

MEDIATION: TRIAL OF JESUS CHRIST

Part I.	Jesus Christ v. Caiaphas, high priest
Part II.	Jesus Christ v. Pontius Pilate
Date:	33 A.D.
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According to Catholic theology, Jesus Christ was arrested by Jewish high priests and sentenced to death and crucified under Pontius Pilate.¹ The foregoing are two hypothetical dialogues mediated by Ignatius Loyola, first between Jesus Christ and Caiaphas, a Jewish high priest and then between Jesus Christ and Pontius Pilate, the Roman governor.² This dialogue has been translated from Aramaic into English for the convenience of the reader.³ The mediator, Ignatius Loyola is best known for founding the Order of the Jesuits, the institution that arguably led the Catholic Counter-reformation to combat the Protestant Reformation. The Jesuits have often served as a progressive communicator and defender of Catholic ideology. However, the

¹ Wilhelm, J. (1911). The Nicene Creed. In The Catholic Encyclopedia. New York: Robert Appleton Company. Retrieved November 16, 2010 from New Advent: <http://www.newadvent.org/cathen/11049a.htm>.

² Except where otherwise cited, the synoptic gospels are used as the exclusive source for the quoted language, for purposes of consistency in this hypothetical mediation. Therefore, the setting and characters are presumed to exist as described in these gospels. Where there is ambiguity or absence of Biblical authority on a particular point, other sources are used to inform the dialogue.

³ Aramaic would have been the language spoken to and by Jesus at this time.

parties to this dispute are not yet aware of these accomplishments, not even Loyola, who mediates this matter during his former life.

In 33 C.E., Loyola is a highly educated scholar and philosopher, respected by both Jewish and Roman authorities. He has also been following the life and career of the young Jewish man, called Jesus of Nazareth is to be arrested. Unlike many of the local authorities, however, Loyola does not believe that the movement and followers of Jesus are a threat to the power and sovereignty of the Romans. Loyola personally believes that if Jesus was permitted to live, he might be able to contribute to reduce violent crimes, diminish corporal punishment, and make more of the population productive. However, he was asked to attend this mediation by Herod the Great, who instructed him to make the problem disappear and to immediately notify him if he sees any magic. Therefore, Loyola intends to act purely in his capacity as mediator, and should not be influenced even if he does identify with Jesus.⁴

Jesus finishes celebrating Passover and is approached by soldiers and his friend, Judas Iscariot who kisses him, in an infamous act of betrayal.⁵ Jesus is promptly arrested and brought to the Sanhedrin, the Jewish judicial body,⁶ to be questioned. An

⁴ If Loyola finds himself empathizing with Jesus such that he is unable to maintain his impartiality in coming to a settlement, he will be required to withdraw from the mediation pursuant to Rule 10.330 governing impartiality and Rule 10.340 governing conflicts of interest. Fla. R. Cert. & Ct.-Apptd. Mediators.

⁵ *Matthew* 26: 49.

⁶ *Matthew* 26: 50-57; *Also see Luke* 22:66, note 18 (New American Bible)(defining Sanhedrin to mean council, referring to the elders, chief

assembly of priests and scribes surrounds the Jewish high priest, Caiaphas, who was appointed by the Roman Governor.⁷ Soldiers escort Jesus to greet Caiaphas. Standing next to Caiaphas is Ignatius Loyola.

PART I. Mediation: Caiaphas v. Jesus

Loyola: I am Ignatius Loyola. I will serve as a mediator to this process. The Roman authority requested my presence here. My being here will not impede or change the present decision-making authority. I am simply here to assist in identifying the issues and ensuring that every issue is communicated, and properly addressed, in the interest of fairness.⁸ There are a few ground rules before you begin your discussion. Each person must be given a chance to speak and interruptions are prohibited. If someone asks a question, it is only common courtesy to attempt to answer it to the best of your knowledge and ability. Everything that takes place during this process will be kept confidential and if I meet with either of you privately, any information you provide will be kept confidential from the other party unless I am given permission otherwise, and unless disclosure is required by law.⁹

priests, and scribes under the leadership of the high priest's; this judicial body typically decided religious and legal questions that did not pertain to Rome's interests).

⁷ *Matthew* 26: 57.

⁸ The mediator's opening statement reflects the need to define the purpose of mediation as promulgated by the Florida Rules for Certified and Court-Appointed Mediators. Loyola's statement is reflective of Rules 10.210, 10.220, and 10.230. Fla. R. Cert. & Ct.-Apptd. Mediators 10.210, 10.220, and 10.230.

⁹ Fla. R. Cert. & Ct.-Apptd. Mediators 10.420(a)(3).

This mediation is consensual, meaning that both of you have the option of participating in this process.¹⁰ I assure you that I am completely impartial and have no authority to impose a resolution in this matter.¹¹ In order to honor your rights to determine the outcome of this process, I would like for each of you to state the reason why you are here, what you find to be the crux of the issue, and what interests you would like addressed. In light of that, I would like for you each to tell me what you would like to be the outcome of this process. Unless either of you have a preference, Jesus, you may speak first.

Caiaphas: Yes, what are you teaching to the people?

Jesus: "I have spoken publicly to the world. I have always taught in a synagogue or in the temple area where all the Jews gather, and in secret I have said nothing. Why ask me? Ask those who heard me what I said to them. They know what I said."¹²

[A soldier strikes Jesus for being uncooperative]¹³

Jesus: "If I have spoken wrongly, testify to the wrong; but if I have spoken rightly, why do you strike me?"¹⁴

Loyola: I would like to add that any acts of physical violence are also prohibited during the mediation process. Jesus, we are not able to gather witnesses for this mediation; we just do not have

¹⁰ Fla. R. Cert. & Ct.-Apptd. Mediators 10.420(a)(1).

¹¹ Fla. R. Cert. & Ct.-Apptd. Mediators 10.420(a)(2).

¹² *John* 18: 20-21.

¹³ *John* 18:22.

¹⁴ *John* 18:23.

the resources. Could you paraphrase for Caiaphas what you have been teaching?

[Two bystanders state that Jesus claimed he could destroy the temple of God and rebuild it in three days.¹⁵]

Caiaphas: “I order you to tell us under oath before the living God whether you are the Messiah, the Son of God.”¹⁶

Jesus: “You have said so. But I tell you: From now on you will see the Son of Man seated at the right hand of the Power and coming on the clouds of heaven.”¹⁷

Caiaphas: “What further need do we have of witnesses? You have heard this blasphemy. He is worthy of death.”¹⁸

¹⁵ *Matthew* 26:61.

¹⁶ *Matthew* 26:63; Caiaphas is engaging in competitive negotiation. His statement to Jesus, that he swear as to whether or not he is the Messiah, is a formidable demand. He is extremely combative and this demand becomes a cross between a threat and an accusation. Caiaphas’ strategy is domination over Jesus. He perceives the situation as a means to an end. As far as Caiaphas is concerned, they are only communicating so that he can obtain a justification to imprison or kill Jesus. He has no concern for the desires or interests of Jesus and takes a firm position, making zero concessions. See Williams, Gerald R. (1983) *Legal Negotiation and Settlement*. St. Paul: West Publishing Co. Also see Goodpaster, Gary. (1996) *A Primer on Competitive Bargaining*, 1996 J. Disp. Resol. 325.

¹⁷ *Matthew* 26:64.

¹⁸ *Matthew* 26: 65.

Loyola: I think it would be best to refrain from issuing orders until we ascertain the facts that have brought you both to this mediation. Caiaphas, which part of what Jesus said upset you?

Caiaphas: He claims to be the Son of God!

Loyola: Is that what you said, Jesus? Did you agree with Caiaphas in claiming to be the Son of God?

Jesus: You have said so.

Loyola: Caiaphas, you mentioned that he has blasphemed. Which part of what he said constitutes blasphemy? It is important to be clear because, as you know, taking a life is only justified when certain specific crimes are committed.¹⁹

Caiaphas: I asked if he is the Son of God and you heard what he said.

Loyola: What exactly do you mean by sitting at the right hand of power, Jesus? Are you being literal? Are you vying for political authority?

Jesus: "If I tell you, you will not believe, and if I question, you will not respond."²⁰

¹⁹ Loyola is demanding reasoned justifications from Caiaphas for his position that Jesus should be put to death. Because Caiaphas is negotiating only to meet his desired end, he probably does not have a reasonable justification for his position. Goodpaster, Gary. (1996) *A Primer on Competitive Bargaining*, 1996 J. Disp. Resol. 325.

²⁰ *Luke 22:67-68.*

Loyola: I am asking you; I do not know what your intentions are. Could you inform us as to your intentions?

Caiaphas: Enough. He deserves to die. I am sending him to the Roman authorities who will assuredly put him to death.²¹

PART II. Pontius Pilate v. Jesus

[Jesus is taken by Caiaphas and other chief priests to the Roman authority, Pontius Pilate.²² While in transit, Loyola asks that he be left alone to discuss the matter with Jesus.²³]

Caucus: [Jesus and Loyola]

²¹ This pseudo-finale to the conflict with Caiaphas reflects a form of the agent/principal problem inherent in some negotiations. Although initially Caiaphas seems to be vested with an enormous amount of authority, the circumstances show that he does not have the power of enforcement. The extent that he acts as agent for the principal is unknown to the other parties, as is the extent that his finding will persuade the outcome. Mnookin, Robert H., Peppet, Scott, and Tulumello, Andrew. (2000) *Beyond Willing: Negotiating to Create Value in Deals and Disputes*. Cambridge: MA.: Belknap Press of Harvard University. The Bible does not enter into a full discourse on the power of the Sanhedrin and the extent of its power at that time in Rome is disputed. *But see John 18:31* (Jewish people responding to Pilot's inquiry as to why Jesus was not judged by Jewish law, "[w]e do not have the right to execute anyone").

²² *Matthew 27:2*.

²³ Many mediators use the pre-mediation caucus to get to know the parties and to ascertain their true interests before moving forward. Additionally, Loyola has already learned that Jesus tends to have communication issues and seems to have little concern for the possible consequences of a negative ruling.

Loyola: Before we go in there, I want to know what you are expecting.

Jesus: I expect nothing.

Loyola: Do you intend to defend yourself?

Jesus: Against what? I have committed no wrong.²⁴

Loyola: The Roman governor is going to ask you what you are preaching to Roman citizens. You have a fair number of followers. If I was a Roman ruler, I would be concerned that you were trying to take power from me. Are you aware of this concern?

Jesus: My king is not of this world and my kingdom is not of this world.

Loyola: So when the Roman governor asks you who you claim to be and what authority you have, do you think it might be helpful to make sure they know that you are not concerned with changing the government of this world, that is the Roman government?

²⁴ Jesus' mentality as evidenced here could present an issue with Rule 10.370(b) which outlines the procedure for a mediator when a party does not understand or appreciate the consequences of an agreement. Fla. R. Cert. & Ct.-Apptd. Mediators. Jesus' passivity may also be in the nature of his personality in which case Loyola would not be required to advise him to seek counsel to represent his legal rights.

Jesus: I have said “Render unto Caesar the things which are Caesar’s, and unto God the things that are God’s.”²⁵

Loyola: It would be very helpful if you kept this particular idea in mind during this process, just so that your true interests are clearly expressed and there is no confusion. Is that fair?

Jesus: [Nods.]

[End Caucus]

Loyola: It is wonderful to finally meet you, Pilate. I have been studying Roman politics for some time and I truly admire the hierarchy of Roman authority and the extent of knowledge the Roman governors have of the local community they are charged with ruling over. I am Ignatius Loyola. I was asked to serve as mediator to ensure that you are provided with all the information you need so that you may administer justice. It is the developing belief that such cases like this can become very complicated and I am here to make sure that the matter is communicated clearly in the interest of Roman justice.

Pilate: As long as your presence does not impede my authority as governor of Rome, you may stay. Bring in the prisoner.

Loyola: [Motions to Jesus to come in and repeats the former opening statement he provided for the mediation with Caiaphas.]

Pilate: "Are you the king of the Jews?"²⁶²⁷

²⁵ *Matthew 22:21.*

²⁶ *Matthew 27:11.*

Jesus: "You say so."²⁸

Loyola: Pilate, you are prefect, and speak for Rome, so before questioning, would it be fair to ask you to provide the background for why we are here, and the specific charges brought against Jesus?

Pilate: The high priests have said that he is a criminal.²⁹

²⁷ This is the first time the “King of the Jews” idea and accusation has been presented. Caiaphas did not make the same inquiry nor did he accuse Jesus of claiming such a title. The various Jewish tribes were subject to Roman rule. This may be indicative of an underlying motive of Pilate in response to the fact that Jewish sects were gaining in popularity. None of the Jewish beliefs were in line with Roman paganism. This is a significant break from what founded Caiaphas’ accusations, and Caiaphas would probably not have encouraged Pilate’s charge. Loyola should pick up on this and recognize what are likely conflicting incentives of the Jewish high priests and the Roman authority. Caiaphas is a Jewish high priest whose faction may be threatened by the growing popularity of Jesus’ faction. If this is the case, Caiaphas has an incentive to characterize Jesus as a political insurgent, bent on undermining Roman rule. The charges he should bring against Jesus would be likened to treason against Rome. Pilate, on the other hand may want to suppress all the Jewish sects collectively. If such a motive exists, he has an incentive to peg Jesus as a leader of all Jews, whose death would symbolize the subjugation servility of the Jewish people and reinforce the power and glory of Rome. If these conflicting motives do present themselves, Loyola may be faced with additional challenges.

²⁸ *Matthew 27:11.*

²⁹ *John 18:30.*

Pilate: "Do you not hear how many things they are testifying against you?"³⁰

Jesus: [Silence]

Loyola: Jesus, is there a way Pilate can clarify the question?

Pilate: [Interjects] Is any of what they say true?

Jesus: [Silence]

Loyola: [To Pilate] In the interests of clarity, maybe we can take one accusation at a time? If there are is a specific testimony that you would like Jesus to affirm or deny, it might be easier respond.³¹

Pilate: [To his guards] Bring in everyone. Bring in the chief priests, the rulers, and the people. Bring them all in here.³²

Caucus: [Loyola and Pilate³³]

³⁰ *Matthew 27:13.*

³¹ Loyola has recognized that Pilate is only asking whether a number of accusations are true. At this point, Jesus has only been accused by Pilate of being a criminal, and claiming to be King of the Jews. Although Loyola may not be completely aware of the results of his prodding, forcing Pilate to articulate his position may render him in conflict with Caiaphas.

³² *Luke 23:13.*

³³ This is Loyola's second caucus with Pilate. Loyola believes that Pilate has a weakness. Loyola will attempt to use Pilate's pride in his power as a Roman governor to prevent the crowd from coming in. Loyola feels that Pilate may not want to be responsible for the death of Jesus and may use the sentiment of the crowd as his justification for administering

Loyola: Before we bring in the neighborhood, what purpose are they to serve in this matter? Are they to act as witnesses?

Pilate: They will help me administer justice.

Loyola: How will they help you administer justice? Are they to testify as to what acts Jesus committed? Who in particular did you want to speak to?

Pilate: All of them. They are Roman citizens. They should be here.

Loyola: How much authority do you have as a Roman governor?

Pilate: I am the supreme judge of this province and commander of the provincial army.

Loyola: Do you need to have the crowd vote on your decisions or is your decision final?

Pontius Pilate: My decision is final and the law of the land.

Loyola: Why do you request the crowd that brought the prisoner to you? Do you need them to make a decision?

Pontius Pilate: I will bring them in to announce my decision.

[End Caucus]

punishment. If the crowd demands Jesus' death, Pilate will be relieved of personal responsibility for the sentence. If that is the case, Loyola would need to prevent the additional parties from entering the mediation as their entry will take the decision out of Pilate's hands and undermine the parties' self-determination and resolution of the dispute.

Pilate: “Are you king of the Jews?”³⁴

Jesus: “You say so.”³⁵

Pontius Pilate: [to the crowd] "You brought this man to me and accused him of inciting the people to revolt. I have conducted my investigation in your presence and have not found this man guilty of the charges you have brought against him, nor did Herod, for he sent him back to us. So no capital crime has been committed by him. Therefore I shall have him flogged and then release him."³⁶³⁷

³⁴ *Luke 23:3.*

³⁵ *Luke 23:3.*

³⁶ *Luke 23:14-16.*

³⁷ Pilate has thus far emitted a number of characteristics that Loyola should have picked up on and Loyola is beginning to believe that there is a great political significance to Jesus' trial. Neither Pilate, nor Caiaphas has articulated a specific charge that Jesus acted illegally. Loyola recognizes that such accusations are absent and that when there have been accusations, they are not consistent. Caiaphas had accused Jesus of claiming to be the Messiah, and the Son of God. Loyola recognizes that this status would necessarily render the followers of Jesus more powerful than any of the other Jewish sects, and likewise understands that this would threaten Caiaphas and other Jewish leaders. However, Loyola also notices that Pilate is far more concerned with labeling Jesus as the King of the Jews and trying to coerce Jesus into admitting this title than he is concerned with Jesus' spiritual claim to fame. After caucus, Pilate asks again whether Jesus is King of the Jews, and when he is given what essentially qualifies as a non-response, he turns to the crowd. Loyola now believes that Pilate is using the crowd to confuse the charge against Jesus. Pilate essentially asserts to the crowd that Jesus is not guilty of the crime against Rome, the

Loyola: [speaking above the crowd] I believe you just said that you did not find Jesus guilty of the charges brought against him, is that correct?

Pilate: [turning to the crowd] I can release Jesus Barabbas or Jesus the Messiah. Which do you choose?³⁸

[As the crowd shouts to crucify Jesus the Messiah³⁹, Loyola brings Pilate aside.]

Caucus: [Pilate and Loyola]

Loyola: Pilate, what are your intentions? Did you not just say that you found Jesus innocent of the charges brought against him?

Pilate: The priests said he was inciting riots.

Loyola: Do you find Jesus guilty of a crime against Rome?

Pilate: The priests and scribes brought him here as a criminal.

Loyola: But you agree that you just said he was innocent of the crimes charged, or did you mean something different? The information you provide me will all be kept confidential. If you meant something else, you can tell me.

Pilate: This is an issue of security. The mob is rioting. They brought him to me. I cannot ignore the people over whom I rule.

crime for which he was charged. Therefore, this admission of Jesus' innocence should conclude and resolve the issue.

³⁸ *Matthew 27:17.*

³⁹ *Matthew 27:21-22.*

Loyola: I would like to ask that if you, in good faith, believe that he is not in violation of Roman law, and the crowd wants him killed anyway, what would you do?

Pilate: They do find him to be a criminal.

Loyola: But if they find him to be a criminal, and you know him not to be, would you, in good conscience, still punish him, just to appease the crowd?

Pilate: I only administer justice. I would not kill an innocent man.

Loyola: You have already found him to be innocent; what purpose does it serve to listen to the crowd? What are you trying to accomplish?

Pilate: The people will find out the result of my verdict. I should be the one to announce it.

Loyola: The people are shouting to crucify him and you have found him to be innocent. You asked him if he was King of the Jews. What significance is that to you?

Pilate: The Jewish chief priests brought him to me. They make up some of the crowd.

Loyola: If he claims to be King of the Jews, would that be treason against Rome?

Pilate: It would undermine the power of Rome.

Loyola: The Jewish sects have been growing in number and popularity recently, have they not?

Pilate: They have.

Loyola: So, if Jesus did in fact claim to be their king, this would undermine Roman sovereignty and you would then publicly punish or kill him for making such a claim, is that correct?

Pilate: Anyone who claims to have royal power is affront to Rome. He should be killed.

Loyola: But Caiaphas did not say he claimed to be King of the Jews. Why would he have left that out?

Pilate: Jesus has been leading the Jews.

Loyola: All of them or just some?

Pilate: Regardless, they are growing in numbers and they are not really even Romans. They do not worship the true Roman gods of our fathers. It is as though they are creating a non-Roman society within Rome, and intentionally taking up Roman resources. They are setting themselves up to take over.

Loyola: So, if the King of the Jews was to be killed, after being brought to Rome by Jewish priests, that would mean...

Pilate: That would be the end of the Jewish problem.

Loyola: But neither Jesus nor Caiaphas has said he is the King of the Jews. So, killing Jesus cannot serve any purpose for Rome, right?

Pilate: Unless the crowd thinks he is King of the Jews.

Loyola: Which they do not, unless you express such an idea to them, but you will be at risk that they learn the truth, and if he has too many followers, killing him might trigger a revolt.

Pilate: What do you suggest that I do? If I let him free, my people will doubt Roman power.

Loyola: Jesus has expressed that he believes that the Roman government should be respected. When he was arrested, he instructed his followers to refrain from violence. If you are concerned that the growing number of Jewish sects might undermine Roman authority, would it be in your interests to ally yourself with the leader the movement that respects the power of Rome?⁴⁰

Pilate: I would have to verify that for myself.

⁴⁰ Although this could be viewed as a violation of the ethical rule to refrain from coercion, Pilate had already expressed his true interests to Loyola, so this persuasive questioning is used for the purpose of coming to a solution to better serve the interests of both parties. Fla. R. Cert. & Ct.-Apptd. Mediators 10.300. Loyola recognized that Pilate's interests were to undermine the growing Jewish movement, a purpose that would not be served by putting Jesus to death, especially as he never expressed to be their king. Although Jesus never expressed an interest in remaining alive, Loyola makes the assumption that survival is a concern for him. Although Loyola's questioning does serves the interests of Jesus, this should not be viewed as a breach of his ethical duty as a mediator to refrain from advocating for one side because the questioning also serves the interests of Pilate.

[End Caucus]

Pilate: Do you preach non-violence?

Jesus: “You have heard that it was said, ‘Eye for eye, and tooth for tooth.’ But I tell you, do not resist an evil person. If anyone slaps you on the right cheek, turn to them the other cheek also. And if anyone wants to sue you and take your shirt, hand over your coat as well.”⁴¹

Pilate: Do you call yourself “King?”

Jesus: You have said so.

Loyola: That means no. He is only repeating the accusation.

Pilate: Do you wish to become king?

Jesus: My kingdom is not of this world.

Loyola: That is irrelevant to you, Pilate. You live in this world. Jesus, do you believe that your kingdom is the Roman kingdom or even within the Roman borders? For the sake of clarity, just answer yes or no.

Jesus: No.

Pilate: Do you preach non-violence to the people?

Loyola: Yes or no.

Jesus: Yes.

⁴¹ *Matthew 5:38-40.*

Loyola: Pilate, is it in your interest to reduce crime and ensure the continued sovereignty and power of Rome? Is it in your best interests to have this man killed, or would it be better if he is returned to his people to encourage the existence of a peaceful society?

Pilate: [to the crowd] “Everyone who makes himself a king opposes Caesar.”⁴² He has made no such claim. Whoever makes such a claim shall be put to death. This man teaches peace and deference to Rome. Therefore, his life shall be spared.⁴³

⁴² *John* 19:12.

⁴³ Jesus’ life was spared in this context based on the supposition that the reason he was arrested was different from the reason he was put to death. Once the true interests of Caiaphas and Pilate were both made transparent, purpose of the trial of Jesus was made apparent. At that point, the issue became resolvable. If the parties were not made to express these hidden motives, or if Loyola was unable to ascertain such underlying motives, the mediation may not have ended peacefully.