7-1-1996

Casting Stones: Ballista, Stones as Weapons, and Death by Stoning

James V. Garrison

Follow this and additional works at: https://scholarsarchive.byu.edu/byusq

Recommended Citation
Available at: https://scholarsarchive.byu.edu/byusq/vol36/iss3/25

This Article is brought to you for free and open access by the All Journals at BYU ScholarsArchive. It has been accepted for inclusion in BYU Studies Quarterly by an authorized editor of BYU ScholarsArchive. For more information, please contact scholarsarchive@byu.edu, ellen_amatangelo@byu.edu.
Artist's reproduction of siege tower. Faced with the seemingly impregnable cliffs and walls of Masada, the Romans built a ramp on the western side of Masada. They also built a moveable tower tall enough to stand above Masada's walls and rolled it to the top of the ramp. Covered with iron plates for fireproofing, the tower contained a battering ram and sheltered the Roman artillery. Many of the specialized materials were transported to Masada from the legion's home base.
Casting Stones: Ballista, Stones as Weapons, and Death by Stoning

James V. Garrison

Stones at Masada

Josephus reports that once the Romans had completed their great siege ramp on the west side of Masada, they brought up an enormous tower on wheels, over one hundred feet high (based on a twenty-inch cubit) and entirely encased in iron. From this tower, Roman artillery opened fire on those defending the walls, sending showers of stones and other missiles down on them and forcing them to retreat into the fortress. With this objective accomplished, a great battering ram began the assault on the walls, and the fall of Masada became imminent.

Nineteen hundred years later, the excavation team led by Yigael Yadin found strewn all about Masada the remains of this episode: hundreds of rounded stones of the sort fired from Roman artillery. The excavation reports indicate that these stones were found in most areas of the fortress. Many were piled in the rooms along the casemate wall and were “of the size of oranges and grapefruits.”

These stones are typical of projectiles thrown by various Roman ballistae, catapults, and “artillery machines.” Indeed, Josephus speaks of “numerous quick-firers and ballistae.” “Quick-firers” refers to the scorpio, or the manuballista, a small, quick-firing catapult that shot thin arrows and could be loaded and fired by just one man. The stones found at Masada belonged to the ballista, a very versatile and powerful artillery piece that resembled a large crossbow rather than the conventional one-armed catapult. The
versatility came from its ability to fire a wide range of stones and to be aimed with great precision even at high angles, such as those required to bombard fortress walls. This capability, coupled with the powerful force with which it fired stones, made the ballista a dreaded machine.  

The Romans were quite selective as to the stones they chose for the ballista. Vegetius claimed that river stones were optimal; they were round, smooth, and dense. The ballista stones found at Masada were chiseled to be as round as possible.

A number of large round stones, “very roughly dressed, of about half a metre’s diameter,” were also discovered at Masada. “Their size, weight and the way they [were] worked suggest that these were not thrown at Masada from ballistae but were prepared inside the fortress to be rolled down on the assailants.” This defense against attacking siege engines could inflict serious damage. Other Jewish tactics were to throw stones by hand (Ex. 21:18; Num. 35:17, 22–23; 2 Sam. 16:6, 13) and by sling. They were also familiar with the catapult. Around 800 B.C., King Uzziah “made in Jerusalem engines, invented by cunning men, to be on the towers and upon the bulwarks, to shoot arrows and great stones withal” (2 Chr. 26:15).

Stoning in the Old Testament

Another significant use of stones in ancient Judaism was largely unfamiliar to the Romans—execution by stoning. Modern opinions of stoning are often tainted with images of mob frenzy and lynchings. In reality, stoning under the law of Moses was an orderly and rational procedure, carried out with the purpose of leaving a strong impression on the minds of the participants and conducted as a court-ordered form of capital punishment. Under the law of Moses, death by stoning was specifically prescribed for nine capital offenses: idolatry (Lev. 20:2–5), sorcery (Lev. 20:27), blasphemy (Lev. 24:14–16), profanation of the Sabbath (Num. 15:31–36), incitation of others to apostasy (Deut. 13:6–10), worship of false gods (Deut. 17:2–7), rebellion against parents (Deut. 21:18–21), unchastity by an unwed girl (Deut. 22:20–21), and sexual relations with a betrothed woman (Deut. 22:23–24). In addition, in the case
Roman ballista. The ballista was used to bombard high walls. It could be constructed in a wide variety of sizes to handle different diameters of stone and was powered by twisted skeins of rope and horsehair.

of a goring ox, the ox itself is stoned (Ex. 21:28-32). Stoning was the preferred method of execution in Israel and was probably used in capital cases for which no other method of execution was specified.

A typical trial\(^9\) was conducted at the city gate before the elders of the city, with at least two witnesses\(^10\) to the crime. In difficult cases, the elders might refer the matter to a higher court; otherwise, they would deliver a verdict based on the testimonies. When the sentence was death, the execution would follow immediately.

The condemned party was usually led outside the city to be stoned.\(^{11}\) The area away from the city provided open space and plenty of stones; stray stones would not harm property; and the
Defense stones. Stones like these were likely rolled down on the Roman assailants. At about twenty inches in diameter, they were too large to throw or to serve as ballistae ammunition.

town would not risk corpse pollution within its walls. But a bride guilty of entering marriage under false pretenses of virginity was stoned at the door of her father's house, inside the city (Deut. 22:21).

The witnesses came forward and laid their hands on the head of the condemned party (Lev. 24:14; compare Susanna 34), after which they were charged to cast the first stone (Deut. 13:9; 17:7). This directive "had the effect of placing the witnesses in a very sobering position,"¹² for "it made them specifically liable for a wrongful execution."¹³ Under the law of Moses, the outcome of the trial was largely determined by the accuracy of oral testimony, so such safeguards were necessary to deter false or irresponsible witnesses.¹⁴ After the witnesses had each cast a stone, all the people were to join in until the condemned person was dead. Following execution, the body could be hung on a tree until sundown.¹⁵

This form of capital punishment allowed Israel as a whole community to "put away the evil" from among them, as they had been commanded. Failure to fulfill this duty subjected the entire community to divine justice. Consequently, all the people were
responsible to see that capital crimes were properly punished. Stoning had the advantage of community participation in fulfilling this obligation. Moreover, public stoning created a strong deterrent to crime as a moving reminder of the significance of covenants and the consequences of breaking those covenants (Deut. 13:11; 17:13; 19:20).

We can illustrate the mechanisms of judicial stoning through four cases from Old Testament times. In the cases of the blasphemer (Lev. 24:10-14) and the Sabbath woodgatherer (Num. 15:32-36), the accused were brought before Moses to be tried, but Moses sought the will of the Lord concerning the matters. In each case, the Lord told Moses to proceed with the punishment. In regard to the blasphemer, the Lord answered: “Bring forth him that hath cursed without the camp; and let all that heard him lay their hands upon his head, and let all the congregation stone him” (Lev. 24:14). In the third case, Naboth had refused to sell his vineyard to King Ahab. Falsely accused of blasphemy, he was immediately taken, stoned, and his property confiscated: “They carried him forth out of the city, and stoned him with stones, that he died” (1 Kgs. 21:1-13). Finally, in the story of Susanna, a virtuous woman was accused of adultery. Two corrupt elders falsely accused her, placed their hands on her head, and presented their testimonies. When the court condemned Susanna to die, she was immediately seized and led out toward the place of execution. Suddenly a young Daniel stopped the proceedings and insisted on cross-examining each witness alone. In so doing, he exposed them as false witnesses. Susanna was set free, and the two elders were given the punishment Susanna would have received—death by stoning.

Stoning in New Testament Times

Not every stoning was legal. Nonjudicial stonings also occurred. According to Philo, lynching was a legitimate extralegal mode of punishing gross religious offenses. In New Testament times, many stonings may have been lynchings, especially because the Roman government seems to have reserved to itself the power to approve all capital punishments (John 18:31). And even if the Romans were to grant the Jews permission to conduct an execution,
they may not have allowed stoning to be the method. Accordingly, scholars generally agree that all New Testament stonings were extralegal, although not necessarily frenzied or disorderly. For example, the stoning of James by the Sanhedrin was an orderly affair, even if illegal. Thus the issue is not whether the stonings in the New Testament were legal, but whether any formal procedure was followed in those cases.

By New Testament times, biblical law had evolved in several respects. Several Jewish sects interpreted the ancient law differently. The Sadducees accepted only the written law, while the Pharisees accepted oral traditions as law. Beginning in the second century A.D., the oral law was codified as the Mishnah. Therefore, the Mishnah may indicate to some extent the state of Jewish law during New Testament times.

The Mishnah's procedures on stoning are found mainly in the tractate Sanhedrin. It states that stonings were to take place as soon as the case was decided, at an established place of stoning quite a distance outside the court area. When the execution party was within ten cubits of the stoning place, the condemned person was to confess, "because any one who confesses has a share in the World to Come." When the party was four cubits from the stoning place, the condemned was stripped if a man but not if a woman. The party then arrived at the stoning place, which had some sort of precipice "elevated twice the height of a man." The condemned was taken to the top of this precipice. The first witness seized the condemned by the hips and pushed him or her off the precipice. "If he dies from this, it is sufficient; if not, the second witness takes the stone and throws it upon his chest. If he dies from this, it is sufficient; if not, his stoning is by all of Israel." Finally, the corpse was hung until sundown.

The major motive behind these rabbinic provisions was to make stoning as merciful as possible. "Precipitation" (pushing or throwing down from a high place, or precipice) would have hastened the culprit's death. The practice may have originated with the Romans, who at times used precipitation as a form of execution.

Another change from Old Testament procedures involved the witnesses. Instead of casting the first stone, the witnesses pushed the condemned from a height and dropped a stone if necessary.
Deuteronomy 17:7 required that “the hands of the witnesses shall be first upon him to put him to death” (see also Lev. 24:14), an injunction which the rabbis understood to mean that the witnesses must literally place their hands upon the accused to put him or her to death. Precipitation was thought to satisfy this requirement because it forced the witness to touch the condemned as death was inflicted.

Oddly, the rabbinic form of stoning lacked one of the main elements of the Old Testament procedure: community participation. As Blinzler has said, “Only [community participation] really merits the designation ‘stoning.’”28 But the rabbis minimized the role of community participation in their rules about stoning.

Although the Mishnah is very clear on its procedures, it is uncertain whether these specific rules were followed during the New Testament period. Most of the New Testament stoning cases supply little information. For example, we know only that Paul was stoned within the city (Acts 14:5, 19; 2 Cor. 11:25). Still, the information these cases do provide is occasionally enough to give a dim idea of what procedure was followed.

Twice in the temple, Christ made statements that invoked rage from the Jews, who, perceiving the words as blasphemy, immediately took up “stones to cast at him” (John 8:58–59; 10:30–39). This casting of stones is simply a case of stoning by pelting. More interestingly, when Christ was rejected in Nazareth, the Jews became riled up and seized him “and thrust him out of the city, and led him unto the brow of the hill whereon their city was built, that they might cast him down headlong” (Luke 4:29). Some scholars see here an example of precipitation.29 Their view may well be justified. Christ was led out of the city to what seems to be a predetermined spot, just as the Mishnah called for a predetermined “place of stoning.” And from this point they intended to “cast him down,” also following the Mishnaic procedure.

In the case of the woman taken in adultery,30 her accusers were not coming from nor going to a formal trial.31 Yet they had it clearly in mind to stone the woman (John 8:5). This all points to an intended lynching. When pressed on his view of the matter, Christ responded, “He that is without sin among you, let him first cast a
stone at her”\(^{32}\) (John 8:7), clearly assuming the older stoning procedures of the law of Moses, where stones were cast first by the witnesses and then by the people. This stance is consistent with Christ’s general unwillingness to acknowledge the oral laws of the Pharisees. By Christ’s response, one should not assume that the Scribes and Pharisees contemplated the same type of stoning. In fact, they may well have been leading the woman out to stone her by precipitation, as their oral laws probably required. Obviously, lack of detail leaves this point open.

In the case of Stephen, an actual trial culminates in his stoning (Acts 6:8–7:60). Stephen was brought before the Sanhedrin and accused of blasphemy. At first glance, the trial has an official appearance, but the jurisdiction of the Sanhedrin was questionable, and they failed to render a formal verdict.\(^{33}\) The fury and hurry of this case draws doubt about the legitimacy of this trial. After Stephen declared that he beheld “the Son of man standing on the right hand of God,” a statement that amounts to blasphemy to Jewish ears,\(^{34}\) these Jews cast him out of the city and stoned him. Based on the account in Acts, it is unknown what method of stoning the Jews used. Scholars generally assume the method was precipitation,\(^{35}\) which is perhaps the best conclusion. Some of the evidence, such as the stoning taking place outside the city and the witnesses initiating the stoning (Acts 7:58), could fall either way. Yet other evidence points to Pharisaic procedures. Paul, who was a Pharisee (Acts 22:3), played an official role in the stoning by keeping the witnesses’ clothes and consenting in the death (Acts 7:58; 8:1). His role seems to indicate that the Pharisees controlled this stoning.

**Conclusion**

If these procedures in New Testament times seem confused and unpredictable, this is fitting—for those were chaotic times. And who would know that better than the defenders of Masada? We sense their despair in the speeches attributed to Eleazar and in their impression that God had condemned the rebels to die.\(^{36}\) This being so, might not the ballistae of the Romans have had some special significance to those Jews? As we have seen, stoning was an integral part of the law of Moses and of Jewish society. Conceivably,
many of those holed up at Masada had participated in stonings. So what would it have meant to them to have the Romans shower them with artillery stones? Perhaps the words ascribed to Eleazar are revelatory: "All this betokens wrath at the many wrongs which we madly dared to inflict upon our countrymen. The penalty for those crimes let us pay not to our bitterest foes, the Romans, but to God through the act of our own hands." The occupants of Masada were known as Sicarii, or "dagger-men." They had for years terrorized Jerusalem and its outlying towns, raping and pillaging their own people. So, according to Josephus, in their own eyes, it may have been fitting that God should condemn them to death—a long-deserved punishment for their many crimes. Whether that death came by stoning, by Roman sword, or by their own hand, they might have felt it was merited.

James V. Garrison is a law student at Brigham Young University.

NOTES


2Yadin, "Excavation," 76.

3For more information, see two books by E. W. Marsden, *Greek and Roman Artillery: Historical Development* (Oxford: Clarendon, 1969) and *Greek and Roman Artillery: Technical Treatises* (Oxford: Clarendon, 1971), continue to be the definitive works in the field. Both present the original writings of the ancient authors side by side with an English translation, followed by extensive notes, analyses and technical commentary. Also recommended is Dietwulf Baatz, "Recent Finds of Ancient Artillery," *Britannia* 9 (1978): 1-17. Surprisingly, very few ancient catapults have been excavated, the first in 1912. Baatz gives an interesting summary of the excavations, along with details of the reconstructions.


4The ballista could be constructed in a variety of calibers, ancient authors giving detailed formulas for computing the size of ballista required for a given diameter of stone. Vitruvius, 10.11. At the siege of Jerusalem, the Romans used a ballista that could fire a one-talent stone two furlongs or more. Josephus, *Jewish War* 5.270. For a gruesome account of the power of the ballista, see Josephus, *Jewish War* 3.243 and following.

Yadin, "Excavation," 80, see also 86, 97.

As when David downed Goliath (1 Sam. 17:40, 49–50). Reportedly, some soldiers "could sling stones at an hair breadth, and not miss" (Judg. 20:16). Other references to casting a stone by sling: 1 Chronicles 12:2; 2 Chronicles 26:14; and Proverbs 26:8. We should not mistakenly assume that the Israelites grabbed any stone in reach. Rather, the account of David and Goliath, in which David carefully selects his stones from a brook, may indicate that the Israelites, like the Romans, were selective when choosing their stones. Compare Vegetius, Epitome of Military Science 4.8.

For more information, see Donald A. McKenzie, "Judicial Procedure at the Town Gate," Vetus Testamentum 14, no. 1 (1964): 100–104. McKenzie goes through a mock trial to demonstrate the typical trial under the law of Moses.

See Numbers 35:30; Deuteronomy 17:6; 19:15; and 1 Kings 21:13; compare Susanna 28–29, 34 and following. See also Deuteronomy 21:19.

See Leviticus 24:14, 23; Numbers 15:36; and 1 Kings 21:13; compare Susanna 44–45. The stoning could also take place right at the gates of the city. See Deuteronomy 17:5; 21:19; 22:24.


Another safeguard was the rule that a false witness must receive the punishment the accused party would have received (Deut. 19:16–19). Thus a false witness in a capital case would be put to death. Just such an example, the case of Susanna, follows.

See Deuteronomy 21:22–23. The reason for hanging is not certain. It was probably not for a deterrent to crime, since the whole community had already participated in the execution, an act which would be an even stronger deterrent. Phillips, Israel's Criminal Law, 25. Possibly the hanging of the corpse was for ignominy (Hyman E. Goldin, Hebrew Criminal Law and Procedure [New York: Twayne, 1952], 33–34), since there is some evidence for this in the Old Testament (Josh. 8:29, 10:26–27). There is no evidence that hanging the corpse was mandatory in any way. Goldin, Hebrew Criminal Law, 32–34.


The story of Susanna comes from the Old Testament Apocrypha. It is normally found in the thirteenth chapter of the book of Daniel (although some versions of the Apocrypha place it ahead of the first chapter of Daniel). The story of Susanna exists in two different Greek versions: the old Septuagint version and the more dramatic Theodotion version. While the two versions are identical in their main points, only the Septuagint version indicates the witnesses were executed by stoning.
18 Apparently, the elders were not actually "stoned" in the sense of pelting them with stones but rather were pushed down from a height onto stones (Sus. 62). This method is similar to the stoning procedures established later by the Pharisees, as we will see below.

19 "And it is well that a charge should be given to all those who have any admiration for virtue to inflict all such punishment out of hand without any delay, not bringing them before either any judgment seat, or any council, or any bench of magistrates, but giving vent to their own disposition which hates evil and loves God." Philo, The Special Laws 1.55.

20 See Josephus, Antiquities 20.199-203. The trial, illegal though it was, may well have followed proper procedure for the times. The illegality of the trial came because the Sanhedrin had assembled without the permission of Albinus, Roman procurator of Judea. Josephus, Antiquities 20.202.

21 For more information, see Blinzler, "Jewish Punishment of Stoning," 147-61.

22 Mishnah Sanhedrin 6.1. Apparently the distance was such that a man on horse was able to stay between the execution party and the city, keeping both in sight. This was to allow every possible opportunity for late evidence and hopefully acquittal. If late evidence arrived, the man on horseback could be signaled from the courthouse to ride out to the execution party and stop the execution.

23 Mishnah Sanhedrin 6.2. If the condemned did not know how to confess, they would give the words to say: "Say: Let my death be an atonement for all my sins." There are a few examples of confessions in the Old Testament, but none seem to be part of a legal procedure. The best example is the stoning of Achan, who took spoils from Jericho against an explicit commandment (Josh. 7:19-26). "And Joshua said unto Achan, My son, give, I pray thee, glory to the Lord God of Israel, and make confession unto him" (Josh. 7:19).

24 Mishnah Sanhedrin 6.3. The purpose of stripping the condemned was to make the death as quick as possible. For a woman, her embarrassment was an overriding concern.

25 Mishnah Sanhedrin 6.4. The height of two persons was just high enough to kill the condemned if he or she should fall just right but not high enough to mutilate the body.

26 See The Twelve Tables 8.14, 23.

27 Maimonides thought precipitation still satisfied the requirement that the person be stoned with stones, because throwing the condemned down on stones was really no different than throwing stones at the condemned. Maimonides Sanhedrin 6.4.

28 Blinzler, "Jewish Punishment of Stoning," 152.


32 As we have already seen, the witnesses, in casting the first stone, took upon themselves the responsibility for the execution. If these turned out to be false witnesses, they would likewise be stoned. Derrett points out that a false witness could be either a witness who gives “factually false evidence” or a witness who gives accurate evidence yet who is “a disqualified, incompetent witness,” where freedom from sin was one of the requirements for competence. So we can see that Jesus’ statement not only pierces their consciences, but also threatens them with a charge of false witness. See J. Duncan M. Derrett, “The Woman Taken in Adultery: Its Legal Aspects,” *Studia Evangelica*, no. 2 (1964): 173.

33 Moreover, there is a possibility that in a capital case the Sanhedrin had to reconvene a second time to pronounce the verdict. See Mishnah Sanhedrin 5.5. If this is the case, the Sanhedrin failed to follow procedure here.

34 Stephen’s statement is a declaration that Christ, whom the Jews had rejected and crucified, obtained a place at the right hand of God—a statement so blasphemous to the Jews that they “cried out with a loud voice, and stopped their ears” (Acts 7:57) to avoid hearing the words.

