violated the temple and the Mosaic law. The death sentence for blasphemy was usually stoning. Acts 6:11-14 And Stephen was brought to the

Sanhedrin Council, usually held in the temple. False witnesses claimed Stephen blasphemed against Moses, God and the temple (holy place). Then Stephen proceeded to **offend them** Acts 7:54. Stephen was put to death for this Acts 7:54-60. Stephen was a Hellenist with a Greek name and convicted of **being on temple grounds blaspheming so he was stoned to death by Jews**.

5). F. F. Bruce from his commentary on “The Gospel & Epistles of John”

“Their statement, ‘We are not allowed to put any one to death’ is, typical Roman provincial practice; capital punishment was the governor’s prerogative only. When **Judaea became a Roman province in AD 6, a Roman prefect was appointed by the emperor to govern it. Normally capital power was the most jealously guarded of all the government powers.**

In Judaea, a special concession was granted: **Jewish authorities were allowed to execute a sentence of death for violating the sanctity of the temple, even if the violators were Roman citizens.** [3] An aborted attempt was made before the Sanhedrin to charge Jesus with *uttering threats or insults* against the temple Mark 14:57-59. A few years later a conviction on similar grounds was used against Stephen Acts 6:13 ff. and it didn't require **approval by the governor**.

The evidence is confirmed by a **second-century rabbinical tradition, preserved in the Jerusalem Talmud, that forty years before the destruction of the temple the right to inflict the death penalty was taken away from Israel.**[4] It is curious that the tradition should specify forty years before AD 70, and not sixty-four years; it may be that the remembrance of a *situation* around AD 30 when deprivation of this right was of special significance. **If the Jews had not lost the right of capital punishment, they could have killed Jesus!** Such was the penalty for blasphemy.

Among the forms of execution in Jewish law, **hanging was extraordinary and extremely reserved.** Jewish law had permitted the hanging up (not beyond sundown) of a dead executed criminal Deut. 21:22 f.. For Jews, confirmed by a well-known Qumran text, ‘hanging men alive’ was an abomination ‘it was not so done in Israel.’[5] But ‘hanging men alive’ was an accurate description of crucifixion; a common Roman form of execution, especially for sedition. The false charge brought against Jesus before Pilate was, in Roman law, the equivalent to sedition. John is saying that by **referring of Jesus’ case to Pilate’s jurisdiction made it possible for sentence by crucifixion and by this, He would be literally ‘lifted up from the earth’.** Unwittingly, Jews participated in fulfilling the old Covenant and initiating the new.

D. A. Carson[6] and Leon Morris[7] for concurring information.

6). “So when the chief priests and the officers saw Him, they cried out saying, ‘Crucify, crucify!’ Pilate said to them, ‘Take Him yourselves and crucify Him, for I find no guilt in Him.’ The Jews answered him, ‘We have a law, and by that law He ought to die because He made Himself out to be the Son of God.’” John 19:6-7

Why did the Jewish leaders demand, “Crucify, crucify!”? They could have asked that Jesus be stoned to death. They wanted Jesus to suffer the “most horrible form of death,” according to Lipsius (Lipsius, De Cruce. 2.1). They wanted Jesus to suffer the greatest pain possible.

7). John 3:14; 8:28; 12:32-33 Jesus knew He would be crucified; that Jewish leaders would **lift Him up**, a veiled reference to crucifixion. **This was the plan of God the Father in His sovereignty.** The prophecies foretold that the Messiah would die and the descriptions are satisfied by a crucifixion Psalm 22:16-18; Zechariah 12:10 and by other prophets.

8). The New Testament reveals **religious leaders who wanted Jesus to be crucified.** The Mosaic Law only allowed four types of capital punishment: sword Ex 22:18-24, fire Lev 20:14, stoning Lev 24:16; Deut 21:21; 22:20-21 and hanging Deut 21:22-23. These forms were still available to the Jewish religious leaders under Pontius Pilate according to Flavius Josephus (Flavius Josephus, Wars of the Jews. book 6, chap. 2, sect. 4 or para.. 124-126). The Roman emperor did not disallow these.

Note, too, the Jews abhorred hanging anyone on a tree because Deut 21:23 **anyone who hangs on a tree is cursed. The Jewish Gemara on this passage states an idolator must be hanged.** That is what they asked Pontius Pilate to do—crucify Jesus!

Gal 3:13-14

Christ redeemed us from the curse of the Law, having become a curse for us — for it is written, “CURSED IS EVERYONE WHO HANGS ON A TREE” — in order that, in Christ Jesus, the blessing of Abraham might come to the Gentiles, so that we would receive the promise of the Spirit through faith.

Gal 3:13 quotes Deut 21:23. Jews asked Pontius Pilate to crucify Him in order for our Lord to be cursed on the cross so that “the blessing of Abraham might come to the Gentiles, for us to receive the promise of the Spirit through faith.

9). Romans limited the Jews’ authority for killing; only violations of the temple. Therefore, the Jewish leaders were forced to ask Pontius Pilate to kill Him and only then they could ask for Jesus to be hanged, crucified. It was their choice and had to happen to fulfill the prophecies. This was our Father’s plan. **The trial of Jesus did not occur in the temple but in the residences of Annas and Caiaphas both high priests** Matt 26:58; Mark 14:53-54; John 19:12-15, 24. **When Jesus said that He was the Son of God** Matt 26:63-65; Mark 14:61-64; Luke 22:67-71, they believed He blasphemed; but He did not do it on the temple grounds. This is why there was no trial on temple grounds.

10). Jesus suffered the “most horrible form of death” so that we would not suffer an even more horrible spiritual death and perish in the Lake of Fire. Jesus did that so we can have eternal life John 3:16.

References:

1. Flavius Josephus, **Wars of the Jews**. book 6, chap. 2, sect. 4 or para.. 124-126. William Whiston, The Works of Josephus.
2. Ilan Ben Zion. “Ancient Temple Mount ‘warning’ stone is ‘closest thing we have to the Temple’.” 22 October 2015. (www.timesofisrael.com/ancient-temple-mount-warning-stone-is-closest-thing-we-have-to-the-temple/).
3. Josephus, **Jewish War** 6.124-126. Thus, when Paul was charged with an offence against the sanctity of the temple, the Sanhedrin, through their spokesman Tertullus, complained to the procurator Felix that the officer commanding the Roman garrison in the Antonia fortress had forcibly taken him out of their hands when they were going to judge him ‘according to our law’ (Acts 24:6 f., Western text).
4. TJ Sanhedrin, Gemara on i, I, Schwab’s French trans. Vol. X, p. 229, standard pagination 18a; TB Sanhedrin 41a, **Abodah Zarah** 8b. See the statement “Since the Sanhedrin ceased judging cases of capital law forty years before the destruction of the Temple, and Rabban Yohanan ben Zakkai was in a position of prominence for only forty years, he could not have been a judge in a capital case.” (www.sefaria.org/Sanhedrin.41a.26?lang=bi&with=all&lang2=en).
5. **The Dead Sea Scroll**] 4QpNah. col. 1, lines 6-8 (commentary on Nab. 2:12). The Qumran commentator interprets Nahum’s ‘lion’ of Alexander Jannaeus, who in 88 BC crucified 800 of his rebel subjects (Josephus, **Jewish War** 1.97; **Antiquities** 13.380).
6. D. A. Carson. **The Gospel According to John**. Eerdmans Publishing. 1995. pp. 590-592.
7. Leon Morris. **The Gospel According to John. The New International Commentary on the New Testament**. Eerdmans Publishing. 1995. p 676-677.
8. Gemara on Mishna V. “**Tractate Sanhedrin: Chapter 6.**” Jewish Virtual Library. (www.jewishvirtuallibrary.org/tractate-sanhedrin-chapter-6)