Tuesdays

in Classroom 5
Taught by Don Hooton

The Arrest and Trial (22:54-23:25)

Overview

- When the chief priests arrived in the garden with a posse, armed with swords and clubs (22:52), the disciples fled.
  - Why didn't the arresting party just execute Jesus right away in the Garden of Gethsemane? Especially since public opinion was not on the side of the priests, and the garden was deserted, if Jesus had been executed there, the people would have wakened up to the strange mystery of the disappearance of Jesus.
  - So why go through the process of a trial?
- The reason is often that this was God's purpose (Galatians 4:4). And that's true.
- Still, the reason is also human.
  - If death comes by assassination, then the one who kills is guilty before the law, and the one who is killed is innocent. The chief priests didn't want to be in that position – especially during the Passover.
  - But if death is the result of a judicial process, the one who is killed is guilty before the law, and the ones who kill are innocent.
  - That's what the priests want: Christ condemned as the guilty law breaker, while they stand as the righteous upholders of the law.
- However, even though the attempt was to create a judicial process, the trial of Jesus was not justice. It was a grave miscarriage of justice.
  - The witnesses were false (Matthew 26:59-60, Mark 14:56).
  - John records two witnesses who misquoted Jesus (John 2:19).
  - Mark tells us that even with Jesus' own words, the two witnesses were not able to agree (Mark 14:59).
  - The High Priest could see that this was getting nowhere, and he lost his patience, so he, the judge, assumed the role of the prosecutor: "I adjure you by the living God, tell us if you are the Christ, the Son of God" (Matthew 26:63; Luke 22:67).
    - The "legal" high priest was Caiaphas, but Annas his father-in-law was held to be the rightful high priest deposed by Rome; In public opinion, they both occupied the same place and palace; Peter's denial occurred in the courtyard where both Annas and Caiaphas lived. Luke very briefly mentioned the two trials before Annas and Caiaphas.
  - The trial of Jesus was completed about nine hours after arrest. And due to the privacy of the proceedings, no witnesses were allowed to testify for the defendant—but any witnesses to testify against Him were. How many – even today – would regard this as ethical and legal?

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The Power of the Jewish Law under Rome:

- I have often cited John 18:31 to demonstrate that the Jews had no power to judge and to execute under Roman Law, "Take you Him, and judge Him according to your law. The Jews therefore said unto him, It is not lawful for us to put any man to death."
- Yet the truth is, in other situations, they acted as if they *did* have the power to try, convict and execute people, *except* in cases that involved treason or sedition against the Roman government.
- Consider the following:
  - Stephen was accused of blasphemy and stoned to death by the Jewish authority (Acts **6:11**; **7:59**) without any indication of Roman knowledge or disapproval.
  - The many times scribes and Pharisees sought to kill Jesus (**Mark 11:18**; **14:1**; **Luke 19:47**; **22:2**; **John 10:31**) where they never appear to doubt the right to attempt it.
  - When they brought the woman "caught in the very act of adultery," they said, "Now Moses in the law commanded us, that such should be stoned: but what say you?" (John 8:5). If they no longer had that authority, Jesus might have replied, "Aren't you aware of Roman law? You don't have the power to execute anyone." But He didn't. He simply said, "He that is without sin among you, *let him first cast* a stone at her" (8:7).
  - Truthfully, if the action was illegal, why did not Rome sweep down on them in the death of Stephen – or, why did Pilate bring them punishment for their actions with Jesus? If such were the case, the Jews would not have been so public about it.
  - Finally, Saul, the apostle Paul, who himself was later beaten and stoned by crowds in Asia (Acts 14:19; 16:22), among whom were Jews, was recorded as searching out Christians by "still breathing threats and murder against the disciples of the Lord" (Acts 9:1).
  - Wherever the Jews settled during the time of Roman rule, they acted as if they had the legal right to execute people under their law.
- So then what does John 18:31 refer to? "From the earliest period the Roman governor took cognizance of all matters that had relation to the public security or the majesty of the Empire. Consequently there was not a time at which the Roman magistrate would not step in when a charge of treason was made, or a seditious movement began. The case against Jesus is one especially in point, for the charge against him [treason] could under no circumstances be tried by any tribunal except that of the governor" (Richard w. Husband, The Prosecution of Jesus).
- The Roman government would only intervene in criminal affairs when matters of treason, civil disobedience, incitement to revolution or attacks against Caesar were involved.
- Jesus' opponents accused Him of blasphemy. But to secure the blame on Rome, they created charges of treason against Him which they thought would exonerate them in the eyes of the people.

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The Injustice of the Trials:

The religious Sanhedrin trial had three parts:

1. *Before Annas, Jn.18:12-14… Decision: Go signal given to execute Jesus.*
2. *Before Caiaphas, Mt.26:57-68 (not included by Luke) Decision: Death, charge of blasphemy.*
3. *Before the Sanhedrin in the morning, Mt.27:1-2, Lk.22:63-71… Decision: Death.*

The secular trial had three parts:

1. *Before Pilate, Jn.18:28-38… Decision: Not guilty*
2. *Before Herod, Lk.23:6-12… Decision: Not guilty*
3. *Again to Pilate, Jn.18:39-19:6. Decision: No guilt but turned to the Jews to be crucified (Mt.27:26).*

The whole Jewish trial was over before dawn. There was only one little part that was done in the daylight, and that was the third part of the Jewish trial, which was simply a repeat in the daylight hours as if to give some legitimacy to the travesty of injustice.

Yet this was the Jewish rule of law on justice in the courts:

- *"A capital offense must be tried during the day and suspended at night" (Mishna in "Sanhedrin" Vol.1)*
- *"Criminal cases can be actd upon by the vaarious courts during the day time only." (Mendelsohn in "Criminal Jurisprudence of Ancient Hebrews" p. 112).*

Further the private investigation was considered unjust:

- *"An accused man must never be subjected to private or secret examination, let in his perplexity, he furnish damaging testimony against himself." (Salvado in, "Institutions de Moise" pp. 365-366).*

The indictment itself was unjust:

- *The Law stated, "The entire criminal procedure of the Mosaic Code rest upon four rules: certainty in the indictment; publicity in the discussion; full freedom granted to the accused; and assurance against all danger of errors of testimony" (Salvador in, "Institutions de Moise" p.365)*
- *"The Sanhedrin could not originate charges; it could only investigate those brought before it" (Edersheim in, "Life and times of The illegal trial of Jesus 3 Jesus the Messiah" Vol. I. p.309)*

So here you have these religious leaders, so allegedly fastidious about the law, trying to find liars in the middle of the night to bring charges to a man whose trial began against the rules of law they themselves would have upheld in other cases. Matthew says they were bribing them (26:59), the very thing that Deuteronomy 16 forbid. They were going around in the middle of the night, trying to drum up false witnesses who would lie so they could kill Jesus on false pretenses, and they were not finding Any except those that would be bribed.

The Arrest and Trial (22:54-23:25)

The Order of the Trials:

Chart by www.bible.ca

	Judge	Texts	Decision	Time AM	Place	Notes
3 Religious trials by Jews	Annas	*Mt 26:57-58; Mk 14:53-54; Luke 22:54-55; Jn 18:12-23*	***Guilty***	*2-2:30*	*House of High Priest*	*Jesus answers freely*
	Caiaphas	*Mt 26:59-75; Mk 14:55-65; Lk 22:56-65; Jn 18:24*	***Guilty***	*2:30-5*	*House of High Priest*	*Peter's three denials. One hour between second and third denial: Lk 22:59 Jesus would not answer*
	Sanhedrin	*Mt 27:1, Mk 15:1; Lk 22:66-71*	***Guilty***	*6*	*Court of Sanhedrin*	*In the early morning*
3 Civil trials by Romans	Pilate	*Matt 27:2-14; Mk 15:2-5; Lk 23:1-6; Jn 18:28-38*	***Innocent***	*6:30*	*Praetorium*	*Death of Judas*
	Herod	*Lk 23:7-12*	***Innocent***	*7*	*Herod in Jerusalem*	
	Pilate	*Matt 27:15-26; Mk 15:6-15; Lk 23:13-25; Jn 18:39-19:16*	***Innocent***	*7:30-8*	*Praetorium*	

<u>The Arrest and Trial</u> (22:54-23:25)

The Denials of Peter:

- Peter is in the courtyard of the house of Caiaphas*, the high priest, sitting with the officers, warming himself at the fire. He's trying to blend in and stay warm and "following Jesus at a distance."
- Peter's denials take place before the cock crow, that would be 3:00 AM, and it's still ahead of us in Mark's accounting. So this trial has to be happening before Peter's denial, which is before 3:00 AM - they shouldn't be even meeting in the middle of the night.
- Peter's "cursing" (Matthew 26:74; Mark 14:71) is not included in Luke or in John's narrative. In John's record, the third one is "one of the high priest's servants and a relative of the man whose ear Peter had cut off" and said (in the three others) that "he is a Galilean" (22:29; Mk 14:70; Matthew 26:73). It was the culmination of a night of horrors for Peter and in the reality of his deeds – expressed apparently by one close to the actions (relative) and to the religious leaders (high priest's servant), he knew the depth of the pit in which he had fallen. And then in the NASB, it says that he "began to curse and swear" (Mark 14:71). In the ESV (and NIV), it reads, "he began to invoke a curse on himself and to swear." So in the language we use, he did not "curse like a sailor" here – but rather he saw his own dilemma and placed his own curse on himself as he swore to the person that he was telling the truth – and then – the rooster crowed.
- Instantly, Peter knew. And importantly, all three gospels tell us that "and he went outside and wept bitterly" (Matt 26:75; Mark 14:72; Luke 22:62)

The Arrest and Trial (22:54-23:25) | The Order of the Denials of Peter:

Peter follows	*But Peter was following Him at a distance as far as the courtyard of the high priest, and entered in, and sat down with the officers to see the outcome. Matthew 26:58*	*Peter had followed Him at a distance, right into the courtyard of the high priest;*	*Having arrested Him, they led Him away and brought Him to the house of the high priest; but Peter was following at a distance.*	*Simon Peter was following Jesus, and so was another disciple. Now that disciple was known to the high priest, and entered with Jesus into the court of the high priest, but Peter was standing at the door outside. So the other disciple, who was known to the high priest, went out and spoke to the doorkeeper, and brought Peter in.*
Time for Fire to be Kindled, then first denial 1	*Now Peter was sitting outside in the courtyard, and a servant-girl came to him and said, "You too were with Jesus the Galilean." But he denied it before them all, saying, "I do not know what you are talking about."*	*and he was sitting with the officers and warming himself at the fire. Mark 14:54 As Peter was below in the courtyard, one of the servant-girls of the high priest came, and seeing Peter warming himself, she looked at him and said, "You also were with Jesus the Nazarene." But he denied it, saying, "I neither know nor understand what you are talking about."*	*After they had kindled a fire in the middle of the courtyard and had sat down together, Peter was sitting among them. And a servant-girl, seeing him as he sat in the firelight and looking intently at him, said, "This man was with Him too." But he denied it, saying, "Woman, I do not know Him."*	*Then the slave-girl who kept the door said to Peter, "You are not also one of this man's disciples, are you?" He said, "I am not." Now the slaves and the officers were standing there, having made a charcoal fire, for it was cold and they were warming themselves; and Peter was also with them, standing and warming himself. John 18:15-18*
Second denial 2	*When he had gone out to the gateway, another servant-girl saw him and said to those who were there, "This man was with Jesus of Nazareth." And again he denied it with an oath, "I do not know the man."*	*And he went out onto the porch, and a rooster crowed. The servant-girl saw him, and began once more to say to the bystanders, "This is one of them!" But again he denied it.*	*A little later, another saw him and said, "You are one of them too!" But Peter said, "Man, I am not!"*	*Now Simon Peter was standing and warming himself. So they said to him, "You are not also one of His disciples, are you?" He denied it, and said, "I am not."*
Peter's third denial 3	*A little later the bystanders came up and said to Peter, "Surely you too are one of them; for even the way you talk gives you away." Then he began to curse and swear, "I do not know the man!"*	*And after a little while the bystanders were again saying to Peter, "Surely you are one of them, for you are a Galilean too." But he began to curse and swear, "I do not know this man you are talking about!"*	*After about an hour had passed, another man began to insist, saying, "Certainly this man also was with Him, for he is a Galilean too." But Peter said, "Man, I do not know what you are talking about."*	*One of the slaves of the high priest, being a relative of the one whose ear Peter cut off, said, "Did I not see you in the garden with Him?" Peter then denied it again,*
Rooster Crows	*And immediately a rooster crowed. And Peter remembered the word which Jesus had said, "Before a rooster crows, you will deny Me three times." And he went out and wept bitterly.Matthew 26:69-75*	*Immediately a rooster crowed a second time. And Peter remembered how Jesus had made the remark to him, "Before a rooster crows twice, you will deny Me three times." And he began to weep.Mark 14:66-72*	*Immediately, while he was still speaking, a rooster crowed. The Lord turned and looked at Peter. And Peter remembered the word of the Lord, how He had told him, "Before a rooster crows today, you will deny Me three times." And he went out and wept bitterly. Luke 22:54-62*	*and immediately a rooster crowed.John 18:25-27*

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The Injustice of the Trial:

The series of trials, one of the most fascinating parts of the accounts of the gospels concerning the last day of our Lord's life.

- When the chief priests and the whole council brought Jesus before Pilate they said nothing about blasphemy but that "We have found this man misleading our nation (civil dosobedience) and forbidding to pay taxes to Caesar (sedition) and saying that He Himself is Christ, the King (treason)."
- While verse 23:3 is either an affirmative, "Yes I am" or a suspicious, "It is as you say", Jesus has affirmed before (22:70) and Pilate did not see his affirmation as a reason to support the charges (4).
- When Pilate learned that Jesus had been living in the jurisdiction of Herod Antipas (who was in Jerusalem), he sent Jesus to him where Jesus experienced humiliation and mocking – and to every question, Jesus was silent. So Herod sent Him back.
    - On 23:12, It appears obvious that, whatever the reasons behind the complicity of Pilate and Herod with Jesus, Luke tells us their relationship changed. They had been political enemiesand found themselves now "friends". Strange bedfellows, Herod and Pilate, it would appear. The familiar aphorism we hear is that 'Politics makes strange bedfellows; Adversity makes strange bedfellows, War makes strange bedfellows, etc. etc. What makes strange bedfellows? Shakespeare's Tempest wherein Trinculo famously puts it, 'misery acquaints a man with strange bedfellows.' They aligned themselves with one another, each seeing some personal advantage in it and seemed to think together they would silence this. See Psalm 1:1.
- They paid them money out of the temple treasury for false witnesses, the same money that paid Judas and the Roman soldiers who would guard the tomb to lie.
- And no one was seeking witnesses in defense of Jesus. Although Jesus said, as we read in John 18, "ample testimony about what I have said and what I have done is available." They didn't want anybody who would defend Jesus; they wanted Him dead in hours.
- The witness testimony that "I will destroy this temple made with hands and in three days I will build another made without hands" is never included in Luke – perhaps because Jesus' accusation of societal rebellion (23:14) was the charge on the table for which He was exonerated. Still, Jesus never said that He would destroy the temple but that He would raise His Temple (body) up.

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The Choosing of Barrabus:

Another interesting turn of events when the Jews continue to protest the judgment of innocence that Pilate gives (23;4, 23;14; 23;22), they coerce his hand to yield to their "demand" (23:24). Their demand was to "Crucify Him." (23:21).

- In Matthew 27:16, we are told, "Now it was the governor's custom at the feast to release to the crowd a prisoner of their choosing."
  - Most sources will say that there is no external evidences for the practice.
  - However, one commentator said that the fact "the Talmud makes no allusion to it, but that in all likelihood is an intentional oversight" (Lange, Critical Commentary, Matthew 27:16, p. 518).

Sadly, in history, this release of Barabbas at the crowd's behest, and their subsequent demands to crucify Jesus, have been used to justify anti-Semitism. Many have placed blame for Christ's death on the Jews, commonly citing Matthew 27:25, in which the crowd shouts, "His blood be on us and on our children!" However, while it is true the crowd on that fateful day consisted of Jewish Temple authorities and Barabbas's supporters, not of the entire Jewish people, they represent us all because Jesus died for even His accusers. There is nowhere in Scripture where the world is called – in any form – to make retribution to the nation for their rejection of Jesus. That happened the day He died and the Day Jerusalem and the Temple was destroyed (AD 70).

As Mark's version emphasizes, the crowd was driven to cry for Barabbas by the chief priests who were at the root of the push to have Jesus killed. Why would they choose Barabbas as their alternative to prevent Jesus' release? The biggest factor, of course, is that Jesus was a problem for them - he spoke against them repeatedly, criticized their teaching and their ways, and taught many things that contradicted what they taught. But on the specifics of why the chief priests would choose Barabbas, I think there's a pretty easy answer to reason out. Barabbas, as John mentions, was a revolutionary. That meant he was trouble, not for the chief priests, but for Rome. They would have rather released a politcial revolutionary to make trouble for Rome than release a Messiah to save the world

The Reading Schedule:

1/7 |The Revelation of the Cross (9:18-50)
1/14 | Public Challenge and Mission of the 70 (9:51-10:24)
1/21 | Teaching the Kingdom (10:25-11:13)
1/28 | Teaching the Kingdom (11:14-11:54)
2/4 & 11 | Teaching the Kingdom (12:1-12:59)
2/18 | Teaching the Kingdom (13:1-35)
2/25 | Conflict and Crises (14:1-32)
3/3 | Parables of the Lost (15:1-32)
3/10 | Challenges to the King (16:1-31)
3/17 | Teaching Discipleship in the Kingdom (17:1-37)
3/24 | More Teaching of the Kingdom (18:1-43)
3/31 | The March to Jerusalem (18:31-19:27)
4/7 | The Passion Begins (19:28-44)
4/14 | Conflict in Jerusalem (19:45-21:4)
4/21 | Predictions about Jerusalem (21:5-38)
4/28 | The Last Supper and Betrayal (22:1-53)
5/5 | The Arrest and Trial (22:54-23:25)
5/12 | The Crucifixion (23:26-56)
5/19 | The Resurrection (24:1-53)