

Thoughts on the Trial of Jesus Jay Luther¹

I have always had several problems with the trial of Jesus. First, it has always felt rather like an undeveloped speed bump on the way to the crucifixion and atonement. Something necessary as a matter of form, but hardly significant in its own right, apart, perhaps, from the cry of “give us Barabbas.” Second, as an eternal optimist always seeking a happy ending, I’m offended by the sense that the trial’s outcome was a “done deal,” inevitable, fix-is-in, no changes to the script possible. Third, as a trial, it makes no sense to me at all in the context of its times. In short, it has always seemed to me that there was much more to this story than one could gain from a literal or conventional reading of the text.

Let us remember what the times were like in this fourth decade after Jesus’ birth. We are in Jerusalem, but the capital of Judea and Palestine is no longer that ancient city. The Roman capital of the region is Caesarea, on the coast. Built by Herod the Great in the previous century, Caesarea was truly Roman, with its aqueducts, amphitheatre, Roman temples, Herod’s columned castle and Mediterranean breezes; it would eventually become the largest city in Judea. Pilate governed as prefect from there from 26-36 AD, and would most assuredly have preferred to be there, rather than seditious Jerusalem, during the Passover that would make his name evermore better known than that of the Emperor Tiberius whom he served. But in Jerusalem he was; Judea’s relationship with the *Pax Romana* had always been an uneasy peace, and Passover was a time when the friction between Jews and their occupiers was the greatest. It is not easy to be a client state of Rome, when your daily prayers teach that your people have been freed from slavery by the one God.

What had been the kingdom of Judea had been divided into four parts upon the death of Herod the Great, and assigned to his four sons by Tiberius. Herod Antipas was the tetrarch (literally, "ruler of a quarter") of Galilee and Perea. Jerusalem’s judicial authority was the Sanhedrin, a legal body composed of the chief Sadducees, Pharisees, and elders. It long predated the Roman occupiers, but in its now limited authority, it no longer could meet in its historic chamber in the Temple, whether out of protest, Roman proclamation, or some other reason is not clear. It was presided over by the chief priest, Caiaphas, who was appointed by Pilate’s predecessor. Under Roman rule, at least during the trial of Jesus, the Sanhedrin apparently lacked the power to impose the death penalty, at least by crucifixion. By contrast, the prefect could impose criminal penalties, including death by crucifixion, but either could or would not impose penalties for violation of Jewish law such as those prohibiting blasphemy. Beyond this, Pilate was not in the strongest of political positions. He was responsible for Judea, but only had about 3,000 troops to control the province; the true Imperial military presence in the area was in Syria. Insurrection, as always, was in the air, and Pilate had brought himself and his troops to Jerusalem for Passover to preserve the uneasy peace.

Let’s recap, in broad brush, what happened. Jesus was brought before the Sanhedrin. In Mark, “another” disciple came with him, at least to the courtyard, while Simon Peter cowered behind.

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The Sanhedrin asked questions. In Matthew, when he was accused by the chief priests and elders, he did not answer at all. In Luke, they asked,

"If you are the Messiah, tell us." He replied, "If I tell you, you will not believe; and if I question you, you will not answer. But from now on the Son of Man will be seated at the right hand of the power of God." All of them asked, "Are you, then, the Son of God?" He said to them, "You say that I am." Then they said, "What further testimony do we need? We have heard it ourselves from his own lips!"

In Mark, there's lots of testimony against Jesus, but it's contradictory. The chief priest asks,

"Have you no answer? What is it that they testify against you?" But he was silent and did not answer.

In John, when asked what he said, he responds in substance that his words are matters of public record, with nothing spoken in secret. In effect, "you know what I said; what of it?"

He then goes before Pilate. In Matthew, it is said that while Pilate was sitting on the judgment seat, his wife sent word to him, "Have nothing to do with that innocent man, for today I have suffered a great deal because of a dream about him." Procula's is the first profession of innocence, but far from the last. In Luke, Pilate sends Jesus to Herod:

When Pilate . . . asked whether the man was a Galilean. And when he learned that he was under Herod's jurisdiction, he sent him off to Herod, who was himself in Jerusalem at that time. When Herod saw Jesus, he was very glad, for he had been wanting to see him for a long time, because he had heard about him and was hoping to see him perform some sign. He questioned him at some length, but Jesus gave him no answer. The chief priests and the scribes stood by, vehemently accusing him. Even Herod with his soldiers treated him with contempt and mocked him; then he put an elegant robe on him, and sent him back to Pilate. That same day Herod and Pilate became friends with each other; before this they had been enemies.

In Luke and the other synoptic Gospels, Pilate asks, "Are you the King of the Jews?" and Jesus says "You say so." And as to the other questions, he is silent, and, as we are told, "Pilate is amazed." Only in John does he actually refute the charge with the statement that "My kingdom is not from this world." But that is a discussion for another time.

In today's law, we would say that Jesus received a judgment of factual innocence from the only authorities with jurisdiction in the matter. In the reading from Luke on Palm Sunday, again and again, Pilate says,

"I find no basis for an accusation against this man;" "I have examined him in your presence and have not found this man guilty of any of your charges against him. Neither has Herod, for he sent him back to us. Indeed, he has done nothing to deserve death;" "What evil has he done? I have found in him no ground for the sentence of death. . . ."

Plainly, the trial was *not* a “done deal.” Four times, Jesus is found not guilty. But yet he is crucified. What’s going on here?

There is, of course, the matter of Barabbas. In Luke’s text, “Then they all shouted out together, “Away with this fellow! Release Barabbas for us!” (This was a man who had been put in prison for an insurrection that had taken place in the city, and for murder.)” And on, and on. Mob rule substitutes for Roman law.

But as we shall see, this makes no more sense. It’s still all wrong.

Let’s look more closely at the nonsensical elements of the trial, for there are few that are not of this nature.

First, there is the matter of Jesus’ responses. If the New Testament teaches anything, it is that Jesus was not afraid of speaking. In Roman times, where honor was all, the expectation was that if a charge was made against you, you’d vigorously contradict or otherwise respond to it. By contrast, when interrogated by Herod, he remains silent. Before the Sanhedrin, when asked,

“Are you, then, the Son of God?” He said to them, “You say that I am.”

They go on to say, in effect, “what more do we need,” but the obvious answer is “plenty.” This was an evasive answer that admitted nothing. And before Pilate, more evasive answers: “Are you the king of the Jews?” is met with, “You say so.” On the face of it, this is not the Jesus we know. Moreover, it is plainly an answer that will be found to be unsatisfactory by the interrogator.

Second, there are some surprisingly odd arguments made at the trial. In John’s Gospel, after Pilate flatly rejects the charge for the first of many times, “the Jews”—members of the Sanhedrin, presumably including the chief priest—answered,

“We have a law, and according to that law he ought to die because he has claimed to be the Son of God.”

In short, the crime is so serious that he must be punished, regardless of proof. The same “trust us” logic also appears earlier in John, when Jesus is first brought before Pilate: “So Pilate went out to them and said, ‘What accusation do you bring against this man?’ They answered, ‘If this man were not a criminal, we would not have handed him over to you.’ Naturally, this argument doesn’t fly: “Pilate said to them, ‘Take him yourselves and judge him according to your law.’”

Now admittedly, in the fullness of time, pretty much all that *can* be argued *will* be argued, and some of the arguments will be simply atrocious. But even by that standard, this is awful. There’s no reason to believe that Pilate has much in the way of respect for the chief priest—after all, Pilate is in Jerusalem this week precisely because the Empire doubts that order can be maintained by the local authorities—but even if he did, this is *precisely* the kind of “crime” that falls under local rather than Imperial jurisdiction. The argument can *only* be answered with the answer that Pilate gave.

Third, the crowd scene and the conviction itself are very strange. For starters, where are all the people who welcomed Jesus into Jerusalem on Palm Sunday? Some of them must have made it—we know the “other disciple” was at the trial before the Sanhedrin; we can be pretty sure that he was at the trial before Pilate as well, and with plenty of others. Why weren’t their voices recorded in the canon? And why would Pilate want to offer Barabbas to the crowd? Barabbas isn’t a run of the mill thief. He was in prison for insurrection! That’s why Pilate is in Jerusalem during Passover—to *prevent* insurrection. What’s Rome going to think about how well Pilate is governing if it finds out he’s randomly letting off insurrectionists? Pretty clearly, it’s going to think even less of this ruling than his wife. Beyond this, why is the chief priest, who also holds his commission from Rome, pushing for Barabbas’ freedom?

And just to make things even odder, although most of the Gospels tell us that there was a custom for the governor release a prisoner at Passover, the custom does not appear in the secular record. As far as we can tell from non-Biblical documents, this was the only time such a thing occurred.

As the Rev has taught you, when reading the Bible, it is always a good idea to go beyond one’s first impression, because the writer is very likely to be telling you more than what’s on the surface. And that’s particularly true with texts, like this one, that don’t seem to comport well with common sense.

So what is the trial? I’m going to suggest to you that it’s Jesus last parable, his last teaching. And one that like all the other parables is just as relevant today—if not more so—than it was at the time. But let me be a little roundabout.

First, I’d suggest that this text is at least partially real history. You’ve heard the Rev say that the Bible isn’t a science text or a history book, but sometimes it’s sort of a history book. And it’s something like a history book when it starts quoting the names of well known people, like Caiaphas and Pilate and even Barabbas. These names appear on non scriptural sources. And it’s even more history-like when the accounts of the Gospels agree, as they do in large part here.

There’s another sign that says “watch closely, something’s coming up.” And that’s where the words “I am” appear. What’s that mean? We heard it on the third Sunday of Lent, Moses at the burning bush in Exodus:

But Moses said to God, “If I come to the Israelites and say to them, ‘The God of your ancestors has sent me to you,’ and they ask me, ‘What is his name?’ what shall I say to them?” God said to Moses, "I AM Who I AM." He said further, "Thus you shall say to the Israelites, ‘I AM has sent me to you.’”

And we’ve also heard it in the famous quote from Matthew 16:15:

“Who do you say that I am?” Peter answered, “You are the Messiah, the Son of the Living God.” Jesus answered, “Blessed are you.... For flesh and blood has not revealed this to you, but my Father in heaven.”

I'd suggest, then, that Jesus' response to the Sendrahim is less an evasion than an invitation.

“Are you, then, the Son of God?” He said to them, “You say that I am.”

Only inflection makes this statement different than Peter's question in Matthew. And the same is true of Jesus' silences before Herod and (in Mark) the Sanhedrin; any interrogator knows that a pregnant silence is more likely to invoke a true answer than endless questioning. And in silence, one can hear God— it will not be flesh and blood that will reveal the answer, but only Jesus' father, heard in the silence. “If I tell you, you will not believe; and if I question you, you will not answer.” Ah, but if you listen to and accept the invitation of the silence, a whole world opens.

What of the crowd and Barabbas? Barabbas's first name is Jesus. And Barabbas means, “Son of God.” As in, “We have a law, and according to that law he ought to die because he has claimed to be the Son of God.”

What are we to make of this? To the literalist, it's mere coincidence. To my mind, that would be too simple, even if Barabbas had been a common name at the time—which it wasn't.

To those who find the trial a mere interval before the Crucifixion, it's simply the fulfillment of the prophesy. Jesus found innocent four times, then crucified? It's just the unstoppable will of God at work. Many have thought this view to be the right one, but in the end this perspective denies free will itself.

Some have suggested that there was only one Jesus standing before Pilate. And as the crowd shouts, “Crucify him!” or “Give us Barabbas!” it reflects the deeply conflicted nature of humanity itself, and of each human being, in asking how we should deal with God. Be rid of this burden; I'm afraid of it! No, embrace it! It is the deepest and most meaningful relationship we can have! Or it suggests the dual nature of Jesus, fully God and fully human, at once freed and crucified. Wonderful thought exercises, both; but this view commits the opposite sin from the literalists': it squares poorly with the text.

Let me suggest a middle way entwined in the Christian message. The trial is only partially a discussion of what happened 2000 years ago. It tells us that long ago an invitation to the Kingdom was freely offered, and just as freely refused by many, though not all. But it is also a parable for what is to come, the Parable of the Invitation. Every Sunday we cry, “Christ has died,” for that time 2000 years ago, and “Christ will come again” for tomorrow or the day after. Jesus gives us the invitation still: “Who do you say that I am?” And the trial teaches us that that is a very hard question. Four times found innocent, yet still crucified. The crowd cries for Barabbas, but which Barabbas? How the trial turns out next time depends on what you do with the invitation.

It is not a done deal. Either way.