

Crime and punishment

Citizens and provincials

The governor had total power over the provincials (peregrini). This power did not extend to Roman citizens. It was forbidden to imprison, torture or execute a Roman citizen without a proper trial. As a last resort a citizen could invoke his ancient right of 'provocatio' giving him the right to trial at Rome.

Sanhedrin trials

Herod had broken the power of the Sanhedrin and taken away its right to execute. The Roman governors seem to have continued this policy. The Sanhedrin could try a Jew for a religious offence and order up to 39 lashes but they could not inflict the death penalty without the agreement of the governor. The execution of Stephen appears to have been a lynching.

Flogging

There were three types of flogging used by the Romans. The lightest form (fustes) was used as a warning to a suspected criminal. This is possibly the type Jesus received. The severer forms were usually coupled with execution.

Execution

The main forms of execution used by the Jews were stoning, strangling, beheading, burning and crucifixion. Stoning was reserved for religious offences such as blasphemy. Strangling was by garrotting. This is done with an iron collar that could be tightened. It was the punishment for a son who attacked his father. A person sentenced to be burned was buried waist deep in a pile of dung. His upper half was surrounded with tow. His mouth was forced open by two executioners who thrust a lighted torch into it. This was used for extreme sexual offences.



A roman scourge (flagrum or flagellum) reconstructed from a sculpture at Rome. It consisted of two or three thongs with pieces of bone or metal attached which ripped the skin.



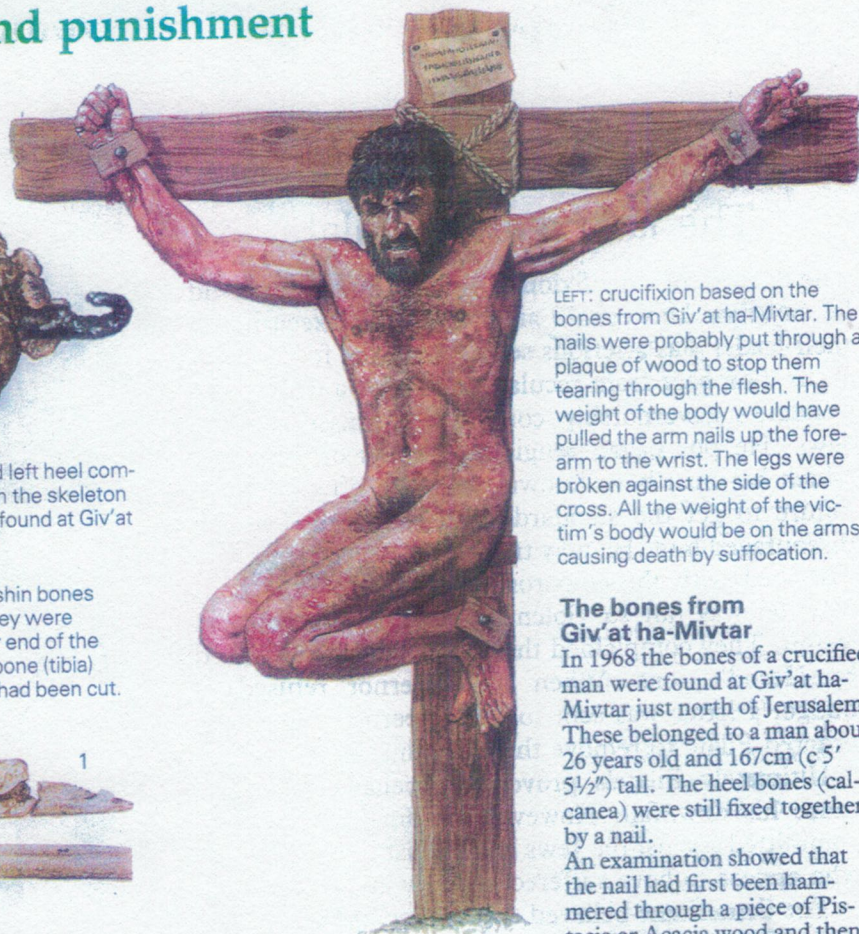
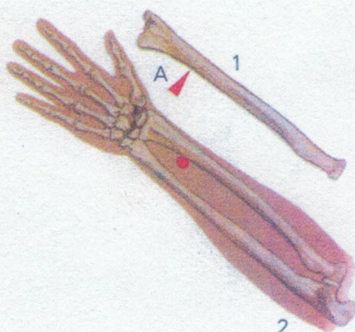
ABOVE: the restored left heel complete with nail from the skeleton of a crucified man found at Giv'at ha-Mivtar.

BELOW: 1 The left shin bones showing where they were broken. 2 Lower end of the inside right ankle bone (tibia) showing where it had been cut.



ABOVE: skeleton of a foot showing where the nail went through the heel A and where the shin was broken B-B.

BELOW: 1 Right forearm bone (radius) showing where it was marked by the nail A. 2 Skeleton of a lower right arm showing where the nail went through.



LEFT: crucifixion based on the bones from Giv'at ha-Mivtar. The nails were probably put through a plaque of wood to stop them tearing through the flesh. The weight of the body would have pulled the arm nails up the forearm to the wrist. The legs were broken against the side of the cross. All the weight of the victim's body would be on the arms causing death by suffocation.

The bones from Giv'at ha-Mivtar

In 1968 the bones of a crucified man were found at Giv'at ha-Mivtar just north of Jerusalem. These belonged to a man about 26 years old and 167cm (c 5' 5 1/2") tall. The heel bones (calcaneae) were still fixed together by a nail.

An examination showed that the nail had first been hammered through a piece of Pistacia or Acacia wood and then through both heel bones before entering the cross made of olive wood. The lower leg bones were broken. There was the mark of a nail on one of the lower right arm bones (radius).

Crucifixion

Crucifixion was described by the Roman orator Cicero as the most cruel and frightful sentence. It was inflicted for murder, banditry and piracy but most commonly for rebellion. The Romans used it on a vast scale. In Judea countless thousands went to the cross during the wars against Rome. Hadrian is said to have crucified 500 a day after the second revolt.

The ancient evidence

The victim was normally scourged and made to carry the cross-beam to the place of execution. The upright was left in position. Once the cross-beam was fixed the victim was stripped and nailed in position. Nailing was normal. There is little evidence for tying. The cross usually had a narrow strip of wood on which the victim could sit by pulling himself up. This prolonged the agony. As a special concession the Jews were allowed to remove the bodies before dark and bury them. A placard was fixed to the cross listing the victim's crimes.

The medical evidence

Medical examination showed that the arms had been nailed above the wrist and the legs broken to hasten death. The nail through the heel bones had bent and stuck fast in the wood. When the body was taken down the feet had to be cut off.

Conclusions

The angle of the breaks in the leg bones implies that the legs were bent up under the victim. From this the probable method of crucifixion can be deduced. The victim was stood up against the cross and nails hammered through his forearms. His legs were then pushed up and nailed through the heels. The weight of the body was now on his arms. The nails through the forearms tore up through the flesh until they lodged in the wrist. This sort of macabre simplicity is typically Roman. It required no skill on the part of the executioner.