Crucifixion at Qumran

When the last texts of Qumran cave 4 were published, another text that refers to crucifixion came to the fore, namely 4Q524 14:1–6, part of which is verbatim the same as 11QTº 64:6–13. Both texts add to the Pentateuchal text by giving the reason why persons were hanged. Therefore I will compare these two texts with each other, but also with their Pentateuchal parallels Deuteronomy 21:18–23, 22:1–2 and 22:11. I will attempt to explain the differences against the social text, by studying the crucifixion and/or hanging practices of neighbouring cultures (social text) and by reading these two texts against the fragmented text of 4QpNahum 3–4 I:7–8, which is a Qumran text that deals with execution.

Introduction

Over the past few decades it has become clear that texts cannot be studied in isolation. Impulses from the philosophical domain have led to concepts such as ‘intertextuality’ (Kristeva 1980, 1984), ‘master narrative’ and ‘contra narrative’ (see inter alia Breytenbach 1997), to name but a few. These concepts have begun to play a major role in literature studies and related discussions. One of the first persons who referred to the relation between texts was Mikhail Bakhtin (see Dentith 1995; Van Gorp 1990), who said that every word and every uttering was a reaction to, as well as an anticipation of a word or uttering of someone else. Texts should always be seen in relation to other texts or in reaction to them. Texts are socially determined; therefore no text can be studied without referring to texts that could serve as the source documents (or instigators) and determining why a text has its own selection of material and own nuance. Context is also text. Therefore text is not only the written form of text, but also the ‘happened’ form of text; habits and traditions (i.e. the social text) are also seen as text, and every text relates with or reacts to the texts (contexts) it encounters.

In this article I compare Deuteronomy 21:18–23 with 11Q Temple 64:6–15, as well as 4Q524 14:1–6 to see whether the Pentateuch served as an intertext or a source text for these texts from the Temple Scroll. I will also try to determine what role the social text, and therefore also the practices of hanging and crucifixion, played in the creation and/or alteration of this text. The texts in question deal mainly with the treatment of a defiant son, as well as with punishment by hanging. By comparing the Hebrew texts, I will determine the similarities, as well as the differences between them. In this regard, I do not want to redevelop or reinvent the wheel. I will not presume to improve on years of study done by scholars like Yigal Yadin, Lawrence Schiffman, Emmanuel Tov, Florentino García Martínez and Eibert Tichelaar (to mention but a few). They applied their expertise knowledge of the Qumran, Rabbinic and Second Temple literature, as well as other Jewish writings and carried out all the basic groundwork on the Temple Scroll. This study draws much from the work of these distinguished scholars. The main thrust of this article is rather to add to their research by examining the social text next to these texts. The texts will be compared and the similarities and differences identified. The differences will be read against the social text in order to find the reason for the differences. I will attempt to read the text in context and to relate the differences to the different contexts (social texts), each with its own ideological undertones. For the study of the social texts with regard to crucifixion at Qumran, I will refer specifically to the two lines from the very fragmented 4Q169 3–4 I:7–8 (4QpNah 3–4 I:7–8).

For many years, there seemed to be only one text (11QTº 64:6–13) from the Qumran corpus that referred to crucifixion. At a very early stage, Yadin (1985) and Baumgarten (1972) reconstructed 4Q169 3–4 I:7–8 (4QpNah 3–4 I:7–8) (see also Bernstein 1983; Ford 1976), which also refers to crucifixion, but the fragmented condition of this text did not make it very useful for the study of the theme of crucifixion. When the last texts of Qumran cave 4 were published, another text that refers to crucifixion came to the fore, namely 4Q524 14, which is partially verbatim the same
as 11QT\(^a\) 64:6–13. Chapman (2008:263) also refers to 4Q385\(a\) 15 1:3–4\(^i\) and 4Q541 24 ii\(^ii\) as possible Qumran texts referring to crucifixion; but these texts are so fragmentary that it is impossible to reconstruct them safely as texts referring to this practice. Chapman (2008) confirms this with regard to 4Q541 24ii:

... [A] close analysis of the plates, indicates that the text is very uncertain in most of lines 2 and 3, and at the end of line 4. In particular the \(\text{י} \text{כ} \text{ תע} \text{ מי} \) in line 4 are not clearly visible in the plates ... the crucifixion reference here is by no means certain. (p. 265)

11Q Temple 64:6–13 and 4Q524 14:1–6 add to the Pentateuchal text by giving the reason why persons were hanged. Therefore I will compare these two texts with each other, but also with their Pentateuchal parallels Deuteronomy 21:18–23, 22:1–2 and 22:11. I will attempt to explain the differences against the social text, by studying the crucifixion and/or hanging practices of neighbouring cultures (social text) and by reading these two texts against the fragmented text of 4QpNahum 3–4 E7–8, which is a Qumran text that deals with execution. By doing that I will attempt to determine whether the Pentateuch served as source document or as an intertext and why the Temple Scroll differs. These differences I will attempt to explain in relation to the social text (context) of the Qumran community.

In order to study the context or social text, I need to touch on 11QT\(^a\) 64:6–13 and 4Q524 in the framework of the Qumran corpus, and more specifically the Temple Scroll. I also need to have a look at the texts themselves, and then I want to touch on the theme of crucifixion as a form of execution in ancient history as well as the hanging practices of neighbouring cultures and the Qumran community.

Textual exploration and background of 11Q Temple and specifically 11Q 19, col 64:6–13

In this part I will explore the character of 11QTemple, more specifically 11Q 19 col 64:6–13. This will include a background study on the specific text, as well as analysis of the texts themselves. This text will then be studied in comparison with 4Q524 14:1–6 and its Pentateuchal parallels, that is, Deuteronomy 21:18–23, 22:1–2 and 22:11.

The Temple Scroll

The Temple Scroll was found in Qumran cave 11, and at 8.75 metres it is the longest of the preserved Qumran scrolls. It consists of 19 sheets, mostly three or four columns each. The handwriting of the scroll is clearly the work of two different scribes. After many years of research, the place of this document in the sectarian corpus still remains somewhat unfathomable (García Martínez 2008:xvii). The scroll as a whole can be dated to no earlier than the second half of the reign of John Hyrcanus, to which the scroll’s polemics apply. Keeping that in mind, it will be possible to date it sometime after 120 BCE. (García Martínez 2008:xviii). Schiffman (2000:145) also dates it in the early Hasmonean period.

The Temple Scroll contributes greatly to the history of Jewish law in late antiquity. With the publication of 4QMMT, it became clear that the legal material found at Qumran forms part of a wider trend, the Zadokite/Sadducean, which already existed alongside the Pharsaic-Rabbinic tradition in Hellenistic times (Schiffman 2007:xvi).

Schiffman (2000) says:

[7]The Temple Scroll is a composite work made up of pre-existing documents brought together by an author/redactor. These documents were probably composed over a long period of time but share a general literary structure. Because they stem from a common ideological and literary background, they follow set patterns which they share to some extent with the Rewritten Pentateuch, and especially with the 4Q365a material which may even have originally served as source material for the author of one of the sources of the Temple Scroll. (p. 135)

The Temple Scroll seems to differ from the rest of the Qumran manuscripts in some ways. It does not mount a polemic against the priestly establishment in Jerusalem with which the sect argued. The underlying theology of the scroll also differs from that in the other Qumran manuscripts: no dualism, determinism or even messianism is to be found in this scroll. It appears that Sadducean sources form a substratum to parts of the scroll; it defines details of the sanctuary and sacrificial services, even though it did not form part of the life of the sect, and it is curiously silent about carrying on Temple practice through observing ritual purity in everyday life, a major concern of the sect. It shows commonality as well as incongruities with the Zadokite fragments. After comparing these fragments with the Temple Scroll, Schiffman (2000:144) finds that there are a number of laws in which they share the same ruling, and in a few cases it seems that the shared material constitutes part of the priestly tradition labelled by the Rabbis as Sadducean.

Still, much of the material found in the Zadokite fragments does not correspond to any in the Temple Scroll. There are also a large number of regulations of the Zadokite fragments pertaining to the Jewish law, which are beyond the scope of the Temple Scroll and therefore have no parallel in this scroll. On the other hand, there are also many laws in the Temple Scroll which are not represented in the Zadokite fragments. Schiffman (2000:144) points out that the relationship between these two texts also exists with other texts. He also says that the Zadokite fragments have close literary affinities.

García Martínez (2010:199–209) studies the Temple Scroll in comparison with the complete Qumran corpus and
The author or redactor tried to compose a complete Torah embodying his views on the sanctity of the Temple, the land, the Jewish people and his ideal conception of government and society. This Torah never claims to be messianic. The author says specifically (11QT29:2–10) that the scroll describes the Temple in which Israel will worship before the End of Days. It is an ideal temple, built upon the principles of scripture interpretation and the beliefs of the author(s).

The way the author or redactor will leave a section out if he has already used it is an indication of the wholeness of this scroll and of clever redacting. Levine (1978:5) emphasises the fact that the redactor is both organised and consistent. He says that the nature of his subtle polemic is such that it runs like a thread throughout the entire composition. It is clear that the scroll has been redacted from a number of sources to express the redactor’s own message. The scroll as a whole must be seen as an exegetical work. Brooke (1992:282) mentions in this regard that scribal activity was not slavish copying, but rather a creative transmission of the tradition (Collins 2010). Zahn (2011:227) says that there is no way that the Temple Scroll could simply have ‘evolved’ from a form of Pentateuch (like 4QRP). At some point, she says, someone gave the scroll its distinct shape and decided to cast it as the direct speech of God. In this regard, García Martínez (2007) says:

The author presented his work as a written version of the revelation God gave to Moses, to the point of changing to direct speech in the first person and putting into God’s mouth what in Deuteronomy is presented as words of Moses ... he presents his work as a new Torah coming directly from God (even if occasionally the author forgets this pseudepigraphic fiction and keeps the third person of the biblical text). This new ‘Deuteronomy’ systematically integrates the different laws of Exodus, Leviticus and Numbers concerning the Temple and its sacrifices, sometimes literally, at other times in a modified way and with many additions... (pp. 276–277)

In view of the parallels between the Temple Scroll and the Halakhic Letter, as well as a comparison between these two scriptures and the Sadducees in rabbinic literature, it is most likely that the sources of the Temple Scroll stem from the Sadducean heritage of those who founded the sect. García Martínez (2008) explains it as follows:

The scroll also informs us about the views of those Jews who objected strenuously to the conduct of the Hasmoneans in the religious, political, and military spheres. Opponents of the Hasmoneans were at the forefront of the movement represented by the Qumran sect. Among the texts they brought with them to Qumran were the sources of the Temple Scroll. (p. xxiv)

Although the author derives his laws through a type of midrashic interpretation of the canonical (and therefore, authoritative) Torah, he presents them as actually deriving directly from Sinaitic revelation (refer to 11QT 51:6–7). The author expects this Temple to be replaced in the End of Days with a divinely created sanctuary, as God promised Jacob at Bethel when he dreamed his vision of the ladder. He concludes it with a selection of laws from Deuteronomy. This part is known as the Deuteronomic Paraphrase.
composed the Paraphrase. He ... In his opinion ... Midrash to Deuteronomy ... prescribes the punishment for it as ... in most cases these changes were introduced by the author, ... are as a result of modernising, synonymous variance, but ... others are genuine textual variants which in some cases ... share the same traditions as the LXX and the Samaritans. ... The entire section we have investigated is based on an adaption of the canonical Deuteronomy with the addition of the material in the Law of the King, apparently a pre-existent source, and other smaller pieces of original composition, written either by the author or a source. Further, most of the variants from MT in the Paraphrase result from intentional activity, harmonistic, exegetical, halakhic or midrashic, and most of these variations are the result of the efforts of the author/redactor... It is not simply a selection of biblical quotations. Rather, it is carefully undertaken reworking of the biblical text through which the author/redactor seeks to express his own unique message. 'The scroll as a whole must be seen as an exegetical work'. (p. 468)

Schiffman (1992:447) supports the view that the author or redactor of the Temple Scroll composed the Paraphrase. He supports his argument by referring to Yadin’s research, which showed that the scroll had already dealt with Deuteronomy 14:1–21, 12:22f. and that 15 and 16 were skipped because entire sections of the scroll had been devoted to these topics. The author or redactor therefore included only aspects of Deuteronomy that had not been dealt with already. Schiffman argues that if the Paraphrase existed before, it would be hard to explain why it in no way overlaps with the rest of the scroll. He mentions (1992:451) that he tested the opposite hypothesis, namely that the canonical Deuteronomy could have been adapted from a version of Deuteronomy which would have looked something like the Paraphrase, and concludes that ‘this test was an abject failure’. Schiffman (1992) says:

It is impossible to explain the development in any other sequence ... The canonical Deuteronomy with textual variations lay before our author/redactor when he composed the Paraphrase. It preceded the Temple Scroll chronologically beyond any shadow of a doubt. (p. 451)

Schiffman (1992:452–468) studied a few examples from the Paraphrase to see how the redactor edited or compiled this section. Some were verbatim paraphrases with a variation which, he says, can in some instances be as a result of the nature or physical quality of the text that the redactor had in front of him; but other examples it was clear that the author was expressing his own view by ordering the text. He explains the replacement of the third person for God with the author was expressing his own view by ordering the text. He explains the replacement of the third person for God with the

by him to indicate specific Jewish legal rulings. There are also midrashic interpretations, where there are signs of secondary editorial activities which do not represent any biblical Vorlage. These testify to the operation of a purposeful editorial process to serve the author’s halakhic purposes and not only textual variation.

Schiffman (1992:468) concludes that the additional material the editor includes is not in fact based on Deuteronomy, but has other Pentateuchal material as its main text.

According to Schiffman’s research, it is clear that the Deuteronomic Paraphrase did not exist as a whole distinct source prior to the Temple Scroll. The Law of the King, however, Schiffman (1992) indicates, was pre-existent:

The entire section we have investigated is based on an adaption of the canonical Deuteronomy with the addition of the material in the Law of the King, apparently a pre-existent source, and other smaller pieces of original composition, written either by the author or a source. Further, most of the variants from MT in the Paraphrase result from intentional activity, harmonistic, exegetical, halakhic or midrashic, and most of these variations are the result of the efforts of the author/redactor... It is not simply a selection of biblical quotations. Rather, it is carefully undertaken reworking of the biblical text through which the author/redactor seeks to express his own unique message. 'The scroll as a whole must be seen as an exegetical work'. (p. 468)

The author of the Temple Scroll tried to compile his own new complete Torah, and therefore the Deuteronomic Paraphrase is an exegesis that has much more in common with the Temple Scroll than is often recognised. It all forms part of the purposeful exegetical activity that took place throughout the period of the Second Temple.


Schiffman (2000:143) compares the Zadokitefragment 4Q279 2 ii:12–15 with 11QT 64:10 pertaining to informing against or cursing one’s people. Although the passage from the Temple Scroll prescribes the punishment for it as crucifixion, ‘... the Zadokite Fragments make no mention of this rather uncharacteristic penalty’. (p. 468)

4Q524

In the footsteps of Peuch, García Martínez (2007:271, 282) and Tigchelaar (Garcia Martínez & Tigchelaar 1998:1051) identify 4Q524 as the ‘third copy’ of the Temple Scroll. The first four lines of fragment 14 overlap, without major problems, with 11QTºLXIV 6–10, but the presumptive quotation of Deuteronomy 21:23, which concludes 11QTº, is absent from 4Q425. It seems that fragment 14 has a shorter text without quoting Deuteronomy 21:23 and probably with a different sequence of the Deuteronomic material. Apparently, Deuteronomy 21:22 is followed by Deuteronomy 22:11 and not by Deuteronomy 22:1. García Martínez (2007:272) says...
that, in spite of this difference, he thinks it is reasonable to read this fragment also as part of a copy of the Temple Scroll. He says that the insertion of Deuteronomy 21:23 in 11QT is most likely a secondary development, inserted to underline the biblical capital punishment imposed.

García Martínez (2007:282) points out some interesting features of 4Q425:

- The hand of 4Q425 is clearly a semi-cursive of the old Hasmonean period, related to the hands of 4Q508a, 4Q504 and 4QXII, and has been reasonably dated by É. Puech to around 150–125 BCE.
- The divine name is substituted by four dots on frag. 6.4, a well-known practice of some Qumran non-biblical manuscripts.
- The orthography of the manuscript is clearly of the type recognised by Emmanuel Tov as characteristic of the ‘Qumran scibral system’, with its long pronominal suffixes and the full writing of 𐤀𐤃𐤆 and 𐤀𐤃𐤆𐤀𐤂𐤃, although it is not completely consistent.

Text and translation

Table 1 and Table 2 provide the translation of Deuteronomy 21:18–23 and Deuteronomy 22:1–2.

Discussion on the comparison of the texts

The first thing that is evident when the texts are compared is the fact that although 11QT 64:6–13 and 4Q524 14:1–6 are in some places verbatim the same, their placing of certain parts differ. The differences between the two Qumran texts can be as a result of the use of different source texts, and there is also a slight possibility that they can be scibral errors. 4Q524 14:1–6 also has Deuteronomy 22:11 in a different place.

Another obvious difference is the fact that both Deuteronomy (21:18–19) and 11QT 64 have the part about the rebellious son in the beginning, whilst it forms the bottom part of 4Q524 14.

It is also evident that 4Q524 14 does not contain Deuteronomy 21:23, which refers to the curse.

11QT 64:12 adds to the Pentateuchal text by saying that such a person is not only cursed by God, but also by ‘man’. The typical practice of the Temple Scroll to replace YHWH as the third person with the first person is also found in 11QT 64:12, whereby YWHH is replaced with אֶלֶך. Another difference is the addition that both Qumran texts make to the Pentateuchal text. This part (11QT 64:7–8, 10 and 4Q524 14:2–3, 3b–4a), which is the same for both Qumran texts and also differs from the Pentateuchal text, is the one that gives the reason for or explains the circumstances in which a person was hanged.

The Qumran texts give a reason why crucifixion was done, and this is the part that I would like to discuss specifically in relation to the community’s social text (context).

Social text

Political circumstances

Politically, the Palestine Jews experienced many crises and political uncertainties. The Qumran community was one of the apocalyptic movements that developed out of these unstable circumstances (Vermes 1994:124). The social text on crucifixion

The origin of crucifixion as a form of execution is normally traced back to the Persians. This viewpoint can be accepted, as there are ample references to crucifixion under the

5.1 In 332 BCE Alexander the Great took over the Holy Land. After an initial uncertainty after his death, the Persians became part of the Greek kingdom of Egypt, the Ptolemaic Kingdom. During the 3rd century the Ptolemies did not interfere much with the life of the Jews. Although they were liable to tax, they were ruled by a government consisting of the High Priest and his council (Vermes 1994:120). Yet there were important changes. Hellenistic cities were founded along the Mediterranean coast and Greek names were given to the existing Jewish cities in the process of Hellenisation. This process involved that all personal, social and political religious beliefs were filled with Greek content. Greeks, Macedonians and Hellenised Phoenicians settled on Palestinian soil and the spread of Greek civilization and culture were only a matter of time (Vermes 1994:122; see also Perdue 1994:243–246). In 200 BCE, when the Seleucids (Syrian Greeks) invaded the country, there were clear signs of this strange influence, amongst the Jews. The local problems began when Antiochus IV Epiphanes (175–164 BCE) began an official Hellenising program in Judea that was accepted with open arms by the Jewish elite. The leader of the modernist programme was the brother of the High Priest Onias III, named Jesus, who changed his name to the Greek version, Jason. He considered it as his duty to make Jerusalem a Hellenistic city. He established a gymnasia there, inter alia, and encouraged the youth to participate in athletics (Di Lella 1976:402). Jason was succeeded as high priest by two other high priests (Menelaus and Aëtius). These two also revealed a soft spot for the Greek way of life. Antiochus IV visited Jerusalem in 169 BCE and robbed the temple. In 167 BCE he prohibited the practice of the Judaic religion and dedicated the Jerusalem temple to Olympia Zeus. This policy led to a violent and the actions of Antiochus IV was the one that both Qumran texts make to the Pentateuchal text. This part (11QT 64:7–8, 10 and 4Q524 14:2–3, 3b–4a), which is the same for both Qumran texts and also differs from the Pentateuchal text, is the one that gives the reason for or explains the circumstances in which a person was hanged.

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Persians in Herodotes, *inter alia* the reference to Darius, who crucified 3000 inhabitants of Babylonia (see Hengel 1977:22; Herodotes 1.128; 3.125, 3; 3.132, 2; 3.159,1). These incidents were later confirmed by Ctesias (see Hengel 1977; FGH 688 F 14.39; F14.45; F16.66). Yet crucifixion was, according to sources of antiquity, originally an execution carried out by barbarians (see Hengel 1977 with regard to Justus Lipsius) such as Indians, Assyrians, Scythians and Taurians. According to Posidonius, it was even used by Celts (Hengel 1977:22) to sacrifice criminals to their gods. Later on it was also practised by the Numidians and Carthaginians, and there is a strong possibility that the Romans adopted it from them. Originally it was not a Greek form of punishment, but they also made use of it. Crucifixion was mainly a political and military form of punishment. The Persians and Carthaginians used it to execute rebellious officers, whilst the Romans used it to execute the lower-class.

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<th>Deuteronomy 21:18–23 and Deuteronomy 22:1–2 (ESV)</th>
<th>1QT 19 64:1–15 (according to Garcia Martinez &amp; Tigchelaar 1997:1286)</th>
<th>4Q524 frag 14–1–6 (according to Garcia Martinez &amp; Tigchelaar 1997:1051)</th>
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<td>9If a man has a stubborn and rebellious son who will not obey the voice of his father or the voice of his mother, and though they discipline him, will not listen to them, then his father and his mother shall take hold of him, and bring him out to the elders of his city at the gate of the place where he lives, and “they shall say to the elders of his city, ‘This our son is stubborn and rebellious; he does not listen to us; and though we discipline him, will not listen to us; he is a glutton and a drunkard.’ Then all the men of the city shall stone him to death; for you shall not defile your land which the LORD your God is giving you for an inheritance. ¹⁰Deuteronomy 22:1: ‘You shall not see your brother’s ox or his sheep going astray and ignore them. You shall take them back to your brother. And if he does not live near you and you do not know who he is, you shall bring it home to your house, and it shall stay with you until your brother seeks it. Then you shall restore it to him.’</td>
<td>(1) (illegible remains of letters) [Yadin read as Deut 21:17–17 the first fruits of his strength. The right of the firstborn is his.] [Maier 1985:55]</td>
<td>(1) [the evil from your midst; and all the children of Israel shall hear and fear. Blank? ]</td>
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If a man passes on information against his people, or betrays his people to a foreign nation, or does evil against his people, you shall hang him from a tree and he will die. On the evidence of two witnesses or on the evidence of three witnesses [he shall be put to death and they shall hang him on the tree. (Blank) if it happens that a man has committed a capital offence and he escapes amongst the nations] (and curses) his people, the children of Israel, if he also you shall hang him on the tree and he will die, and you shall show to all the nations that all Israel shall hear and fear. Blank? If a man has a stubborn and rebellious son, who will not obey the voice of his father or the voice of his mother, they shall lay hold [of him and shall bring him out to] the elders of his city | (2) If a man passes on information against his people, or betrays his people to a foreign nation, or does evil against his people, you shall hang him from a tree and he will die. On the evidence of two witnesses or on the evidence of three witnesses [he shall be put to death and they shall hang him on the tree. (Blank) if it happens that a man has committed a capital offence and he escapes amongst the nations] (and curses) his people, the children of Israel, if he also you shall hang him on the tree and he will die, and you shall show to all the nations that all Israel shall hear and fear. Blank? If a man has a stubborn and rebellious son, who will not obey the voice of his father or the voice of his mother, they shall lay hold [of him and shall bring him out to] the elders of his city | (3) If a man passes on information against his people, or betrays his people to a foreign nation, or does evil against his people, you shall hand him from a tree and he will die. On the evidence of two witnesses or on the evidence of three witnesses [he shall be put to death and they shall hang him on the tree. (Blank) if it happens that a man has committed a capital offence and he escapes amongst the nations] (and curses) his people, the children of Israel, if he also you shall hang him on the tree and he will die, and you shall show to all the nations that all Israel shall hear and fear. Blank? If a man has a stubborn and rebellious son, who will not obey the voice of his father or the voice of his mother, they shall lay hold [of him and shall bring him out to] the elders of his city | (4) If a man passes on information against his people, or betrays his people to a foreign nation, or does evil against his people, you shall hang him from a tree and he will die. On the evidence of two witnesses or on the evidence of three witnesses [he shall be put to death and they shall hang him on the tree. (Blank) if it happens that a man has committed a capital offence and he escapes amongst the nations] (and curses) his people, the children of Israel, if he also you shall hang him on the tree and he will die, and you shall show to all the nations that all Israel shall hear and fear. Blank? If a man has a stubborn and rebellious son, who will not obey the voice of his father or the voice of his mother, they shall lay hold [of him and shall bring him out to] the elders of his city | (5) If a man passes on information against his people, or betrays his people to a foreign nation, or does evil against his people, you shall hand him from a tree and he will die. On the evidence of two witnesses or on the evidence of three witnesses [he shall be put to death and they shall hang him on the tree. (Blank) if it happens that a man has committed a capital offence and he escapes amongst the nations] (and curses) his people, the children of Israel, if he also you shall hang him on the tree and he will die, and you shall show to all the nations that all Israel shall hear and fear. Blank? If a man has a stubborn and rebellious son, who will not obey the voice of his father or the voice of his mother, they shall lay hold [of him and shall bring him out to] the elders of his city | (6) If a man passes on information against his people, or betrays his people to a foreign nation, or does evil against his people, you shall hang him from a tree and he will die. On the evidence of two witnesses or on the evidence of three witnesses [he shall be put to death and they shall hang him on the tree. (Blank) if it happens that a man has committed a capital offence and he escapes amongst the nations] (and curses) his people, the children of Israel, if he also you shall hang him on the tree and he will die, and you shall show to all the nations that all Israel shall hear and fear. Blank? If a man has a stubborn and rebellious son, who will not obey the voice of his father or the voice of his mother, they shall lay hold [of him and shall bring him out to] the elders of his city |
Crucifixion is the most barbaric form of execution. It is considered as cruel, banal and the ultimate form of embarrassment. Ford (1997:61) says that its purpose was to inflict the maximum physical pain and utmost extremity of shame; sometimes it was used as a sacrifice for gods or goddesses; or to prevent the victim’s ghost from bothering people, as the body was devoured by vultures and other wild animals and vital organs, such as the heart, liver or intestines, were impaled.

Writers from antiquity do not distinguish between someone being crucified alive or being hanged after he or she was dead as a display. In both cases it was considered the worst form of embarrassment (see also Van Aarde 2001:168).

There were no fixed rules for carrying out a crucifixion (see Van der Watt & Joubert 1996). This is confirmed by Seneca’s (Dialogi 6) testimony: ‘Video istic cruces, non unius quidem, 107–114 and also that Alexandra Salome, headed by Flavia (his wife) was beheaded in order to punish slaves and lower-class people. Chapman (2008:81) states that ‘some people were hung rather than crucified because of their higher class standing’. Hengel (1977:41) says that Cicero made a clear distinction between carnxex, obducto capitis and the actual penalty, the crux. Even the mention of the latter was unbearable for a Roman citizen. Crucifixion was a religious-political-criminal punishment, with emphasis on the political aspect. It was the punishment for rebellious foreigners, violent criminals and robbers. Crucifixion was a way to prevent war, to control rebels and rebellious cities or provinces. It was a way to ensure peace and to keep a ruler in control. There was no distinction between the authority of the military force, the police and the power of the legal world; any of these powers could impose this punishment. In general, the rural population was very grateful if robbers were executed. Crucifixion was seen as a tool to protect people against criminals and tyrants, but also as a deterrent to other offenders.

According to Hengel (1977:51), crucifixion was seen by most of the Roman writers as a typical punishment for slaves. He also points out that the term supplicium ser vile (slave punishment) was used to speak of crucifixion by, inter alia, Valerius Maximus, Tiberius and Tacitus. Hengel refers to the case of Plautus, who wrote to the slave Crysalus (gold carrier), who had cheated his owner and was afraid that his owner would change his (the slave’s) name to Crucialis (cross carrier). This refers to the custom that the person to be executed carried the crossbar of his own cross to the place of crucifixion (see Van der Watt & Joubert [1996] for the question whether only the crossbar or the entire cross was carried). Ford (1997:64) says that there was an ancient Roman law according to which all the slaves of an entire household were crucified if one of them had killed their owner. Ford (1997:65) also refers to the case that Tacitus recorded (Ann 14:43). Tacitus wrote about the crucifixion of Pedanius Secundus’s entire household, which included 400 slaves, after he was killed by his slave.

A slave thus had very little, if any, protection against his or her owner. As a slave was seen as part of the master’s property, he could do with his slave whatever he wanted to. It is clear from the dialogue between a Roman noble lady and her husband whom Hengel (1977) quotes from Controversiae:

Pone crucem servo! – Meruit quo crimine servus supplicium? quis testis adest? quis detulit? audi; nulla umquam de morte hominis cruciato longa est. – Odemens, itaservus homo est: nihil facerit esto; Hoc volo, sic iubeo, sit pro ratione voluntas! (p. 58)

From these instances, it is clear that despite the fact that the Romans considered crucifixion a cruel form of execution, it was still performed. It was especially applied to slaves, and mostly in case of disloyalty to their owners, though Roman citizens were not always spared. Crucifixion was used as a punishment for treason, espionage, rebellion against the

References

Crucifixion by the Romans

References to crucifixion by Latin writers are relatively scarce. It seems that writers such as Lucretius, Virgilius, Statius and Aulus Gellius did not want to write anything about it because it was too barbaric. Other writers, such as Valerius, Maximus, Petronius and Apuleius, were not so sensitive. Hengel (1977:38) believes that the reason why not so many references to crucifixion are found in the ancient writings is less historical than aesthetic. He says that it was a custom that was often used, especially in Roman times, but the sophisticated literary critics would have nothing to do with it. The Jewish writer Flavius Josephus writes in his Bellum Judaicum that Alexandra Salome, headed by the Pharisceans, had Diogenes killed. He was accused of advising the king (Alexander Jannaeus) to have his 800 victims crucified (see Neusner 1987; BJ I, 107–114 and also Chapman’s [2008:52] reference to this event). Hengel (1977:38) says that people assume that Roman citizens were not crucified, but this is only partially true; it was an ancient punishment that was meted out even to Roman citizens in case of high treason. This punishment was to hang a person on a tree. Although it was very rarely used, some instances are known. For example, Scipio had deserters crucified (Hengel 1977:39; Valerius Maximus 2.7, 12), and Verres crucified P. Gavius, the spy (Hengel 1977: Cicero, In Ve’em). There is even an example of someone from the Roman aristocracy, a senator, C Rabirius, who was convicted of treason, condemned and executed by Caesar in 63 BCE (Hengel 1977:41).

Despite these examples, this punishment was mostly used to punish slaves and lower-class people. Chapman (2008:81) says that ‘some people were beheaded rather than being crucified because of their higher class standing’. Hengel (1977:41) says that Cicero made a clear distinction between carnxex, obducto capitis and the actual penalty, the crux. Even the mention of the latter was unbearable for a Roman citizen. Crucifixion was a religious-political-criminal punishment, with emphasis on the political aspect. It was the punishment for rebellious foreigners, violent criminals and robbers. Crucifixion was a way to prevent war, to control rebels and rebellious cities or provinces. It was a way to ensure peace and to keep a ruler in control. There was no distinction between the authority of the military force, the police and the power of the legal world; any of these powers could impose this punishment. In general, the rural population was very grateful if robbers were executed. Crucifixion was seen as a tool to protect people against criminals and tyrants, but also as a deterrent to other offenders.

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state and desertion or defection to the enemy, to suppress rebellion, to prevent war and to maintain peace.

**Crucifixion by the Greeks**

So far, the Greek world (Greece, Asia Minor, Egypt and Syria) have been left out of the discussion. Although most written sources about crucifixion are in Latin, this does not prove the Greeks' innocence. Hengel (1977:69) points out that it would be wrong to distinguish between the Latin 'West' and the Greek 'East' or even the Persian 'East' and the Greek 'West'. The circumstances surrounding Pherecydes, the mother of the murdered Arcesilaus, the tyrant of Barca in Cyrenaica, confirms Hengel's conviction. Pherecydes had those who were involved in her son's death crucified outside the city wall; and Pherecydes was as Greek as her victims (see Hengel 1977:69; Herodotes 4202.1).

Another example is the crucifixion of Agathocles's concubines (Ford 1997:66). Ford (1997:66) refers to Justinus 'Epitoma Historiarum Philippicarum' in this regard. The background against which it happened was the enmity between Antiochus, king of Syria, and Ptolemy, king of Egypt. Ptolemy had opposed Antiochus, but he was satisfied for the conquered cities to be recovered. This led him to become involved with the dissolute life of the illicit mistresses of Agathocles. He (Agathocles) got control over the state and found no one was less powerful than the king himself. When the events became known to the populace, Agathocles was killed and in revenge the king's wife had all his wives crucified.

Hengel (1977:71) also points out that Creon in Sophocles 'Antigone' was not only threatening to kill those familiar with the funeral of Polinicus if they did not talk, but to hang them alive. He also says that according to Cratinus (in his Thesmophoriazusai) slaves were regularly crucified and that Plato and Demosthenes were aware of this form of execution. Ford (1997:67) refers to the writings of Diodorus of Siculus, who wrote about the events in Asia at the time of the Assyrians. He described how Ninus, the king of the Assyrians, defeated Pharnabazus, the king of Media. He arrested the king (Pharnabazus), his seven sons and his wife and had them crucified.

In the same book, Diodorus writes about the life of Semiramis, the wife of King Ninus (Ford 1997:68). She was a very dynamic woman and ascended the throne after her husband's death. According to Diodorus, she founded Babylon, had the hanging gardens constructed and marched against Egypt, Ethiopia and India. Diodorus mentions a letter that the king of India, Stabrobates, wrote to her wherein he called her an aggressor and a strumpet. He described how Ninus, the king of Egypt. Ptolemy had opposed Antiochus, but he was satisfied for the conquered cities to be recovered. This led him to become involved with the dissolute life of the illicit mistresses of Agathocles. He (Agathocles) got control over the state and found no one was less powerful than the king himself. When the events became known to the populace, Agathocles was killed and in revenge the king's wife had all his wives crucified.

Crucifixion by the Jews

The question whether the Jews crucified has been debated at length. That they were crucified is an accepted fact. Hengel (1977:85) refers especially to the Talmudic material in this regard: 'We have a whole series of references to the crucifixion of Jews during the later empire.' According to 1 Corinthians 1:23 and Galatians 5:11, the cross was a scandal in Israel's eyes. This belief has a religious background that can be traced back to Deuteronomy 21:22, 23:

> And if a man has committed a crime punishable by death and he is put to death, and you hang him on a tree, his body shall not remain all night on the tree, but you shall bury him the same day, for a hanged man is cursed by God. You shall not defile your land that the Lord your God is giving you for an inheritance. (English Standard Version)

According to Sanh VII.1, the ways in which executions were carried out in post-exilic Israel were: stoning, burning, decapitation and strangulation. It is this text that contributes to the idea that crucifixion was not a Judean form of execution; it was regarded as a pagan custom that had originated with the Romans and that was practised only by Roman authorities. Bammel (1970:77) draws attention to Sanh VII.3, which says that decapitation by the sword, 'as the government makes', was also an acceptable method (also 9 toipou mēn sōn kai touv συγγενέων αὐτῷ πάσης αἰκατερίας οὐσίας καταγωγῆς (Diodorus Sic, 18.16).

9. See the next section for a discussion of the interpretation of this verse.
recognised by the Mishnah). The Roman practice of beating someone with a stick is echoed in Makkoth III.12 referring to regulations to hit someone with reams. It seems that the Jews did not strictly confine themselves to Sanh. VII.1 and that they were also influenced by social juridical ‘text’.

Bammel (1970:78) asserts that it is not impossible that the post-exilic Israel did indeed use crucifixion: ‘... the practice of this form of execution was not an alien possibility even to Jewish judges.’ Bammel also refers to Stauffer (1957), who claimed that crucifixion was used in Israel since the 2nd century BCE, particularly in cases of political crimes.

Contrary to Bammel, Rosenblatt claims (1956) that according to the Pharisee law, crucifixion was intolerable. He points to the previously mentioned argument that it was not an acceptable form of execution. He admits that persons guilty of the death penalty, ‘... such as the blasphemer and idolater were impaled ...’ (Rosenblatt 1956:318). Tzaferis (1985) says that although crucifixion was a נאום to Israel, it was nevertheless used by Judean tyrants in the Hasmonaean period. He also refers to the mass crucifixion of 800 Pharisees in one day by the High Priest Alexander Jannaeus during the revolt against the census of 7 CE, as recorded by Josephus in his Antiquitates 13 (see also Hengel 1977; Feldman & Hata 1987). Hengel (1977:84) and Ford (1997:64) refer to the time when Rabbi Simeon b Shetah hanged seventy witches in Ashkelon (see also Chapman 2008:66). It is not clear whether this was a case of ‘hanging to die’ or ‘hang after death’. According to Ford’s (1997:64) quote from Sanh. 43b, it was not unusual for the judicialites to hang a body after execution.

Crucifixion in the Qumran community

In the Qumran corpus, there are the two texts that were discussed and compared earlier as well as 4Q169 / Nahum Pesher11 3–4 1–7–8 that refer to crucifixion and/or hanging.12 This text refers explicitly to crucifixion as a form of execution. Chapman (2008:57) refers specifically to 4Q169 3–4 and says that this specific text has been much debated, in the first place because it is one of the first few sectarian texts that referred to specific historical names and also because it refers to crucifixion as a form of execution. This text is very fragmentary and has been constructed and interpreted differently by different scholars since it was first published (see inter alia Baumgarten (1972); Yadin (1971, 1973); as well as Chapman’s (2008:60) referral to the ‘Wieder und Zeitlin debate’). Chapman (2008:65) refers to the tendency of earlier scholars to reconstruct this text with too short lines and warns that any reconstruction of this text ‘must be viewed as somewhat tenuous, since the decision about whether the author of the Pesher thought this punishment was appropriate almost necessarily precedes the actual process of reconstruction’. Although this text has been interpreted differently by different scholars, most scholars in Qumran studies are now of the opinion that this text does refer to crucifixion. For this study, the significance of this text is only that it demonstrates that the Qumran community was familiar with the practice of crucifixion.

Baumgarten (2005) did a study on the possible avoidance of the death penalty by the Qumran community. Although the death penalty and crucifixion do not fall in the same category, it can give an indication of the community’s practices and conduct.

Baumgarten (2005:31–38) asks whether the death penalty was actually carried out within the community. A number of capital offences according to biblical law are mentioned in Qumran legal texts (see 4Q159 2–4, 8–9; CD12:3–4; 4Q266 6 i–9–10; CD9:1; 4Q270 2 ii 13) but other texts (4Q271 3 12–15; CD 12:3–4; CD 9:16–21; 4Q266 11 14–16) seem to point to an avoidance and/or limitation of the death penalty in Qumran law. Baumgarten argues that such avoidance harmonises with Qumran theology, which firmly believed in an ultimate divine judgement; this could have led the community to avoid taking a human life as far as possible (see IQS 10:17–18 in this regard). By comparing Qumran criminal law with that of the Essenes, he established the following commonalities between the two groups:

- In principle both groups accepted the biblical death penalties, yet they had moral scruples about taking life.
- The most severe penalty imposed in practice appears to have been expulsion.
- The sentence of expulsion required the approval of a large gathering.

Summarised remarks on the Social text

Hengel (1977:38) is of the opinion that the fact that not much is written about crucifixion does not prove that it did not happen. He sees the absence of such references in the writings from antiquity as an aesthetic rather than a historical problem. The practice of crucifixion was widely used, but the sophisticated literary community did not want to know anything about it. Still, it cannot be ignored that the practice was known in the context of the Jews and the Qumran community.

The examples of crucifixion amongst Israel’s neighbours boil down to one commonality. At the time that the Qumran community existed, almost all the cultures were familiar with crucifixion as a form of execution. In most of the cultures, crucifixion was the punishment for political criminals or persons guilty of high treason, espionage, rebellion against the state and desertion or defection to the enemy. It was used
to suppress rebellion, to prevent war and to maintain peace. This specific aspect seems to be the social text (context, general conduct). In most cultures it was seen as a very severe penalty. It was also seen as a punishment for slaves. It is clear that the Qumran community was not unfamiliar with this practice; it was even used vigorously in this period. Chapman (2008:53) refers to Ant. xiii.380, where it is written that Alexander had eight hundred Jews crucified and their wives and children slaughtered whilst he was feasting with his concubines. Van Aarde (2000: 1 Mac. 160–61) refers to the shameful practices of Antiochus Epiphanes IV:

... he ordered parents whose children were circumcised, to be seriously maltreated physically, then crucified alive. The children were to be strangled and hung over the necks of their crucified parents....The motif of shame is important here; not only do parents suffer the public shame of crucifixion, but mockery is made of the very mark of the covenant, namely circumcision (cf. Gen 17). (p. 168)

It is clear that the practice of hanging and/or crucifixion was well known and even used later on in the Jewish communities. Chapman (2008) states it as follows:

Jewish people had long been acquainted with crucifixion and other bodily suspension penalties. In the Hellenistic and Roman periods crucifixion is evidenced in the Diaspora and frequently attested in Palestine, even occasionally at the hands of Jewish leaders. However, the lasting memory of the post-Second Temple generations would have especially been of their comrades who were hung from the cross before and after the destruction of the Temple. (p. 94)

Concluding remarks

In this study a few things have become apparent, which must be taken into consideration:

11QT 19 64:6–13 is part of the Temple Scroll and specifically part of the Deuteronomic Paraphrase. This text is presented as a written version of YHWH’s revelation to Moses, to such an extent that the name of YHWH is replaced with the first person. What Deuteronomy presents as Moses’ words becomes, in the Qumrantext, God’s own words, thereby claiming that this ‘new’ Torah is coming directly from YHWH and legitimating the text theologically. The text integrates the Pentateuchal laws concerning the Temple and its sacrifices, sometimes literally but also with many additions. When comparing the text with the Zadokite fragments and the Halakhic Letter, it is clear that although there are similarities, the differences are too many to say that they are the same. Opponents of the Hasmonaean were leading the apocalyptic movement that was embodied by the Qumran sect. It seems that amongst the texts they brought with them were the sources of the Temple Scroll. Two questions remain with regard to these documents: (1) Which Pentateuchal text did they use – was it the Masoretic one as represented currently in the Hebrew Bible, or was it another copy of the Pentateuch? (see Collins’s [2010:22] view on the possibility of a common corpus of authoritative scriptures). That lead to the second question: (2) Did the Pentateuch text serve as an intertext or as a source text?

Collins (2010:11) also refers to the fact that the Temple Scroll is presented as being God’s words, but sees it as in essence a harmonisation of the Priestly and Deuteronomic laws. The process of harmonisation and rewriting the source texts is well known in Qumran texts.

Collins (2010) examines tradition and innovation in the development and the interpretation of texts (specifically Qumran texts) and concludes by saying:

The Dead Sea Scrolls provide some of our earliest examples of explicit interpretation of authoritative scriptures... they shed some interesting light on the workings of tradition.... In fact tradition is never a matter of simply passing on a traditionum. While it provides continuity with the past in various ways, not least in the language it provides, it also gives us something upon which we can operate, which we can adapt, criticize, and change, even while maintaining the illusion of stability and the assurance it provides. (pp. 22–33)

Crawford (2005:131) also refers to harmonisations of texts13. We saw that the Temple Scroll and specifically the Deuteronomic Paraphrase is a Qumran copy of a non-Qumranian work, meaning that the original document was harmonised (creative transmission of tradition) to fit the community’s circumstances, their rules and their ideology. In this process of harmonisation I want to ask: Where does the text (11QT 64:7–11), part of which corresponds verbatim with 4QS2 14:2–4, originate from? There is enough evidence to say that it was a pre-existent text, and influenced by the social text (all cultures crucified in cases of high treason or action against the people). The Qumran redactor either added it to Deuteronomy 21:18–13 (in which case the Pentateuchal text will be the source for 11QT 64:6–13) or the redactor added Deuteronomy 21:18–13 to the pre-existent text to empower or legitimise this text as well as the social text; in which case the Pentateuchal text would have been the intertext. It seems more possible that the redactor had a copy of the Pentateuchal text in front of him14 (whether it was the Masoretic text15, 4QRT16 or an earlier source for both is debatable), to which he made additions in order to align it with the community’s own perspectives and ideology. That could also explain why both of the Qumran texts (even though their sequences of the verses differ) have that inclusion verbatim the same. The reason for hanging someone was given; when that person had trespassed against the community; leaked information or cursed his

13 We have noted that several of these liturgical or special-use manuscripts that include passages from Deuteronomy contain harmonistic or expanded texts. This phenomenon also occurs in the so-called "proto-Samaritan" group of texts, named as such because they exhibit the type of scribal intervention most fully evident in the Samaritan Pentateuch. The history of the text of the Samaritan Pentateuch has become clearer since the discoveries in the Judean Desert. It is now accepted that the Samaritan community selected as their canonical scripture a text of the Pentateuch that was in general circulation in Palestine in the Second Temple period. They then subjected this text to a thin veneer of sectarian editing. Once we remove this veneer of sectarian editing a text of the Pentateuch characterized by harmonizations remains'.

14 Refer to Shiffman's (1992) attempt to 'reverse the process' as discussed earlier.

15 Crawford (2005:128) refers to the different sources of the Pentateuch that was used at Qumran: 'The major witnesses to the text of Deuteronomy in the Second Temple period are the proto-Masoretic text, the proto-Samaritan text, and the Septuagint text. Some of the Qumran manuscripts align with one of these major witnesses ...'

16 Refer to Brook (2001) and Crawford and College (1994) for the discussion on 4QRT.
The importance of the community is clear in texts such as 1QS 5:2, 1QS 6:26, and 1QS 8:20–27. The process of becoming part of the community is also described in the Damascus Document, especially in CD 15.

The Qumran community was an exclusive community. Not everyone was admitted, and persons who did not keep to the regulations were expelled. Being a sect and an apocalyptic movement with a unique symbolic universum, they had to keep their community ‘pure’ at all times and costs. To that end they would hang someone who betrayed the community; treason against the community was unacceptable and intolerable. They would impose a penalty that is quite harsh to serve their ideology. The social text of the community (importance of loyalty towards the community) was the motive for adding the prerequisite for crucifixion to the pre-existent Pentateuchal text.

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Competing interests

The author declares that she has no financial or personal relationship(s) that may have inappropriately influenced her in writing this article.

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