

“A Miscarriage of Justice”

Luke 23:13-31

Elijah Lovejoy was a Presbyterian clergyman of the 17th century. He was also a newspaper editor, and schoolteacher. He left the pulpit and turned to the printing press to be sure his words reached a larger audience. Some people think the American Civil War might have been averted and if there had been more people like Elijah Lovejoy.

After observing one lynching, Elijah committed himself to fighting the sin of slavery with all his being. Mobs were raised against him time and time again; but these many threats and attempts on his life didn't deter him. Though his printing presses were destroyed multiple times, that didn't stop him either. He said "If compromise means I should cease from my duty, I cannot make it. I fear God more than I fear man. Crush me if you will, but I shall die at my post..."

And he did, four days after uttering those words, at the hands of another mob. Not one of the ruffians who perpetrated the crime was prosecuted or punished in any way for his murder. However, one young man was deeply moved by the Elijah Lovejoy's martyrdom. That young man had just been elected to the Illinois legislature; and his name was Abraham Lincoln.

Elijah Lovejoy's experience reminds us of a sad fact of our human existence; miscarriages of justice happen far too often. But there was one miscarriage of justice that forever altered the trajectory of our lives. That was the miscarriage of justice that condemned our innocent Savior to death. So I've titled our study "A Miscarriage of Justice."

In our study of Luke's Gospel we're in the part of Luke's record that deals with the closing hours of Jesus' earthly life. Jesus has been arrested, accused, and tried by the Jewish Sanhedrin. But they cannot carry out a death sentence; only the Roman government has that authority. So they have taken Jesus to Pilate, who in turn has remanded Him to Herod. Neither of them has found any evidence of a crime worthy of death.

We pick up Luke's narrative in chapter 23 and verse 13 just after Jesus has been returned to Pilate's jurisdiction for the resolution of the case. I will begin reading at verse 13 and read through verse 31 in Luke chapter 23.

This text reveals to us the several SCENES reflecting a grave miscarriage of justice. Viewing these scenes from the vantage point of each participant, we should carefully consider our role in this process.

The First SCENE is,

Pilate's Dilemma

We already noted in our previous study that Pilate had missed his chance to resolve this case justly. Pilate's initial conclusion is that Jesus has done nothing worthy of death. Five times in the narrative Pilate declares Jesus' innocence! His conclusion is the opposite of the Sanhedrin. But he fails to follow through on his decision. Legally he should have released Jesus and dispersed the crowd, by force if necessary.

Now, he is faced with a dilemma. He had hoped Herod would rule on Jesus' case; that way, Pilate could escape responsibility for making the decision. But Herod wasn't called a "fox" for nothing. He was too cunning to accept the responsibility to judge Jesus as guilty or innocent.

Some background of the relationship between Pilate and his subjects will help you understand his dilemma. Pilate was concerned about pleasing the Emperor Tiberius. Tiberius wanted no trouble out of the Roman provinces, and Palestine was notorious for being a trouble spot. Pilate was under a lot of scrutiny. He knew that many wanted Jesus dead even though he knew it was wrong to kill Him. If he let Jesus go free this could lead to trouble with the leaders of the area and lead to more unrest.

According to the Jewish historian, Josephus, Pilate didn't get off to a good start when he was appointed to his position. When he first came into Judea he sent his soldiers into Jerusalem, carrying the standards of the Roman legions. These standards had on them the images of the emperor as a god; everybody else had agreed not to offend the Jews by doing this. But Pilate decided to show who was boss, so he sends the images of the emperor into Jerusalem.

This so enraged the Jewish leaders that they came down from Jerusalem to Caesarea to meet with Pilate. Pilate leaves them waiting impatiently for five days. On the sixth day, he comes out in his open courtyard, takes his seat on the judgment seat to meet with them. He has told his soldiers to surround the group and, if anybody gets out of line, to execute them. Then he lets the leadership know that he is not going to give in and he's going to let the Roman icons or images stay there and if they don't like it, he will put them to death.

Immediately the Jewish leaders bared their necks to the soldiers and said to Pilate, "Then kill us." Pilate knew that would not set well in Rome—wiping out the leadership of a nation. So he backed off and removed the standards. That compromise put him in a delicate position,

knowing that the leaders of Judea could go to Caesar with a complaint against him. So the Jewish leaders knew about Pilate's weaknesses.

Our text opens with Pilate calling the chief priests and rulers of the people together again before the judgment seat. Pilate knows Jesus is innocent; the question is "how can he convince the Jewish leaders and the crowd that Jesus should be released?" We get the picture from the text that the crowd is increasing as time passes. This is logical because many were expecting Pilate to follow the custom of releasing a prisoner on the feast day. Yet when they came to the judgment seat, here was the Nazarene on trial. Pilate may have falsely assumed that many in the crowd would be sympathetic to Jesus. He was about to get a rude awakening!

As Pilate rehearses the charges in verses 14 to 16 he uses judicial language. He condenses the 3 charges into one major one; "perverting the nation." He reminds them that no evidence has been produced to support the charge, either to him or to Herod. So therefore, the prisoner is in no way worthy of death. Nothing wrong with those statements; but Pilate shows his weakness by making a proposition to the crowd. "I will scourge Him and release Him."

Judges don't make propositions to be accepted; they proclaim innocence or guilt. By Pilate's own words Jesus is innocent, therefore to scourge Him would be illegal. We don't know exactly what Pilate was thinking but we can make some deductions from his actions. By scourging Jesus, he may have hoped to arouse some sympathy for the prisoner among the crowd. After all, scourging was a brutal whipping that in itself was life-threatening.

When Pilate spoke of releasing Jesus, it seems he hoped the crowd would accept Jesus' release as the fulfillment of the Passover custom referred to in verse 17. But that was not to be!

What can you and I learn from Pilate's experience? James Stalker writes, "There is nothing that so frustrates good resolutions and paralyzes noble efforts as the dead weight of past sins." If people know things about us, we are afraid to do anything to displease them, for fear that they will use the past against us. Because of his past sins, Pilate did not rule the Jews; they now ruled him. Those sins were sucking him, like a giant whirlpool, toward this fatal decision regarding Jesus Christ."¹

James Stalker, *The Trial and Death of Jesus Christ* [Zondervan], p. 67).¹

All of us are like Pilate, we have “skeletons in our closet.” There are things we’ve done in the past we don’t want people to know about or remember, because if we try to confront them about some sin or infraction in their lives they will throw our past in our face. As followers of Christ, our sins are forgiven but people still remember them. Our primary motivation for godly living should be our relationship with God, but remembering the human factor is sometimes important in helping us make the right choices.

Another application we can make from this miscarriage of justice is to please God even if it means alienating other people. It seems obvious from the biblical record that Pilate progressed from ambivalence about Jesus to the point where he actually wanted His life spared. This was especially true after the warning from his wife. But he knew that if he didn’t meet the demands of the crowd his position would be in jeopardy. The crowd knew just where to “stick the knife.” In John’s record, when Pilate spoke of releasing Jesus, they said “if you let this man go you are not Caesar’s friend...”

Finally, we ought not to compromise our conscience, even if we think it will benefit us. When Pilate declared Jesus innocent he should have ended the whole affair and released Him. Yes, I know, this act was determined beforehand by God, but each actor in this drama was responsible for their own choices. Pilate compromised his conscience because he hoped to appease the leaders and save Jesus’ life. But that compromise set up his failure on both counts. Pilate was responsible for his dilemma; let’s not be like him.

The Next SCENE is,

The Crowd’s Demand

As I mentioned earlier, the crowd in Pilate’s court was increasing by the minute. Curious onlookers, justice seekers, and others were being drawn to see what was happening. Matthew’s record informs us that Pilate was the one who brought Barabbas to the attention of the crowd. In doing so, he unwittingly lowered Jesus to the same class as this murderer. Surely he could convince the crowd to choose Jesus over such a vicious criminal.

Matthew also tells us that the chief priests had their representatives scattered through the crowd, instigating for the release of Barabbas and the death of Jesus. Religious zealots are the most passionate kind of activists! We see evidence of this in our world today... suicide

bombers... flying planes into hi-rise buildings... using children as suicide bombers... religious zealots don't think about what's right. They're focused on ideology, regardless of its morality.

Marshall Applewhite in 1997 and those who followed him in what we know as the "Heaven's gate" cult... took 39 people to their deaths in a mass suicide... all died based on their religious zealotry for this man!

Jim Jones in 1978 led over 900 people in a religious fervor to precede him in death...as he forced them to drink poison laced Kool-Aid after he murdered a US Congressman and most of his travel party... Jones then committed suicide!

This crowd before Pilate had been whipped into a frenzy of religious fervor of and there was NOTHING that was going to satisfy them other than the death of Jesus! So immediately after Pilate suggested scourging Jesus and releasing Him, the crowd erupted in a cacophony of frenzied yelling. *"Away with this man, and release to us Barabbas!"* The release of Barabbas meant a death sentence for Jesus.

Barabbas was a notable prisoner sitting in Pilate's prison because he was truly an agitator, stirring up sedition against Rome. He was guilty of the very charge Jesus had been accused of. And in the process of stirring up sedition he had evidently committed murder. Pilate should've known his audience better than he did. Many in this crowd saw Barabbas as a patriot; someone fighting to free them from the oppressive tyranny of Rome. In the popular way of thinking, those actions would've been more in line with the Messianic views of the crowd than the teachings and actions of Jesus.

Between the events of verses 19 and 20 of our text, Matthew records Pilate's wife coming to him with her concerns about the innocence of Jesus. She urged him not to have anything to do with condemning Him. She saw her troubled dreams as an ill omen. Pilate would've done well to heed her concerns. Many a man would benefit by listening to the cautions of his wife!

Pilate again appeals to the crowd in verse 20 of our text. Again, it's Matthew who tells us what he said to the crowd. *"What shall I do with Jesus, who is called Christ?"* And again the thunderous roar of the crowd, *"Crucify, crucify!"* In Jewish law, the penalty for blasphemy was stoning. Imagine, the Jewish leaders before the Roman governor asking to have one of their own people crucified!

Pilate, for the third time, issues his protest. *“Why, what evil has he done? I have found no cause of death in Him. I will scourge Him and let Him go.”* Now Pilate has dropped the judicial language; he is begging them to accept his choice of Jesus as the prisoner to be released. Pilate’s pleading only further agitated the crowd; the priests and all the people were shouting together with greater and greater vehemence.

At this point Pilate finally caved in to their demands. He probably didn’t realize he had lost the battle when he initially proclaimed Jesus innocent but failed to release him. Sending Jesus to Herod and going through the custom of the prisoner release were merely little skirmishes that delayed the eventual outcome. John’s Gospel records that the sentence of death was not given until Jesus had been scourged, mocked, and presented to the crowd with the words, *“Behold, the Man.”*

Matthew is the only Gospel writer to record Pilate’s final attempt at absolving himself of Jesus’ death. When he saw he had lost the crowd, he called for water and washed his hands before the multitude. We have no record of this ever being a pagan rite, but it is clearly observed in the Hebrew Scriptures in places like Deuteronomy 21:6, Psalm 26:6 and others. He said *“I am innocent of the blood of this just person: you see to it.”* This brings to mind these words, *“just saying so doesn’t make it so.”* Pilate could not erase his guilt.

But the response of the crowd is horrifying. *“His blood be on us and on our children.”* That cry has haunted the Jewish people for the past 18+ centuries. We know that the blame for the crucifixion of Jesus lies on all on all of us because of our sin. Yet here were the religious authorities of that day asking for that bloodguilt to be assigned to them and their offspring. Their thirst for blood caused them to lose touch with rationality.

So Pilate set Barabbas free and handed Jesus over to them according to their will; that is to be crucified by the Romans. In the original wording the statement is short and compelling with the verbs on the outside and the objects in the center; *“released, Barabbas – Jesus, delivered.”* The crowd’s demands were finally met.

I shudder when I think of some of the lessons this scene holds for us. I’m reminded of words attributed to John Heywood, way back in the year 1546. *“There are none so blind as those who will not see. The most deluded people are those who ignore what they already know.”*

Here before them was the One whose coming filled every Jewish heart with hope; year after year after year. He had fulfilled many of the predictions written by the prophets of old, but He spoke of a kingdom much greater than an earthly one. Here was one who preached and lived the way of peace, one who refused to respond in anger to mistreatment. Yet the hateful crowd that day called down bloodguilt on themselves and on their children.

What are you doing with the truth? Are there parts of Jesus' teaching you don't like; parts that make you uncomfortable? How do you respond to that; with repentance or with the desire to get rid of the messenger? People who refuse the truth are the more easily led astray. We see this more and more in the moral and spiritual breakdown of our culture.

What are you doing with Jesus? In the words of Josh McDowell and others "Jesus is a liar, a lunatic, or he's Lord." If Jesus made his claims knowing he wasn't God, then he was lying to his followers. If he was a liar, he was also a hypocrite - one who told others to be honest even while he taught and lived a huge lie.

That view of Jesus, however, doesn't jive with what we know about Jesus or the results of his life and teachings. Wherever Jesus has been proclaimed, lives have been changed. Nations have repented. Thieves have gone straight. Alcoholics have tossed their bottles. Hateful individuals have become channels of love. Someone whose life had results like that couldn't have been a phony.

So is he a lunatic? If someone told you he was God, you would believe him about as much as if he said he was Santa Claus. You would call him one deluded and self-deceived person. Yet Jesus didn't display the abnormalities and imbalance that usually go hand in hand with being crazy. Jesus spoke some of the most profound words ever recorded - words that have set free many individuals, even some in mental bondage. Jesus Christ was no lunatic.

That leaves you only one other option; Jesus is Lord. He is who he claimed to be - the Son of God. If that is the case, and I am sincerely convinced that it is based on the Holy Scriptures, my own personal experience, and the experience of millions of others, then I urge you not to make the same mistaken demand made by the crowd in our text. Don't reject Jesus and face eternal punishment; accept His offer of forgiveness and enter into eternal life.

The Final SCENE (in this miscarriage of justice) is,

Jesus' Declaration

As soon as Pilate gave the word, Jesus was led away. Luke passes over the scourging, the mockery, the spitting, the crown of thorns, and the physical violence Jesus was subjected to. He picks up the narrative as Jesus, in the custom of the condemned, is carrying His cross to the place of execution outside Jerusalem.

Those sentenced to death by crucifixion were usually scourged beforehand. The whip or scourge was made of a series of cords, often with bits of bone or metal attached. The victim was usually lashed to a pillar or post. Deep lacerations, torn flesh, exposed muscles, and excessive bleeding often left the victim severely weakened and near death. It's no wonder Jesus couldn't carry his own cross the full distance.

Along with other Gospel writers Luke tells us about Simon, a former native of North Africa, who was coming in from the countryside and entering the city at the time Jesus was going out. He was the man they compelled to carry Jesus' cross. We're told that Roman law in that day allowed the conscription of subjects to carry burdens at least the distance of 1 mile. Jesus' own words in Matthew 5:41 seem to support that supposition. "If you are compelled to go a mile; go two miles."

As the soldiers escort Jesus from Pilate's judgment hall toward Golgotha there's a crowd following along; the curious, the hostile, and some of the faithful. Luke says it was a great company and there were many women. They must have been traveling together in a group and been fairly close to Jesus. It seems that in the brief interval when Jesus buckled under the weight of the cross, and Simon was force to carry it, these women gathered around Jesus, raising their loud cries of lament. The wording signifies that they were bewailing Him as though He were already dead. They saw His condition at hopeless, His doom sealed.

To see a bruised, battered, disfigured, fellow human being in such a condition must surely have aroused some of their natural feminine compassion and pity. These women don't seem to be followers of Jesus, but some of them could have imagined their own sons in the place of Jesus and their hearts were moved with pity. Imagine their surprise when the beaten, battered, and bloody man addressed them as a group!

The irony here is rich. Not long before this, Luke records Jesus weeping over Jerusalem, chapter 19. Now, the women of Jerusalem are weeping for Him. But Jesus has sobering words for them. *“Daughters of Jerusalem, do not weep for Me, but weep for yourselves and for your children. For indeed the days are coming in which they will say, ‘Blessed are the barren, wombs that never bore, and breasts which never nursed!’ Then they will begin ‘to say to the mountains, ‘Fall on us!’ and to the hills, ‘Cover us!’” For if they do these things in the green wood, what will be done in the dry?”*

Jesus’ words must have surely stunned them. “Women of Jerusalem, stop weeping over me.” These women were not weeping for the sins of their leaders in sending Jesus to the cross, or for the sins of the crowd that cried so vehemently for His death. They are not weeping for their own personal sins as daughters of wicked Jerusalem. No, and Jesus tells them that their sentiments on His behalf are fruitless.

Then Jesus goes on to say “Instead, weep for yourselves and for your children.” Tears are needed, but not for me. My death only signifies the beginning of great sorrows. In fact, the coming judgment set in process by this injustice will be so awful that the barren womb will be counted as a blessing; a complete reversal of value in their time and culture. We have some glimpses of how horrible the siege of Jerusalem was just a few short decades later; women cannibalizing their own children and other forms of extreme violence.

Jesus said that Day of Judgment will be so terrible that people will cry for the mountains and the hills to fall on them, to cover them, to hide them from the tremendous torments they’re experiencing. Then Jesus utters a proverb; *“...if they do these things in the green wood, what will be done in the dry?”*

“Something far worse will surely occur in the dry wood. The green wood is Jesus in his sinlessness, the dry wood the Jews of Jerusalem in their sinfulness reaching a state where it was ripe for judgment. If Jesus must suffer as he does, sinless as he is and bearing only the sins of others, what will they have to suffer who sin until the judgment?”¹

The tender mercy and compassion of Jesus for these women shines through in the intensity of His suffering. We can only imagine the physical agony He was experiencing. Yet He

¹ Lenski, R. C. H. (1961). [*The Interpretation of St. Luke's Gospel*](#) (p. 1129). Minneapolis, MN: Augsburg Publishing House.

knew His purpose, and while He temporarily feels forsaken by His father, He has comforts and consolations these women will not have in that terrible time of judgment.

So Jesus' declaration is a call to repentance; to see things as they truly are. My friend, it is a solemn reminder to me and to you as well. What is your response to Jesus; what is mine? We may not be among the crowd that is openly hostile, clamoring for Jesus' death. We may even lament the injustice of this whole scene. But Jesus would remind us that tears of repentance are far more valuable than tears of sympathy for Him.

Yes, Jesus' death was a miscarriage of justice when looked at through our human understanding. It was such because we are the ones who deserved to die; yet He died in our place in order to satisfy the requirements of God's righteous judgment against sin.

I close with the chorus from an old hymn of the church. "What will you do with Jesus, neutral you cannot be; someday your heart will be asking, what will He do with me?"