

The Trial and Condemnation of Jesus of Nazareth

We left the Passion Narrative last week noticing the conspicuous way in which Luke exonerates the disciples from the dreadful strictures of Jesus in Mark and Matthew. In the account he gives of the scene in the Garden Luke is quite different from the other Gospels. None of the Synoptic Gospels describes the departure of Judas from the Supper. This is sheer economy because in each of them we are surprised to meet him leading a band of people. What we do is to transpose the close account of Judas' dismissal by Jesus and departure in John's Gospel into this Synoptic place. We are always doing that to the Gospel, and sometimes it blinds us to what *this* Gospel says (as opposed to *that*).

Mt and Mk say *a (Mt great) crowd with swords and clubs from the chief priests (Mk and scribes) and the elders (Mk of the people)*.

Luke says simply *a crowd came, with the man called Judas, one of the Twelve, leading them*.

It is John who complicates the issue hugely by introducing into this crowd "from the chief priests" the word *speira*, which is the technical term for a cohort of Roman soldiers. They are not Jews, because their officer is referred to in Jn 18:12 as *chiliarchos*, which is the Greek technical term for the Latin *tribunus militum*, the commander of a cohort of 600 troops. Were the High Priests conceded the right to order out these Roman troops, in recognition of their own interest in keeping the peace at Passover time? John clearly distinguishes these troops from the "attendants" the priests have sent with them. Certainly we find the same word used in Mk and Mt when Jesus is scourged: *the whole cohort* is said to have been assembled to witness his punishment. The possibility of Roman soldiers being involved gives a dimension to the Scriptural citation Mark makes, that the Son of Man is to be betrayed into the hands of sinners - i.e., Gentiles.

It is of great moment, because of the famous scene where Jesus immobilises the arresting party by his words I AM HE - in which Jesus takes on his own lips the name of God revealed to Moses. Jesus has power, not only to immobilise Jews - he will be crucified as *King of the Jews* - but Romans also; not only Caiaphas, but Pontius Pilate and behind him Tiberius Caesar, are powerless until Jesus himself commands them, *Take me, and let these others go*. John thus presents the arrest of Jesus as an act of obedience to his Messianic authority.

By contrast, we find that Luke has omitted the whole *apparatus* of Judas' betrayal. When Jesus announces at the Supper that *the hand of him who betrays me is with me on this table*, he says: *The Son of Man goes as it has been determined; but woe to that man by whom he is betrayed*. Then the disciples begin to question one another which of them it was that would do this. That is the only preparation for the scene in the garden. Judas is already known to us, because his deal with the chief priests has been described before the Supper. But Jesus is never asked to identify the traitor. There is no mention of his separation until he appears in the company of the crowd sent by the priests. Mk/Mt explain his sign of kissing Jesus as a sign that is premeditated. No explanation is given by Luke: he simply makes Judas draw near to Jesus to kiss him as he normally would: but before this can happen Jesus unmasks him in a simple sentence: the Greek says: *Judas, with a kiss do you betray the Son of Man?* (note the forward placing of the word *kiss*). Jesus knows the meaning of the kiss before it is landed, despite nothing having prepared us for this knowledge. Jesus' choice of the words *Son of Man* echo the three Passion predictions, reminding us that what is happening is predicted as inevitable by Jesus.

People often agonise over Judas, wondering if the inevitability of the Passion means that he is trapped in a predetermined rôle by some decision of God. Is Judas pre-ordained to fall,

damned by design? John's Jesus says ambiguously: *Not one is lost except the one who chose to be lost, and that was to fulfil the Scriptures*; the important element is the word *chose*, which is tremendously revealing. The truth is that the many sins of the people in the Passion Narrative, foreknown by God, but not ordained by him (God has given no-one permission to sin) have all been *subsumed* into the plan of God. The outcome of this saving design is that the Son of God redeems the sinful world. It is an entirely sovereign plan, and far from being defeated by us faithless or evil people, it actually turns our actions to its own account. The Gospel of Luke made Caesar Augustus, who in one sense represents the ultimate blasphemy, because he believes he is a god, into a divine accomplice, since his decree of the census unknowingly brings about the fulfilment of the Scripture which said the Messiah would be born in Bethlehem. But Jesus is also born in Bethlehem because Joseph is *of David's house and line*, so that the command to return to the house of his fathers will bring him *obediently* home to Bethlehem - not only obedient to Caesar, but obedient to God, who bestowed the Land on the tribes of Israel at Shechem. Thus faith and history work together under a divine authority which governs them both.

The sin of Judas is the same. It is entirely in keeping with the divine plan of the incarnation that the act of a sinner should help to precipitate the Crucifixion. The Exultet says that the Paschal Mystery, indeed the whole Redemption, was precipitated by *the necessary sin of Adam*; truly, the emergency brought on by human sin is necessary to the glory of its healing in Christ. We can say that God wills Judas' freedom to choose, and supports him in his sinful execution of the betrayal - just as he supports us in being when we are engaged in sin - but that Judas retains his freedom - to betray or not to betray. In choosing to betray, however, he does not interfere with the plan of God to save the world, since this plan is directed towards the salvation of people who behave exactly like Judas, and without all of us and our sins, the crucifixion would not only have been unnecessary, it would have become impossible. Every sin in the world's history is thus turned into an accomplice by the power of God; and in the book of Exodus God says: *I have hardened Pharaoh's heart, so that I may display the power of my arm against him*.

At the same time it is perfectly true that none of us can say who is saved, or how, or why the forgiveness of God is mediated to them. The prayer of Jesus in Luke's Gospel covers all of them indiscriminately: *Father, forgive them: they know not what they do* does not only include a man with a hammer and another man holding the nails, but a disciple who accepted money, and the priests who paid it, and all the rest as well. We may be sure that there is a hell, because Jesus taught about it more certainly than any Jew before him. But we have no certainty that there is anyone in it. Jesus' statement, *Better for that man if he had never been born* reinforces the warning to do justice, lest we face the judgment of God. But no-one can second-guess the judgment of God, and if Judas was included in Jesus' prayer for forgiveness, as who can doubt he was, is not he in as good a case to receive it as most of us? When Pontius Pilate examines Jesus, he refers to Caiaphas (*the one who handed me over to you*) as having "the greater guilt".

We should never forget the fact that governs all of these statements: who hands Jesus over to be crucified? Judas? The soldiers? Annas, Caiaphas, the Sanhedrin? Even weeping Peter? Yes: but most of all he is handed over by the One who has the power to hand him over: God the Father himself. In the Garden the Father keeps silence before the prayer of Jesus, because he has determined to hand him over to the cross. This must still our witch-hunting of human individuals, and silence the voices that seek to blame. We are off-message, and we run the risk of blinding ourselves to the Gospel. The ultimate cry of Jesus is not against the betrayal of men, but of the Father himself: *My God, my God, why have you forsaken me?* The choice of this text carries the prayer of Gethsemane all the way to his death: *not my will*, he seems to say, *all this is not my will*.

The Condemnation of Jesus

We should not technically speak of a Sanhedrin trial of Jesus, but of a legal proceeding or hearing. It might help us to know a little about law in the prefecture of Palestine.

After the Exile the Holy Land remained under the government of foreigners: first Persians, then Greeks. Power was partially conceded to Jewish governors like Nehemiah, and also to the senior priests, but these were carefully watched by the authorities. There was also a sort of senate made up of the heads of leading families (known as “the elders”). This came to be referred to as the *synedrion*, Heb *Sanhedrin*. These elders are often mentioned over the last two centuries BC, and one of the things that becomes clear is that the Sanhedrin resented the behaviour of the puppet High Priests. The family of the Maccabees took the situation by the throat, and eventually re-established the hereditary high priesthood by inserting themselves into this rôle. It was a short run from this to having themselves regarded as kings, known as the Hasmoneans. For a short time the Sanhedrin was dominated by the party of the Pharisees, who opposed the priest-kings. By the time Pompey conquered the Holy Land for Rome the Sadducees, including the high-priests, dominated the country, and although the Romans terminated the priestly monarchy, the priests were conceded the executive power of leadership in the Jewish nation. In 47 BC Julius Caesar appointed the high priest Hyrcanus II ethnarch of the Jews, and the Sanhedrin at Jerusalem assumed juridical responsibility for all Palestine, including Galilee, with power to put condemned prisoners to death. When Herod became king (37 BC) the Sanhedrin was purged of his enemies, and dominated by him. It still had power to condemn to death. Herod died in 4 BC, and was succeeded by his three sons as “tetrarchs”. In 6 AD the son who ruled Judaea, Archelaus, was replaced by a Roman prefect with headquarters at Caesarea Marittima on the coast.

After a great deal of study, it seems likely that the power to condemn to death for purely religious crimes was still in place in the time of Jesus. Examples which have come down to us are the woman taken in adultery in John, where there is no question of lawlessness in the air; and the stoning of Stephen in the Acts of the Apostles, where there is a distinct atmosphere of a lynch-mob. We hear Paul announcing quite calmly (Acts 22) that he had included amongst his qualifications as an observant Jew the fact that he had persecuted Christians *to the death* during his career as a Pharisee. If such a man as Paul can conceive of hounding Christians to death as an act of religious piety, it is clear that the high priest would have had little difficulty in doing the same. There is a good deal of confusion about the Roman administration of Palestine; the prefecture was relatively new, having been established in 6 AD; it is a quality of newly-established administrations to sit loosely to the law. However, many provinces of the empire were quite happy for local dignitaries to administer their own laws, even if sensitive cases or explosive situations could cause a governor to reserve the power of capital punishment to himself. There is nothing in the Gospel account to suggest that this was true of Jesus, except the allegation in John that “we are not allowed to put a man to death”. It seems clear that *in their own terms*, Jesus could have been put to death for blasphemy, or for the highly sensitive crime of “speaking against the Temple”. To have Jesus executed for those crimes, however, might not have suited the book of the chief priests, who are said to be sensitive to the possibility of rioting if they are clearly seen to have engineered this death. The bribing of Judas is only explicable as part of a strategy of secrecy - they want to arrest him quietly, and need to know his movements. It is conceivable that as part of this policy, they are hoping to translate the condemnation of Jesus

into negotiable *Roman* coin, so as to clear themselves of the responsibility for his death; they have no desire to be involved in a capital punishment on the eve of Passover. To execute for a non-religious crime would have meant handing the process straight over to the governor.

When we examine the themes of the process, we find Mark depicting the chief priests as determining on the death of Jesus in advance, and entering into the pact with Judas. They look for testimony against Jesus, but it proves false and inconsistent. They then condemn him for blasphemy on the basis of his own words. The subsequent abuse of Jesus - that the members of the court s[hit on Jesus, slap him, and mock his inability to prophesy is actually part of the process: the witnesses in a capital crime are required, under Jewish law, to cast the first stones at the execution. They have witnessed his blasphemy, and now they have to begin the sentence. Pilate in Mark yields to the priests, knowing that Jesus has been condemned for some religious reason, and at the involvement of Barabbas the crowd also turns on Jesus, and thus he receives fair treatment from no-one. In Matthew the picture is worsened, in that the Sanhedrin is said actively to seek *false* evidence against him. Matthew adds the story of Judas' returning of the money, and the indifference of the priests, who cynically divert the funds to a safe haven and deny responsibility. The Governor is warned by his wife's dream and washes his hands of guilt, but still delivers Jesus to die when he knows he is innocent. The authorities are thus described even more malevolently; but the guilt is broadened by Matthew by the cry of the crowd, "His blood be upon us and on our children." This is not a bloodthirsty cry or a self-cursing, but a statement that they are confident of his guilt and are ready to take responsibility before God for his death. The continued malevolence and guilt is extended beyond Jesus' death by the lying about his body having been stolen and more bribes.

Luke's presentation of the events is different. Some scholars even think that there was no Jewish trial at all; but scattered statements in the Gospel and the Acts make it clear that Luke believed that the Jewish leaders had tried and condemned Jesus, and that the population at large had some share in the responsibility for this. Luke describes has no false witnesses, and he has no record of a statement of condemnation or a sentence of death: the assembly hears the alleged "blasphemy", and immediately rises and moves to Pilate, where it initiates the attempt to procure a Roman sentence of death. This is done by an arrantly false accusation, that he has incited people to withhold tax from Caesar, and a colourably true one, that he is claiming to be a king - either of which might light up Pilate's screen. They frame their allegation with the charge that he is inflammatory in his teaching. Pilate's response is to try to pass the buck to Herod, whom he dislikes. In fact Pilate says twice that he finds no fault in Jesus, and so does Herod; if we add to their voices the criminal on the cross and the centurion at the death, we find a chorus of voices proclaiming Jesus as a just man.

There is a whole series of texts in the Acts, in which the picture of the Jews is progressively darkened. The general view which emerges is that the rôle of the Jews is serious, but forgivable if they choose to accept apostolic preaching. The more they resist, the more severe does the judgment against them grow; but this is not to be thought of as an anti-Jewish polemic. Remember that Luke's whole aim in writing the Gospel is to see the Gentiles welcomed into the People of God. It is the stubborn resistance of the Jews that makes an opening for the Gentiles, a judgment which is exactly described by Paul and Barnabas at many points in the Acts.

The Fourth Gospel gives us a clear account of a rather mild interrogation by Annas. But in 11:47ff John gives us a pretty cynical account of the Sanhedrin condemning Jesus unheard in absentia, "to avert danger to the Temple and the Nation". In 19:7 a more theological reason is offered, "he ought to die because he has made himself Son of God". Pilate's statements that he finds no case against Jesus; but this does no exculpate the Romans. There are only two places for a man to stand for John: in the light and on the side of truth, or in the dark and on the side of untruth. Pilate is one of those who refuses to listen to Jesus' voice, and therefore

he is on the side of the darkness, a man of untruth. The governor's hesitation provokes the most anti-Jewish scene of the Gospel, where the Jewish authorities deny their own faith (we have no King but Caesar) in order to get Jesus condemned. This malevolence continues in the story of the title on the Cross, and in the request to have Jesus' legs broken, which would have disfigured his body. The failure of the soldiers to do this is given massive theological significance.

Here are four important things to remember as we listen to the story of Jesus' trial.

1. It is perfectly possible that deeply religious people could have disliked Jesus. We have established Jesus as the ultimately noble figure, to whom no-one could find a valid objection in any department; the habit of finding him peerless is quite intemperate in the Christian mind. We could not bear to think that he was terrifically ugly, or that he had an annoying voice, or that he was clumsy - none of which is impossible. When it comes to examining the motives by which he was found guilty and judged to be intolerable, we cannot accept that the people who passed judgment were morally sound. They were hypocrites, or they were politically sycophantic, or they were intolerant legalists, and this made them capable of callous brutality. This is highly unjust. Remember that Jesus consorted pleasantly with outcasts and public sinners, and was scathingly critical of a religious and observant Pharisee who has taken care not to break the commandments, who prays, fasts, and gives to good causes. For him to do this, and to claim at the same time to be speaking for God, with an authority that the highest authority in the Holy Land is not allowed to gainsay, would prove to be intensely upsetting to the many pious and decent Jewish people for whom obedience to the faith of their fathers was the ultimate value. Anyone who asks deeply religious people to change their minds - which is what *metanoia* or repentance actually means - is likely to suffer a similar fate. He would suffer the same fate in the Christian Church today if he told Catholics that God wanted something vastly different from what Catholics know and have striven long to do, especially if he challenged long-established teaching on his own authority as a self-designated spokesman for God.

2. Religious opposition in Jesus' time regularly led to violence. We tend to read the Gospels against the religious toleration we have come to expect - though it may be more to do with indifference than tolerance. We find violence springing from religion disgusting. A couple of generations before Jesus, the right of the high-priest Alexander Jannaeus to hold office was challenged by Pharisees. The high-priest massacred 6,000 Jews on the feast of Tabernacles. He later crucified 800, whilst their wives and children were butchered before their eyes. In 62 AD Ananus II and the Sanhedrin executed James the brother of Jesus along with many others for transgressing the Law of Moses. In 120 BC John Hyrcanus destroyed the sanctuary of the Samaritans on Mt Gerizim where the Patriarchs had worshipped. There is a huge record of bloodshed and officially-perpetrated violence in the years before the Roman Prefecture was established. In that sense, the Romans subdued quite a lot of the horror.

3. We should always speak of responsibility for the death of Jesus, rather than guilt. It certainly does not appear from history that the high-priests of Jesus time were of high moral standards. Some of their number may have participated in his condemnation on the basis of self-interest, rather than on religious terms. There is every reason to think that the majority of the Sanhedrin firmly believed that Jesus' death was deserved and necessary.

4. Jesus was a Jew, and the fight which led to his condemnation was a fight between Jews over Jewish questions, not an early example of hatred between Jews and Christians. Jeremiah the prophet warned Jerusalemites that if they did not change their ways they would find the Temple in ruins and the city in flames. He incurred the mortal hatred of priests and people. Both Christians and Jews read the story of Jeremiah as Holy Scripture. We distort the story of Jesus, because unlike Jeremiah's, his followers became a different religion, and that

enables us to read the Passion as an early document in an interreligious struggle. This is not a good way to get at the truth. Peter would say: *Our leaders crucified their Saviour*. We tend to say *Your leaders crucified our Saviour*. We must not introduce these interests into our minds when studying the death of Jesus.`