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A rhetorical-pastoral analysis of the trial of Jesus

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Abstract

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The trial of Jesus is one of the essences of the Gospel accounts. In the first part, this paper introduces Jewish and Roman law and its application to the trial. In the second part, the trial is analysed in terms of the presence of rhetorical components. First, the focus is on Jesus' communication in general, followed by the roles of the main protagonists of the trial, the argumentation and persuasion, and, finally, the purpose of questions as crucial rhetorical figures. In the last part, the paper connects specific forms of rhetorical expression with the ways they can be applied in pastoral theology.

Keywords: Jesus Christ, law, process, rhetoric, pastoral theology

Abstrakt

Retoryczno-pastoralna analiza procesu Jezusa

Proces Jezusa jest jednym z głównych tematów relacji ewangelicznych. Pierwsza część rozprawy przedstawia żydowskie i rzymskie prawo oraz jego zastosowanie w procesie. W drugiej części proces jest analizowany pod kątem obecności elementów retorycznych. Po pierwsze, przedstawiono ogólny sposób komunikacji Jezusa, pozycję głównych bohaterów procesu, argumentację, perswazję i znaczenie pytania jako ważnej figury retorycznej. W ostatniej części tekst łączy omówione kwestie retoryczne z zastosowaniami w teologii pastoralnej.

Słowa kluczowe: Jezus Chrystus, prawo, proces, retoryka, teologia pastoralna

Rhetorical analysis is concerned with how speakers use language and other communication techniques to argue, inform, or engage their audience. In the ancient Greek and Roman worlds, rhetoric held an irreplaceable position in the judicial environment. The trial of Jesus is considered one of the emblematic scenes of Western culture and rightly requires rhetorical analysis. Its uniqueness is also in the fact that Jesus is judged by two types of legal processes: Jewish and Roman. Rhetorical analysis aids theological analysis, which by its methodology clarifies the process in its essence and significance in the salvation history. Since rhetoric is part of practical theology, it is from this aspect that its contribution will be presented.

1. Jewish and Roman law applied to the trial of Jesus

In the Athens of the fifth century BC, the judiciary reform and the introduction of a democratic constitution contributed to the development of rhetoric, the art of speaking and arguing. The ability to argue and persuade often made the difference between life and death. Successful trials brought the speakers, whether they were prosecutors or defence attorneys, fame and recognition among the people. This trend then continued in the Roman Empire, which further perfected the legal system. A type of judicial speech also arose—genus iudicale, which used a simple style (genus subtile).[1] The Jewish legal system was different. The primary reason is that it had a theocratic basis. It is built on the Covenant between Yahweh and the chosen people. The trial of Jesus is set in both the Jewish and Roman judicial systems.

1.1. Jewish law

Ancient Jewish criminal law is contained in the Five Books of Moses—the Pentateuch, and in the Talmud. The Pentateuch laid down the rules for social and religious life. It contains moral precepts that are based on natural law, as well as civil norms that organize the workings of Israel's civil institutions (family, economy, society, and the courts). Cultic

1 The simple style (genus subtile) was characterized by simplicity, clarity, sharpness, and efficiency.

law establishes the norms of the true cult with its ceremonies, services, and ritual regulations. At the heart of the Pentateuch is the Decalogue, which articulates religious and moral principles. The commandments are apodictic in nature: they are unquestionable and irreversible.[2]

The Talmud describes Jewish customs and rabbinic interpretations of law. It consists of two parts: the Mishnah and the Gemara. The Mishnah is a collection of the religious-legal precepts of rabbinic Judaism. The Gemara are commentaries on these provisions. Hebrew criminal law addresses several crimes for which it imposes the death penalty. In addition to crimes such as adultery, kidnapping, incest, murder, and even disrespecting one's parents, there were also religious crimes—blasphemy, abandonment of the Jewish faith by an entire community, prophesying in the name of pagan gods, or false prophecy. Later, the halakhah (a legislative interpretation of the legal portion of the Torah—the Pentateuch), and haggadah (free commentaries on the epic portion of the Pentateuch) were also added to the Talmud. In post-Christ times, Jewish legal rules were arranged in the mishnah (135–200 CE).[3]

The Sanhedrin—the Great Council, was the supreme Jewish court with the greatest civil, criminal, religious and social jurisdiction, and authority. It was, in fact, not only a court, but also a legislative body of high authority. It consisted of 71 judges, 3 chambers, and was headed by a president (high priest) and a vice-president. The first chamber represented the Jewish clergy, the second chamber represented the scribes, and the third chamber, the so-called elders, the people's element of the institution. There were 3 court reporters at the sessions of the high council. One wrote down the acquittals and the arguments that the judges were required to give, which included the provision of the Torah. The second reporter wrote down the contrary verdicts and their arguments, and the third one wrote down all of this information together. The Jewish criminal justice system did not know the institution of a prosecutor. Thus, the dispositional principle applied here. Only the witnesses themselves could be prosecutors. Nor do we encounter concepts such as defence counsel or attorney in criminal proceedings. To convict the

2 Cf. W. Przybyś, *Dzisiaj usłyszysz Boga…*, Kraków 1996, pp. 142–146.

3 Cf. R. Hreňo, R. *Súdny proces s Ježišom*, http://www.zoe.sk/?zoepedia&heslo=S%FAdny+proces+s%A0Je%9Ei%9Aom+Kristom (15.04.2025).

accused, a majority vote by at least two votes was required. The decision of the grand jury could no longer be appealed. It is important to note that Jewish law placed great emphasis on the staffing and qualifications of the members of the Grand Council. The members of the Grand Council were "elders" from prominent families, former high priests and scribes, especially from the Pharisee group. As far as personal qualifications were concerned, a judge had to be, according to the Torah, mild, religious, courageous, popular, or even free from anomalies of appearance. A person who didn't have a business or a regular working position to earn a living could not become a judge. When imposing capital punishments, Jewish criminal law even excluded the presence of a judge who was elderly or a man who did not yet have a son of his own. This was to ensure a reasonable and moderate verdict. The Romans limited the powers of the high court, and it is not entirely clear whether the high court could pronounce a sentence of death. It is more likely that it needed the consent of a Roman procurator. [4]

The Gospel before the Jewish authorities mentions the first three interrogations of Jesus:

1. The first interrogation took place on the night before the deposed high priest Ananias (Jn 18:12–23).
2. The second interrogation was before the high priest Caiaphas (Mt 26:57–68; Mk 14:53–65; Lk 22:54; 63–65; Jn 18:24).
3. The third interrogation was before the Sanhedrin (Mt 27:1; Mk 15:1; Lk 22:66–71).

1.2. Roman law

In the context of the trial of Jesus, the use of the Lex Iulia de Maiestate seems most likely. This law, promulgated by the emperor Augustus (27 B. C.–14 A. D.), made it possible to punish any anti-Roman action in all provinces. Emperor Tiberius (A. D. 14–37) revised this law, and during his reign crimen maiestatis (treason) became a crime against the state

4 Cf. J. Heriban, *Príručný lexikón biblických vied*, Bratislava 1994, p. 1056; T. Pobijak, *Súdny proces s Ježišom nazaretským*, https://www.iusetsocietas.cz/fileadmin/user_upload/Vitezne_prace/Pobijak_-_Sudny_proces_s_Jezisom_Nazaretskym.pdf (14.04.2025).

in the broadest possible sense. It represented not only any attack on the Roman state and its institutions, but also on the emperor himself as the personification of the state, and the members of his family. The death penalty carried out was coupled with the forfeiture of property and even the obliteration of the memory of the condemned (damnatio memoriae).[5]

The indictment, called postulatio, was in Roman law the initiation of criminal proceedings. The Romans, like the Jews, did not know the institution of state prosecutors in criminal proceedings. However, unlike the Jews, the prosecution did not have to be brought by a direct witness to the crime. Any citizen could bring an action, and for a variety of motives. It could be the injured citizen himself, but also another citizen who could be motivated financially (the plaintiff acquiring ¼ of the convicted person's property) or by the patriotic pathos of an indignant Roman citizen. The prosecution itself was a very important element of the Roman criminal process and set the tone for the whole trial.

Pontius Pilate, as governor of the province of Judea, requests the wording of the indictment against Jesus from the Jewish high council. The high council significantly amends the indictment brought in the Jewish trial. The council is probably aware of the Romans' tolerant attitude toward religions and of the fact that a mere religious reason (blasphemy) would likely be insufficient for the prosecutor to impose the death penalty. This is why blasphemy is replaced by other charges: subversive activity, appeals for evasion of taxes to the emperor, and Jesus' claim to be the King of the Jews. The original religious accusation thus takes on a secular and, above all, political character. The province was under the direct administration of Rome, so the existence of a king as a Jewish national institution was out of the question. The declaration that Judea had a king, not an emperor, was a serious offense against the Roman armed presence.[6]

5 Cf. V. Vladár, *Proces s Ježišom Kristom pred Ponciom Pilátom podľa rímskeho práva*, in: *Súdne reči a veľké súdne procesy podľa justiniánskych Digest a iných prameňov rímskeho práva*. Zborník príspevkov z 11. konferencie právnych romanistov SR a ČR. Trnava 15–16. máj 2009., Trnava 2010, pp. 107–108.

6 T. Pobijak, *Súdny proces s Ježišom nazaretským*. For more on the punishments used by the Romans, see: H. Sławiński, *Przepowiadanie Chrystusowego krzyża*, Warszawa 1997, pp. 21-46.

The other three interrogations mention the Gospels before the Roman authorities:

1. The fourth interrogation was before Pilate (Mt 27:2, 11–14; Mk 15:1–5; Lk 23:1–6; Jn 18:28–38. He wanted to avoid court, so he tried to offer another solution:
   - He sent Jesus to Herod Antipas (Lk 23:6–12).
   - He offered amnesty, in exchange for Barnabas (Mk 15:6–15).
   - He had Jesus scourged (Jn 19:1–5) and declared him innocent (Lk 23:22ff).
2. The fifth interrogation before Herod (Lk 23:6–12).
3. The sixth interrogation before Pilate (Mt 27:15-26; Mk 15:6–15; Lk 23:13–25; Jn 18, 39–19, 16).

2. The trial from a rhetorical point of view

The trial of Jesus can also be evaluated from the point of view of rhetoric. This will show the uniqueness and unrepeated nature of the trial of the Son of God. In the Gospels, Jesus is presented to us as a master communicator, but, in the individual parts of the trial, this mastery takes on various forms. We can conclude that Jesus behaves in a "non-rhetorical" way.

2.1. Jesus' three years of intense communication

Jesus represented a type of communicator open to every person. His communication was a gift of love, especially to those who were in various difficult situations. It helped to heal people from spiritual and physical pathologies and thus became a sign of God's presence in human history. Jesus was able to adapt his communication to all those who established communicative relations with him. He proclaimed God's message in a sincere and accessible way, without compromise, effectively and persistently. In his communication he adopted a way of speaking and thinking that was peculiar to the people of his time, country and situation.[7] At the same time, he acted with authority. His authority was shown in the fact that he was able to influence the thinking and

7 Cf. Pápežská rada pre spoločenské komunikačné prostriedky, *Communio et progressio*, p. 11.

actions of those who found themselves under its influence. The Greek word for "authority" is exousia, which means teaching or speaking from one's own experience, from the essence of one's own being. Jesus could say: What he said and what he spoke about were identical. He testified of the truth he proclaimed. The Evangelist Matthew wrote: "When Jesus finished these words, the crowds were astonished at his teaching, for he taught them as one having authority, and not as their scribes" (Mt 7:28–29). And the Evangelist Luke adds: "And he won the approval of all, and they were astonished by the gracious words that came from his lips" (Lk 4:22).[8] The guards of the temple who were to arrest him returned with the words: "No one has ever spoken like this man" (Jn 7:46) and were unable to arrest him.[9]

We can state that there really is Jesus—the biblical speaker. The New Testament repeatedly stylizes Jesus as a fundamental rhetorical speaker. The writings of Matthew and John express this by means of an oft-repeated rhetorical formula. They use the simple performative verb "to say", in Greek "légein", in Latin "dicere": "You have heard that it has been said" (audistis quia dictum est) and "But I say this to you" (Ego autem dico vobis) (Mt 5:21–43). This stereotypical formula is used in the Gospel of St. Matthew repeats more often. A comparable variant of the rhetorical formula is found in the Gospel of St. John: "In all truth I tell you" (Amen amen, dico vobis) (Jn 5:19–25). Here the mission of the speaker is clearly shown: he takes an established habit and re-focuses it on a new reality.[10] Jesus thus follows the prophets of the Old Testament, who were orators and conveyed God's message "with a voice full of power" (Ps 68).[11]

Jesus' communication can also be evaluated from the point of view of the theory of persuasion, which was a practice recommended by classical rhetoric. There are three ways of persuasion provided by the spoken word. The first type depends on the character traits of the speaker; the second type is about putting the audience in a certain state of mind;

8 Cf. C. Pope, *To Teach as Jesus Taught—A Reflection on the Qualities of Jesus as Preacher and Teacher*, https://blog.adw.org/2017/01/teach-jesus-taught-reflection-qualities-jesus-preacher-teacher/ (10.04.2025).

9 Cf. P. Seewald, *Ježiš Kristus*, Trnava 2012, p. 255.

10 Cf. J. Knape, *Was ist Rhetorik?*, Stuttgart 2000, pp. 29–30.

11 Cf. J. Kraus, *Rétorika v evropské kultuře*, Praha 1998, p. 59.

the third type is based on evidence, or perceived evidence, provided by the words of the speech itself.[12] These three modes of persuasion are described in three Greek words: ethos (persuasion based on morals), pathos (persuasion based on emotions), and logos (persuasion based on logic). It is noteworthy that Jesus almost never presented his teachings in the form of logical arguments, even though his speeches had a logical structure. When he called his disciples, he presented himself as trustworthy (ethos) and then called them: "Come after me and I will make you into fishers of people" (Mk 1:17). In addition to this kind of appeal to character, Jesus also appealed to emotions (pathos) to convince others. When confronted by the scribes and Pharisees about a woman who had been caught committing adultery, he replied: "Let the one among you who is guiltless be the first to throw a stone at her" (Jn 8:7). His words changed the emotional setting of the scene. Before he spoke, the crowd had an aggressive desire to undermine Jesus while condemning the woman and ignoring her as a person created by God. When he spoke, "went away one by one, beginning with the eldest" (Jn 8: 9).[13]

2.2. Rhetorical elements in Jesus' trial

Jesus had a reputation as a capable orator who was listened to by multitudes. However, the Gospel accounts of the trial do not fully confirm this. They present a certain "rhetorical matter", but do not mention coherent speeches, attitudes, dialogues, dynamic defence and prosecution, or other elements that normally happen during a trial. Jesus shifts between the Jewish and Roman communication environments, and his strategy reflects his divine-human identity. The whole trial thus reflects the tension between the earthly kingdom, represented by Pilate, the Jewish theocracy, and the kingdom of heaven, which was proclaimed by Jesus and was at the same time part of his identity. For this reason, the individual protagonists of the trial found themselves in "their own world", which they defended and did not accept the world of the other two.

12 Cf. Aristoteles, *Rétorika*, Martin 2009, pp. 31–32.

13 Cf. G. R. Beabout, *What apologists need to know about rhetoric*, https://www.catholic.com/magazine/print-edition/what-apologists-need-to-know-about-rhetoric (16.04.2025).

2.2.1. Position of the main protagonists of the process

Ancient Greek and Roman rhetoric helped speakers achieve social and political influence. Prominent speakers were expected to speak expertly against the enemies of the establishment, civil society, and outside conquerors. In this type of political oratory, speakers not only gained influence and public position, but also garnered hostility, persecution, or exile. The relationship between speech—politics—power—morality is one of the essential content elements of these rhetorical outputs.[14] The ethical dimension of the speeches was also of great importance.[15] In the case of Jesus' trial, there is religious and political power on the one hand, and Jesus, who represents God's rule over the world, on the other. He also said this to Pilate: "You would have no power over me at all if it had not been given you from above; that is why the man who handed me over to you has the greater guilt" (Jn 19:11).

High priests and pharisees

Chief priests and Pharisees, two Judaist groups in Jesus' time, did not agree on many things, but found a common opinion on the necessity of Jesus' death: "If we let him go on in this way everybody will believe in him, and the Romans will come and suppress the Holy Place and our nation" (Jn 11:48). In the trial of Jesus, there are two high priests: Ananias and Caiaphas. Although Ananias no longer held the position of high priest, he was still respected by the Jews as a true authority. Ananias

14 For example, Plutarch (42–125 AD) mentions in his famous work The Biographies of the Orator Demosthenes and his political speeches against Philip of Macedon (239–179 BC), who fought against the Greeks. He was able to speak in such a way that he was admired by the whole of Greece and even by Philip of Macedon himself. Cf. Plutarch, *Životopisy*, Martin 2014, pp. 110–111. Similarly, Cicero (106–43 BC) became famous who made 12 speeches in the Senate against Marcus Antony (83-30 BC), an ally of Emperor Julius Caesar. They also had the character of philippics. Cf. M. T. Cicero, *Filipiky*, in: *Rečník. Reči proti Catilinovi. Filipiky a iné*, Bratislava 1982, pp. 203–269.

15 Aristotle writes that in order to believe the speaker, his moral stance (ethos) has a decisive influence. Cf. Aristoteles, *Rétorika*, p. 32. Quintilian adds that the speaker must be an honest man, because if he were a good orator and a bad person, it would be detrimental to public and private life. Cf. M. F. Quintilianus, *Základy rétoriky*, Praha 1985, p. 546.

still had a significant say in important decisions. His five sons also became high priests. His position and power testify to the fact that he was able to communicate with the Romans in such a way that they supported him.[16] The high priest Caiaphas was an equally skilful and pragmatic diplomat. He managed to stay in power from year 18 to 37. In the 1st century, no other high priest was in power for whole 19 years. Caiaphas could not have remained in the office so long if he had not come from an important family and if he had not been loyal to the Roman governor.[17] Jewish tradition required that the high priest be richer than all his colleagues. Since the office of high priest had to be paid for, the Roman administrators were in the habit of changing the high priest every year. From this point of view, too, it is necessary to perceive the cunning of Caiaphas.[18]

The Pharisees paid the greatest attention to the question of observing the laws of ritual purity. The precepts for the chastity of priests that were established for the rite became for the Pharisees the ideals of conduct in all matters of daily life, which was thus ritualised and sacralised. Jesus' critical attitude towards the Pharisees refers mainly to their formalism, hypocrisy and exaggeration in observing external precepts (Mt 23:13–36), their pride (Lk 18:10ff.), superstitious observance of the Sabbath (Mk 2:27ff.; Jn 15:18ff.) and arrogance for belonging to the descendants of Abraham (Mt 3:9; Lk 3:8). The Pharisees, on the other hand, reproached Jesus for his liberal attitude towards formalistic religious precepts, such as fasting (Mk 2:19; Mt 9:14ff.; Lk 5:33–35), or the Sabbath rest (Mk 2:19; Jn 11:47–57). It is therefore logical that, together with the chief priests, they played an important role in Jesus' trial and death sentence.[19]

Pilate

Pilate is the representative of the Roman judicial institution. The outcome of the trial, which Pilate conducts as he sees fit, depends on him.

16 Cf. C. V. Pospíšil, *Utrpení Páně podle Jana*, Praha 2021, p. 45.
17 Cf. G. Lohfink, *Ježišov posledný deň*, Bratislava 2008, p. 21.
18 Cf. J. Imbert, *Proces s Ježišom*, Bratislava 1991, p. 26.
19 Cf. J. Heriban, *Príručný lexikón biblických vied*, pp. 384–385.

The Jews want to destroy Jesus at all costs, while Pilate wants to free him. The reason for Pilate's attitude lies neither in Jesus himself, nor in the sense of justice, but above all in an attempt to humiliate the Jews. As relations between Rome and Judea were not the best, Pilate could not miss such an opportunity.[20] Some historical sources (Josephus) point to Pilate's violent nature, prone to cruelty. He is also described as a corrupt official, rapist, and murderer. However, the Gospels, in describing the trial of Jesus before him as a judge, point to his indecisive nature. Indirectly, they suggest that in the end, at least from a moral point of view, Christ paid with death for Pilate's suppression of his sense of justice under the pressure of the Jewish authorities and the manipulated mob.[21]

Jesus

Jesus said of his mission on Earth: "My food is to do the will of the one who sent me, and to complete his work" (Jn 4:34). This is reflected in the whole trial. He acts calmly and evenly. His answers are direct and clear. When the servant struck him, Jesus calmly said to him: "If there is some offence in what I said, point it out; but if not, why do you strike me?" (Jn 18:23). When the high priest asks him about his teaching, Jesus answers: "I have spoken openly for all the world to hear; I have always taught in the synagogue and in the Temple where all the Jews meet together; I have said nothing in secret. Why ask me? Ask my hearers what I taught; they know what I said" (Jn 18: 20-21). Similarly, when he is asked if he is the Messiah: "It is you who say it. But, I tell you that from this time onward you will see the Son of man seated at the right hand of the Power and coming on the clouds of heaven" (Mt 26:64). To Pilate's most important question, whether he is a king, he answers prudently and truthfully: "It is you who say that I am a king. I was born for this, I came into the world for this, to bear witness to the truth; and all who are on the side of truth listen to my voice" (Jn 18:37).

20 Cf. F. Porsch, *Evangelium sv. Jána. Malý stuttgrtský komentár*, Kostelní Vydří 1998, pp. 179–180.

21 Cf. V. Vladár, *Proces s Ježišom Kristom pred Ponciom Pilátom podľa rímskeho práva*, p. 98.

2.2.2. Argumentation and persuasion

Influencing or convincing listeners was a fundamental requirement of classical rhetoric. The quality of a speaker was judged by whether he had arguments strong enough to convince the audience. That is why rhetoric was considered not only as *ars bene dicendi*—the art of speaking well, but also as *ars persuadendi*—the art of persuasion. In the trial, argumentation consisted of a summary of evidence and assumptions that were supposed to prove or refute the accusation. Different ways of arguing arose.[22] Just before the trial, we encounter "argumentum baculinum"—argumentation by fear. Caiaphas used it: "It is better for one man to die for the people" (Jn 18:14) and "the whole nation should perish" (Jn 11:50). The warning against the Roman occupying power could best be expressed by the argument of fear. John explicitly refers to this statement as a "prophetic inspiration" formulated by Caiaphas thanks to his high priestly charism, and not by himself (Jn 11:51). Paradoxically, however, the doing of God's will was accompanied by Caiaphas' egoistic blindness.[23] The trial of Jesus ends with a similar argument. Pilate finally decides to have Jesus crucified when the Jewish superiors use a strong argument: "If you set him free you are no friend of Caesar's; anyone who makes himself king is defying Caesar" (Jn 19:12). Prior to this statement, Pilate argued in favour of Jesus. After scourging him, he said: "Look, I am going to bring him out to you to let you see that I find no case against him" (Jn 19:4).

Already after the event of the cleansing of the Temple (Jn 2:13–22), two accusations against Jesus hung in the air. The first was about words that explained the prophetic symbolic act of driving cattle and vendors out of the temple. These appeared to be an attack on the holy place itself and thus on the Torah, on which the whole life of Israel was based.

22 *Argumentatio ad rem*—factual argumentation; *argumentatio ad hominem*—an argumentation addressed to a specific person; *argumentum ad auditorium*—the impression that the speaker leaves on the audience; *argumentum baculinum*—arguing by fear; *argumentum ad ignoratiam*—arguments to people who do not understand things; *argumentum ad misericordiam*—appealing to compassion and mercy; *argumentum ad populum*—popular argumentation. Cf. M. Klapetek, *Komunikace, argumentace, rétorika*, Praha 2008, pp. 104–108.

23 Cf. J. Ratzinger-Benedict XVI., *Ježiš Nazaretský*, vol. 2, Trnava 2011, p. 169.

The second point unfolded from Jesus' speeches in the Temple, in which he identifies himself with the Messiah: "The Jews gathered round him and said: 'How much longer are you going to keep us in suspense? If you are the Christ, tell us openly.' Jesus replied: 'I have told you, but you do not believe. The works I do in my Father's name are my witness'" (Jn 10:24–25). This statement may have seemingly contradicted the foundations of Israel's belief in one God.[24] Both statements had the power to accuse Jesus. They were strong enough for the Jewish side of the trial. However, they were not enough for the Roman side. Before Pilate, they used another argument that finally weighed in: "We found this man inciting our people to revolt, opposing payment of the tribute to Caesar, and claiming to be Christ, a king" (Lk 23:2).

Witnesses also spoke out against Jesus, which corresponds to the Jewish procedural rules of the time. Because, unlike the Roman trial, the centre of which was the interrogation of the accused, the basis of the Jewish trial were witnesses. The incriminating witnesses played the role of a public prosecutor.[25] Regarding the witnesses, Mark wrote: "Several, indeed, brought false witness against him, but their evidence was conflicting. Some stood up and submitted this false evidence against him. We heard him say, 'I am going to destroy this Temple made by human hands, and in three days build another, not made by human hands'" (Mk 14:56–58; Mt 26:60).

Persuasion can also have a manipulative intention when the manipulator wants to achieve his goal. In Jesus' trial, this is seen above all in the cries of the manipulated crowd: "Crucify! Crucify him!" (Mt 27:23; Mk 15:13; Lk 23:21; Jn 19:15).

2.2.3. Questions

Classical rhetoric worked in trials with four types of questions—quattuor status generales: 1. the status of conjecture (coniectura)—the question is directed to whether the accused actually committed the act himself; 2. the status of the assessment (definitio)—leads to the definition of the act to the relevant legal norm; 3. quality status (qualitas)—includes

24 Cf. J. Ratzinger- Benedict XVI., *Ježiš Nazaretský*, vol. 2, pp. 172–174.
25 Cf. G. Lohfink, *Ježišov posledný deň*, p. 21.

the indication of justifiable, mitigating or aggravating circumstances; 4. status of delegation (translatio) – expression of doubt as to whether a particular court is capable of taking a decision.[26]

Already during the first interrogation after the captivity, the high priest Caiaphas asks Jesus: "And the high priest said to him, 'I put you on oath by the living God to tell us if you are the Christ, the Son of God.' Jesus answered him, 'It is you who say it. But, I tell you that from this time onward you will see the Son of man seated at the right hand of the Power and coming on the clouds of heaven'" (Mt 26:63–64). Caiaphas' question belongs to the category of coniectura, which examines whether the accusations that Jesus considers himself to be the Messiah are true. Pilate asks the Jews: "But what harm has he done?" (Mt 28:23; Lk 23:22). Addressing Jesus, Pilate asks: "So, then you are a king?" Jesus answered: "It is you who say that I am a king. I was born for this, I came into the world for this, to bear witness to the truth; and all who are on the side of truth listen to my voice" (Jn 18:37). These questions also have the character of coniectura, but at the same time they gravitate toward to definitio, because, both in the Jewish or in the Roman practice, a penalty was established for a positive answer. The following question of Pilate can be included in the status of qualitas: "Truth?" said Pilate. "What is that?" And his next statement to the Jews: "I find no case against him" (Jn 18:38). The process with Jesus also presents individual competencies. You can see it when Jesus is led from Caiaphas to the government building. Pilate asks them in front of the building: "What charge do you bring against this man?" (Jn 18:29). They answer him with a general statement: "If he were not a criminal, we should not have handed him over to you" (Jn 18:30). Pilate is convinced that condemnation is within their competence: "Take him yourselves, and try him by your own Law." The Jews answered, „We are not allowed to put anyone to death" (Jn 18:31). Pilate decided to send Jesus to Herod (Lk 23:6–12). He again sent him to Pilate, who decided to comply with the request of the people, who cried out: "Let him be crucified!" (Mt 27:22; Lk 23:21Mk 15:13).

Jesus answers the questions briefly or is silent. This is also one of the rhetorical positions: not to answer. "Herod was delighted to see Jesus;

26 Cf. J. Kraus, *Rétorika a řečová kultura*, Praha 2004, p. 37.

he had heard about him and had been wanting for a long time to set eyes on him; moreover, he was hoping to see some miracle worked by him. So, he questioned him at some length, but without getting any reply" (Lk 23:8–9); Finally, two false accusers came and said: "This man said, 'I have power to destroy the Temple of God and in three days build it up.' The high priest then rose and said to him: 'Have you no answer to that? What is this evidence these men are bringing against you?' But Jesus was silent" (Mt 26:61–63). Also, Pilate was confronted with Jesus' silence: "He entered the government building again and asked Jesus: 'Where do you come from?' But Jesus made no answer" (Jn 19:9).

3. Rhetoric at the service of pastoral theology

Pastoral theology answers the question: what should the Church do here and now? It examines the pastoral activity of the Church at a specific time and defines the criteria for its activity. Pastoral theology is also helped by the knowledge of the humanities. Among them is rhetoric. In the external trial before Pilate, the theological trail—Jesus' controversy with the world—reaches its dramatic climax.[27] Before his death, Jesus said to his Father: "I have glorified you on earth by finishing the work that you gave me to do" (Jn 17:4). From this work of faithfulness people will live until the end of time.

3.1. Critical Rhetoric and Communication Theory

Pastoral theology works primarily with critical rhetoric. It does not understand human speech as an instrument (instrumental rhetoric) to achieve certain goals, but as a form that helps the all-round development of man. This type of rhetoric respects his freedom and cares about the pragmatic dimension of public speech. It is interested not only in the content, but also in what influence and what actions the speech evokes in the listeners. It is based on the model of the immediate act of communication, and offers models to promote freedom, the ability to communicate with each other and the equal opportunities of communication partners.

27 Cf. F. Porsch, *Evangelium sv. Jána. Malý stuttgartský komentár*, p. 179.

Critical rhetoric looks for ways to speak responsibly in a given situation. How can the situation be changed, if necessary. Critical rhetoric looks at the extent to which the interests of the stronger have a destructive effect on the style of speech. That is, to what extent they disqualify the conversation partners and reduce the chance of understanding.[28]

Critical rhetoric in pastoral ministry uses the knowledge of communication theory, which is considered the basis of modern rhetoric. There are 3 sets of criteria that determine the success of arguments: emotional, which capture the heart; original, which aim to surprise; and unforgettable, which present things in a way that cannot be forgotten. Emotional criteria stem from the humanity of the lecturer. They are characterized by zeal, storytelling and speaking to listeners. You can't argue without enthusiasm. Arguing through stories has a greater effect than merely rational arguments. They help to be more aware of the connections and implications that are missing in abstract evidence.

Originality brings new perspectives and a greater effect of argumentation. The speaker, if he wants to offer new perspectives, must be fond of solitude. Only in solitude can he successfully develop his creativity. The first advice for speakers is not to talk about "their" topics all the time. The brain does not pay attention to boring things. People remember intense events, while they forget the mundane ones. Things that evoke emotions can be seen with greater clarity than the more mundane ones. The activation of emotions supports memory. It is advisable to use concrete examples to illustrate abstract arguments. If the audience does not understand, the speaker cannot surprise them. In addition to the element of surprise, the speaker is supposed to arouse interest and curiosity. The human brain is wired to welcome any change. The best way to get attention is to disrupt the existing patterns in the listeners' minds. The argument will be more effective when the other party feels that the speaker is open and honest. He can only convince people if they believe him and see that he has respect for them.[29]

In principle, the argument of Christians does not consist in proving that someone is doing wrong, but in the ability to recognise the good

28 Cf. R. Zerfass, *Od aforyzmu do kazania*, Kraków 1995, pp. 35–43.

29 Cf. G. Carmine, *Hovor ako TED*, Brno 2016; C. Heath, D. Heath, *Jak zaujmout hned napoprvé*, Praha 2009, pp. 210–211.

they desire. This type of argument is not primarily rooted in words or thoughts, but in the personal joy of encountering Jesus Christ.[30]

3.2. Spiritual and temporal power

A rhetorical analysis of the trial of Jesus offers several stimuli to pastoral theology. The first is the acceptance of a world that is hostile to Jesus Christ and the Church. St. John Paul II wrote that Christ is judged for the truth throughout history. Did not Jesus Christ himself, when he stood as a prisoner before the judgment of Pilate and when Pilate questioned him about what the members of the Sanhedrin had accused him of, answer: "I was born for this, I came into the world for this, to bear witness to the truth; and all who are on the side of truth listen to my voice" (Jn 18:37)? With these words, which he uttered at the decisive moment before the judge, it is as if he were reaffirming the statement he had already spoken: "You will come to know the truth, and the truth will set you free" (Jn 8:32). Throughout the centuries and generations, beginning with the time of the Apostles, Jesus Christ has so many times stood by the side of people judged for the truth, and suffered death with people condemned for the truth. He still remains the interpreter and advocate of persons who live "in Spirit and truth" (Jn 4:23). Just as he does not cease to be so before the Father, so he is also so with regard to human history. And the Church, in spite of the many weaknesses inherent in her human history, does not cease to follow the One who declared: "But the hour is coming—indeed is already here—when true worshippers will worship the Father in spirit and truth: that is the kind of worshipper the Father seeks" (Jn 4:2).[31]

The first Christians can serve as example. Pope Benedict XVI said of them that they bore witness when they were cruelly persecuted, but also when they did services of love and charity to the suffering in their surroundings, including those who were not members of the Christian community. It was their testimony and behaviour that led many to the Christian faith. The Christians of the early Church did not regard

30 Cf. B. Britton, *Prečo katolíci opúšťajú Cirkev: pohľad kňaza*, in: *Nová apologetika*, ed. M. Nelson, Bratislava 2024, p. 48.

31 Cf. Ján Pavol II., *Redemptor hominis*, p. 12.

missionary preaching as propaganda to expand their group, but as an intrinsic necessity in accordance with the nature of their faith. The God in whom they believed was the God of all people, the only true God who revealed himself in the history of Israel, and ultimately in his Son. He offered an answer that was of interest to everyone and for which all people are waiting in their hearts. The universality of God, and the mind that is open to him, is what gave the early Christians motivation and commitment to proclaim God's message. They saw their faith not as a part of cultural customs that distinguish people from each other, but as the essence of a truth that applies equally to all people.[32]

The Church's communication with the secular world has been one of the important topics discussed and written about ever since the Second Vatican Council. At the same time, it is a very complex topic. This is also because secularism wants to become the main doctrine of states and ceases to be neutral. It is even explicitly anti-religious. It imposes on society the idea that the essence of Christianity, or other important religions, is division and extremism. Secularism is an ideology that seeks to exclude religion from public life and to relegate God into exile. It is no more neutral to religion than Marxism or fascism. All the while, every religious person understands that secular things are subject to different rules than sacred things. In order to exist, the secular space does not need secularism.[33]

Some Christian observers speak out loud about the ignorance of Christianity by Europe's highest political institutions. In international European institutions, historical figures and thinkers are quietly mentioned, but there is almost complete silence about Jesus Christ. And yet no one can deny that it was he who changed the course of history.[34]

That is why the questions for today's representatives of secularist ideology are relevant: after so many generations of rampant contempt of religion, do most secularists have the tools or the moral strength to conduct a sincere, considerate dialogue? Are secular men and women ready to admit that tolerance must always be mutual? Is there enough moral

32 Cf. Benedikt XVI, *Príhovor vo Francúzskej akadémii vied*, 2008, https://www.tkkbs.sk/zc/2008/bulletin200838.pdf (20.04.2025).

33 Cf. J. C. Chaput, *Čo je cisárovo, cisárovi*, Kežmarok 2014, pp. 37, 63.

34 Cf. A. Giordano, A. Campoleoni, *Iná Európa je možná*, Prešov 2015, pp. 35–37.

strength among secular people to overcome the underestimation of religion?[35] Mutual and beneficial communication could only be achieved if what Albert Camus said after the Second World War were true: "Dialogue is possible only between people who remain what they are and who speak the truth."[36]

Today's secular tendencies help many contemporaries to make the decision not to negotiate on the fundamental topics of life. This manifestation is also called consistency. It helps a person to hold firmly in his hands the things he considers sacred. If he does not outwardly defend what he is internally convinced of, he gradually becomes untrustworthy. At the same time, if someone holds different principles, he can be perceived as a danger to the whole. Society will leave alone only those who behave in a conformist manner. Only when a person manages to attack his values and has to defend them will he send a signal of his consistency.[37] However, he must take into account what is written in the Acts of the Apostles: "While Peter and John, after the healing of the lame man, were speaking to the people, the priests, the captain of the temple guard, and the Sadducees attacked them and rebuked them for teaching the people and proclaiming the resurrection in Jesus. They laid their hands on them and put them in prison by morning." (Acts 4:1–3). Pastoral theology must also take seriously this permanent "sign of the times" and offer a true analysis of the times. It is theologically intended to help to realize the delicate balance between "being" in the world and "not being" of the world (Jn 17:6–19).

3.3. Old and new arguments

Even today, pastoral theology helps to find adequate arguments for the defence of the faith. It offers classical argumentation, which is theocentric in nature, as well as contemporary argumentation, which is more anthropological. St. Paul is an example of someone who was able to combine both types of argumentations. On his missionary journey to Athens

35 These questions are asked by Jürgen Habermans, one of the most famous European atheists. Cf. M. Novak, *Nobody Sees God*, Bratislava 2014, pp. 280–286.

36 Cf. T. Radcliffe, *Prečo chodiť do kostola?*, Zvolen 2013, p. 79.

37 Cf. R. Dobelli, *Umenie dobrého života*, Bratislava 2021, p. 29.

(Acts 17:16–34), he faced particular difficulties. He was confronted with a culture that for centuries valued philosophical debate and public debate. During his visit to Athens, he met thinkers and scholars who spent their time talking and listening to the latest ideas (v. 21). If Paul wanted to speak to them about Jesus Christ, about God and the Resurrection, he had to be at the disposal of the Athenians: "Therefore he spoke in the synagogue with Jews and with religious people, and every day in the marketplace with those who were there" (v. 17). The way Paul conducts a dialogue about faith in Athens is also instructive. By identifying the unknown god with the biblical God, the Creator (vv. 22–28), he creates space for a dialogical approach. However, his openness to the Greeks does not relieve him of his duty to proclaim the Gospel. He speaks of the Resurrection, which some cannot accept and leave, while others believe (vv. 32–34). Being present at the "aeropagus of the world", whether in real life or through social media, is the first prerequisite for effective argumentation. Since contemporaries worship many idols, there is a varied space for arguments about the existence of the true God.[38] In a secularized world, it is not enough to passively wait for an opportunity. Paul imitated Jesus, who came among people. He said to Zacchaeus: "Come down. Hurry, because I am to stay at your house today" (Lk 19:5). The difficulties encountered by Christians in a secularized society can lead to a tendency to "lock themselves up" in small communities and isolate themselves from the world. It is true that Christ gathered his first witnesses around the table, as in Emmaus (Lk 24:29–30), but this was only the initial stage, followed by a mission among all nations.

Classical theological argumentation is necessary even today. First of all, it's cosmological argumentation via the order in the universe. It helps a person to realise that there is a source or principle of this order. One can point out the order of the universe and present an argument about design. On a larger scale, argumentation can include the laws of motion, causality, conditionality, perfection, finitude, morality, truth, and others. The second is the argument of the radical difference between man and God. God does not exist like other beings. God's existence is strange and different. The third type of argument affirms that

38 Cf. K. Koch, *Konfrontace nebo dialog*, Praha 2000, pp. 16–17.

God exists in a much nobler way than anything else. Its existence transcends all categories and concepts. These three ways of arguing help us to know that God exists, as well as to realise that we do not know what God really is.[39] God and the world do not compete for space on the same ontological chessboard, they do not grow on the same field, and they do not have a common origin.

Anthropological argumentation is based on human nature. The two dimensions that differentiate human beings from other species are aesthetics and ethics (beauty and morality). That is, we are the only living beings who can feel strong emotions, a mixture of joy and wonder when something beautiful touches us. And at the same time, we are the only beings who are able to realise the goals of our actions and determine whether or not we want to pursue them.[40]

The argument of beauty has been preferred in recent decades. True beauty is an objective value that must be distinguished from that which only gives subjective satisfaction. Beauty can penetrate the whole person and change them at the same time. It directs the person to eternal Beauty, to God. In this area, the Church can offer contemporaries many objects of beauty. These include beautiful cathedrals, paintings, sculptures, icons, exceptional literary works, works of art.[41] Beauty is less confrontational in its persuasive power, in contrast to rational arguments, which often cause disproportionate confrontation or relativistic apathy in the current ideological arena. The argument of beauty can raise questions of a religious-philosophical nature in the mind, which the spiritual and intellectual tradition of the Church is ready to answer.[42]

The second anthropological argument is based on morality, or the unconditional requirement of the good. The very compulsion of moral duty unites man with the transcendent and introduces him to the presence of universal eternal value. The performing of a noble and moral act is in itself a participation in the Good itself.[43] Moral relativism holds that if

39 Cf. J. D. Brent, *Trojitá cesta*, in: *Nová apologetika*, pp. 253–256.

40 K. V. Turley, *Fashion expert: My Greates Inspiration Is Our Lady*, https://www.ncregister.com/features/fashion-expert-my-greatest-inspiration-is-our-lady (20.02.2025).

41 Cf. R. Barron, *Obnovme si nádej*, Trnava 2021, pp. 47–50.

42 Cf. M. Stevens, *Nové zjavenia krásy*, in: *Nová apologetika*, p. 82.

43 Cf. R. Barron, *Živé paradoxy*, Bratislava 2020, pp. 93–94.

there is disagreement or diversity of moral opinions on an issue, there is no universal truth on the matter. This attitude can lead to the absurd notion that if moral relativism is correct, that is, that there is no objective morality, then it is not wrong, for example, to compare Mother Teresa to Hitler. This means that there can then be no moral progress (for example, desegregation), nor moral reformers, because progress or reformation presupposes a universal objective morality towards which societies and individuals can move and according to which we can evaluate ourselves and people outside our society and culture.[44]

Argumentation should help refute unacceptable ways of talking about God. The first way is to speak of God as a scientific entity, waiting to be discovered by science. The second way is the ever-decreasing need for God, whose significance is diminishing in parallel with scientific discoveries and explanations. Next, when God is perceived as a dam that prevents endless returning. The idea of God as a super-father who can do more than ordinary people is also unacceptable. Finally, when God is interpreted as a subjective feeling that the individual cannot passed on. All these concepts exaggerate the anthropomorphic concept to enormous proportions.[45]

Argumentation is greatly helped by asking appropriate questions. Asking questions is a virtually hassle-free way to manage a conversation. Universal questions include: What do you think? Why do you think so? How do you know it's true? What do you mean by that exactly? For example, in a conversation about faith, there are questions: Do you think God does not exist, or do you think that God can exist, but there is no sufficient proof of His existence? What exactly do you mean by being an atheist? And so on. Some people may think that they are not able to answer certain questions. We should always be helped by the words of Jesus to those who are persecuted: "And when you are taken to be handed over, do not worry beforehand about what to say; no, say whatever is given to you when the time comes, because it is not you who will be speaking; it is the Holy Spirit" (Mk 13:11). Jesus did not answer some of the questions. For example, to Pilate, when he asked him what the truth

44 Cf. J. F. Beckwith, *Morálny relativizmus: argumenty za a proti*, in: *Nová apologetika*, pp. 61–62.

45 Cf. M. Novak, *Boha nikto nevidí*, Bratislava 2014, pp. 205–207.

was (Jn 18:38). Or when he said to him: "Do you not hear all the testimonies against you?" But he did not answer them a word, so that the governor was greatly astonished (Mt 27:13–14). Sometimes it is better to argue with silence than with words.[46]

Conclusion

A rhetorical analysis of Jesus' trial offered several rhetorical components that were part of Greek, Roman, and Jewish judicial practice. They became part of a trial where the result was obvious at the very beginning. This trial went down in history as a pre-manipulated one. The examination of the legal proceedings is interesting precisely from the point of view of the use of external judicial and rhetorical means, which only have a formal significance and do not fundamentally influence the judicial decision. Trials with verdicts decided in advance have been part of the history of judiciary systems even since. This is confirmed, whether in the past or in the present, by the unfair trials of persecuted Christians. It is a paradox that Christians have encoded in their DNA. Although they have the right to a fair trial, the true likeness to Jesus comes in an unfair trial.

Apart from this fundamental level, pastoral theology can use rhetorical knowledge in its theological-pastoral reflection, in the form of concrete analyses and recommendations. The positions of the individual protagonists of the trial of Jesus are discernible in every era of salvation history. This helps pastoral theology to accept reality and not to live in illusion. There will always be followers of the Jewish superiors with their manipulative attitudes, people like Pilate with his power and fear, and followers of Jesus Christ. At the same time, the trial has shown us that Christians must use rhetorical tools, such as persuasive argumentation. It is therefore important that communication tools are a vital part of Christian identity and mission. They can help us cope with the recommendation of St. Peter that we should always be ready to defend ourselves before anyone who asks us to give reasons for the hope that is in us (1 Pet 3:15).

46 T. Horn, *Sokrates*, in: *Nová apologetika*, pp. 111–113.

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