



Chapter 6

THE PLACE OF ROMAN EXECUTION

There is a major point to help us identify the site of Jesus' crucifixion that has not been applied until recently (at least to my knowledge). It concerns the Roman legal requirements for crucifying criminals. It appears that Pilate may have been legally obliged to crucify Jesus at the place of his arrest or at the place where his crime was considered to have occurred. The evidence is quite interesting and it could well have a bearing on locating the spot where Jesus was crucified. The research on this matter appeared in a 1980 book "The Enigma of Jesus the Galilaeen" (pp.301-305) by Nicholas Kokkinos. Mr. Kokkinos and I were speakers at a conference on the nativity of Jesus which was conducted by Mississippi State University in December, 1983. The Cobb Archaeological Institute of MSU had asked Mr. Kokkinos to come from London, England (his present home) to be a panel speaker for the conference and this is where we became acquainted. Though we have similar interests in trying to determine the time of Jesus' nativity, I was especially fortunate to find that Mr. Kokkinos had done research on the site of the crucifixion. The following information from Roman and Greek sources is largely from the research provided in Mr.

Kokkinos' book and from personal letters from him. Again, the evidence shows that Jesus was crucified on the Mount of Olives.

Crucifixions Were Performed at the Site of the Crime

What is important to the issue is the fact that Roman jurists held that convicts sentenced to crucifixion, particularly pirates or enemies of the state, must be crucified at the scene of their misdeed (*Digest* 48:9.19.28.15; cf. *Collectio Legum Nosaicarum et Romanarum*, I.6). This was the manner of crucifixion prescribed by tradition and law that had been followed through the years and it can be seen in various examples. Note some of them. "He crucified the soldiers in the spot where they had committed their crimes" (*Scriptores Historiae Augustae* 6, Vulcacius Gallicanus, *Avidius Cassius*, 4.1f). Also, the proconsul of Africa punished the priests of Saturn by crucifying them "on the very trees of their temple, in the shadow of which they had committed their crimes" (Tertullian, *Apologeticus*, 9:2). Additionally, there is Chariton, *Chaereas and Callirhoe* 3:4.18, which says: "A great proportion of the crowd followed Theron as he was led away, and in front of Callirhoe's tomb he was crucified upon the cross, and from the cross gazed out upon the sea *over which he had carried captive* the daughters of Heromcrates." This shows that Theron's crucifixion was at the site of his criminal abduction. These are examples to show that it was common to crucify people where their crimes had been committed (cf. Justinus, *Epitome* 22.7.8).

Crucifixions Were Performed at the Site of Capture

There was yet another method for selecting a spot for crucifixion. If it were not possible to return the criminal to the site of his crime, then the place where the person was arrested was viewed as proper. We find the following in the *Acts of Pilate* IX.5: "According to the law of the pious emperors hanged on the cross in the garden in which you were seized" (cf. Ps.Cypr., *De Montibus Sina et Zion* 3; Cyril, *Catechetical Lecture XIV*, 5; *Toldoth Jeshu* IV.20-25; also

cf. *Song of Solomon* 6:11). There were also other criteria.

Crucifixions Were at Main Crossroads

If, however, the crucifixion of a malefactor was not feasible at the scene of the crime or place of arrest, it was also common to select an area of *high ground* and/or *crossroads* for the execution. This was done to attract the attention of a large number of people to provide a visible deterrent to others not to commit such crimes. Since crucifixion represented the utmost form of humiliation for the criminal, his naked body had to be on public display at a prominent place. In Quintilian we read: "The crowded roads are chosen. Penalties relate not so much to retribution as to their exemplary effect" (*Declamationes* 274). See also *Scriptores Historiae Augustae* 18, Aelius Lamridius. In *Alexander Severus* 23:8 we read: "As a deterrent to others he had them crucified on the street that his slaves used most frequently."

What is interesting in the above examples is the fact that Jesus fulfilled all the factors for a normal Roman crucifixion. Notice first the place where Jesus was arrested. This was at the Garden of Gethsemane. Just where was this garden located? Prof. J.A. Thompson has this to say:

"The site of Gethsemane is not known with certainty, although it was across the Kidron valley on the side of the Mount of Olives. There are today several rival sites for the place. The confused visitor will be shown the scene by the Roman Catholics, the Greeks, the Armenians, and the Russians. The oldest tradition places the scene [of Jesus' praying] on the ground now occupied by the Tomb of the Virgin. But the fact is that we have no clear information, archaeological or historical, which will allow precise identification" (*The Bible and Archaeology*, 3rd ed. (1982), pp.359, 360).

The truth is, no one knows exactly where the Garden of Gethsemane was located yet it is clear that it was somewhere east of the Kidron Valley and on the slopes of the Mount of Olives. This

is made certain in the Gospels. We are told that Jesus had been in the city of Jerusalem for the Last Supper (Luke 22:10). After that event he and his disciples left the city and went “across the Kidron” (John 18:1) and “onto the Mount of Olives” (Mark 14:26). They then came to the place which had been Jesus’ habitual rendezvous area for teaching his disciples (Luke 22:39). Or, as the apostle John put it, where “Jesus had many times met there with his disciples” (John 18:2). This place was, of course, the Garden of Gethsemane and we should note that it was certainly on the Mount of Olives (Luke 22:39).

But where on the Mount of Olives was the Garden of Gethsemane? No scholar today has the slightest idea where it was! We only have traditional beliefs available which were determined in later centuries and no one can be certain if any of them is reliable. As a matter of fact, Peter the Deacon’s description of the holy places puts it near the summit of Olivet and not far from the burial site of Stephen (Wilkinson, *Egeria* p.185). This reference makes the arrest of Jesus to be higher up the mount than most think today.

Jesus Was Arrested on the Mount of Olives

Whatever the case, the New Testament shows that Jesus was taken into custody on the Mount of Olives and one of the customs of the Roman government was to crucify a criminal at the place of his arrest. Gethsemane was even the scene of a “crime.” Jesus always forbade the carrying of weapons by his disciples (Luke 22:36), but at the time of his arrest he specifically commanded that his disciples have at least two swords in their possession (Luke 22:38). The reason for this was to make Jesus appear as though he were indeed a “criminal” (Luke 22:37). Thus, the Garden of Gethsemane became “the scene of a crime” — a crime of sedition against the constituted authorities.

If Pilate followed one of the Roman rules for crucifixion, he would have executed him near the area of arrest. We are told by the

Gospel accounts that Jesus was killed near (or in) a “garden” (John 19:41). Was this the same “garden” as the Garden of Gethsemane because the identical Greek word was used for the place of his arrest as well as that of his crucifixion? This is one of the reasons that Dr. Hutchinson in the *Palestine Exploration Fund Quarterly* (1870, pp.379-381) thought the Garden of Gethsemane could be a candidate for the crucifixion site. Kokkinos in his book called attention to the third century work *The Acts of Pilate* (IX.5) that Jesus was crucified in the garden where he was seized because this was the law of the Romans. This evidence deserves serious consideration but to me the case remains doubtful. While there is the statement in the Talmud (*Shebu'oth* 16a) that there were two areas of “meadows” or types of “gardens” on the Mount of Olives (one near the bottom and close to the Kidron Valley which could be Gethsemane and the other near the summit which could be the garden in which Jesus was crucified), there is not enough geographical points given in the sources to be certain that these “gardens” can be identified or compared. The evangelists tell us that the crucifixion was at the “Place of the Head.” This gives the definite impression that the site was at the summit of a mountain, not near a valley which the descriptions of the Garden of Gethsemane seem to denote. Also, as we will see in the next chapter, the Temple curtain could be observed from the scene of the crucifixion and this means that Jesus had to be executed high enough up the Mount of Olives to view that Temple curtain. From this evidence alone, Gethsemane cannot be considered unless further historical or archaeological evidence is discovered to show that it was located much nearer the top of Olivet.

Jesus Claimed to be a King

There was, however, a much higher charge than sedition against Jesus for having two swords among his disciples. His more serious “crime” was allowing the people to proclaim him as a king — not just an ordinary king but the prophesied messianic king who was

destined to rule over all nations on earth (including Rome). It was against Roman law for anyone to be proclaimed a king without the express permission and approbation of the emperor of Rome. And while Jesus forbade the multitudes to make him a king early in his ministry (John 6:15), a few days before he was crucified, Jesus did allow many of the people at Jerusalem to call him the king of Israel, and he approved of it. Notice *when* and *where* this proclamation of Jesus' kingship took place.

At the time of his triumphal entry into the city of Jerusalem on what is called today "Palm Sunday," the Gospel of Mark said that as he drew near "to Jerusalem, to Bethphage and Bethany, at the Mount of Olives," he let the people proclaim him as the king of Israel and the world (Mark 11:1). The actual place where the triumphal procession began was at Bethphage where he mounted the donkey, and this was precisely at the southern summit of the Mount of Olives (Wilkinson, *The Jerusalem Jesus Knew*, pp.113-116). From that spot Jesus rode the animal down the slopes of Olivet along the roadway called by Luke "The Descent of the Mount of Olives" (Luke 19:37). Nearby the village of Bethphage was the "Beth ha-Deshen (the House of the Ashes) which contained the "Miphkad Altar" (the altar where the sin offerings were burnt "outside" the regular Temple).

This means that Jesus committed the "crime of treason" against Rome and the emperor by having himself proclaimed a king (indeed, the intimation of the people was that he represented the king of kings) from near the crest of the Mount of Olives until he reached the city of Jerusalem. *This* was the actual "crime" that caused him to be crucified (Luke 23:2; John 18:37; 19:12,14,15).

Since we have shown in this chapter that the Romans customarily crucified criminals where their infringement took place (or at the place of arrest), and if possible on high ground and/or at cross-roads, all these factors were applicable for Jesus on the *east* side of Jerusalem. This is just another legal reason why Pilate must have

felt obliged by Roman law or custom to crucify Jesus on the Mount of Olives. There would have been no reason whatever for the Romans to select a spot on the south, west or north of the city to crucify Jesus. All of the activities of Jesus outside the city and the Temple mount (two prohibited areas for crucifixions) were on the Mount of Olives. Jesus actually *lived* on that mount while in the environs of Jerusalem. “By day he was teaching in the Temple, but by night he would go out and lodge on the Mount of Olives” (Luke 21:37). It was his “habitual” place for meeting with his disciples (Luke 22:39), or (as John stated) “where he many times met there with his disciples” (John 18:2). Even the village of Bethany where he sometimes resided was on the eastern slopes of Olivet (Mark 11:1).

What About the Two Thieves?

As a closing thought to this chapter, one might wonder if the Roman rules for execution also applied to the two thieves who were crucified with Jesus? No one, of course, can know for sure. It may be that they committed their crimes in different areas of the country and were brought to the capital for crucifixion. But one thing is certain. The thieves were in Jerusalem and apparently they were Jews (it was against imperial law to crucify Roman citizens). And in Jerusalem (as we have shown in the last chapter) there was only one general area in which Jewish criminals could be executed so as to be “in the presence” of God at the time of their judgment. That place was on the *east side* of the Temple and *outside* the camp. Only at some area near the summit of Olivet could these Jewish requirements fit in a perfect manner. And we will see in a further chapter that Jesus was actually executed according to Jewish law, not Roman! Though it is interesting that even Roman requirements for execution were also met in Jesus’ crucifixion, we will later see that it was the Law of Moses that caused him to be killed.

Still, all of this shows that the crucifixion of Jesus and the two robbers could justifiably have occurred near the summit of the

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Mount of Olives, whether by Jewish or Roman law. This is the only area in the Jerusalem region that was appropriate both from the ritualistic and the environmental point of view. We will see further evidence about these matters in future chapters, and it will become abundantly clear that the summit of the Mount of Olives was indeed the place where Jesus was crucified. The next chapter will specifically address this question in greater detail.