

"Cursed be everyone who hangs on a tree" Pastoral Implications of Deuteronomy 21:22-23 and Galatians 3:13 in an African Context

By Eliud Wabukala and Grant LeMarquand

Then they came to the tree from which Okonkwo's body was dangling, and they stopped dead. 'Perhaps your men can help us bring him down and bury him, said Obierika. 'We have sent for strangers from another village to do it for us, but they maybe a long time in coming.'

The District Commissioner changed instantaneously. The resolute administrator in him gave way to the student of primitive customs. 'Why can't you take him down yourselves?' he asked.

'It is against our custom,' said one of the men. 'It is an abomination for a man to take his own life. It is an offense against the Earth, and the man who commits it will not be buried by his clansmen. His body is evil, and only strangers may touch it. That is why we ask your people to bring him down, because you are strangers.'

'Will you bury him like any other man?' asked the Commissioner.

'We cannot bury him. Only strangers can. We shall pay your men to do it. When he has been buried we will then do our duty by him. We shall make sacrifices to cleanse the desecrated land.'
(Achebe, 1962:146-47)

We begin with the observation that the tradition of a hanged person being cursed and a hanged corpse bringing a curse on the land, is common to the Deuteronomist and to some parts of Africa.ⁱ This paper will examine two contexts in which this tradition concerning hanging has resulted in theological and pastoral difficulties: the preaching of the cross in early Christianity, and the funereal practice of the Babukusu people of Western Kenya and Eastern Uganda. We shall argue that the Pauline solution to the Jewish Christian dilemma about the cross as a curse has positive implications also for the pastoral practice of Babukusu Christians.ⁱⁱ

When someone is convicted of a crime punishable by death and is executed, and you hang him on a tree, his corpse must not remain all night upon the tree; you shall bury him that same day, for anyone hung on a tree is under God's curse. You must not defile the land that the LORD your God is giving you for possession. (Deut 21:22-23, NRSV)

Most commentators agree that the hanging to which this text refers is the act of hanging a corpse on a tree or a post for public display after the person to be hanged has been executed in some other fashion (cf. 2 Samuel 4:12; 21:8-9). The Old Testament provides several examples of the display of a corpse as a part of a military campaign (Joshua 8:29; 10:26-27). The purpose seems to have been to warn the enemy. The practice appears to be ancient, for the Deuteronomic text appears to assume its existence, and other peoples besides Israel used the method (1 Samuel 31:10).

Grammatically, however, the Old Testament text can read either 'is put to death and you thereafter hang him on a tree' or 'is put to death when you hang him on a tree.' (Elgvin, 1997). The latter translation would sanction hanging as a form of execution. Within post-Biblical Judaism this interpretation of Deuteronomy is confirmed by a number of texts. The Temple Scroll, probably a composition of the Essene community who composed the Dead Sea Scrolls, reads,

If a man informs against his people, delivers his people up to a foreign nation and betrays his people, you shall hang him on a tree so that he dies. On the word of two or three witnesses shall he be put to death, and they shall hang him on a tree. If a man commits a crime punishable by death, and he defects into the midst of the nations and curses his people, the children of Israel, you shall hang him also on the tree so that he dies. And their bodies shall not remain upon the

tree, but you shall bury them the same day, for those who hang on the tree are accursed by God and men, you must not defile the land which I give you as an inheritance. (*Temple Scroll* 64:6-13)

Clearly the Essene community, in common with the Old Testament and Judaism, believed that certain crimes were punishable by death. The usual form of execution would have been stoning (Bammel, 1970; Pobee, 1985). Some offences, however, here described as 'delivering his people up', 'betraying his people', 'cursing his people' called for a more radical punishment. Having cursed his people, the offender is himself to become cursed by the horrifying execution of hanging. The Essenes understood this form of execution to have been sanctioned by the Deuteronomic text (*4QpNahum*).

It is not clear what the Temple Scroll meant by hanging – impaling and hanging by a rope are possible candidates (Baumgarten, 1972). It is more likely, however, that the Scroll's writer is thinking of crucifixion (Yadin, 1971; Hengel, 1977:84; Fitzmeyer, 1978). Crucifixion appears to have been invented by the Persians (Esther 2:23; 5:14; 7:9; 9:25 may refer to crucifixion). It was employed by Alexander the Great, the Seleucids and by the Romans (Elgvin, 1997:14). According to Martin Hengel, the widespread practice of this sadistic form of punishment was usually reserved for "dangerous criminals and members of the lowest classes" (Hengel, 1977:88) and associated with "political and military punishment" (Hengel, 1977:86). In other words, crucifixion was a punishment for slaves and traitors.

It is likely that the Temple Scroll's sanctioning of hanging for traitorous activities alludes to the possible use of crucifixion for certain capital offenses.ⁱⁱⁱ

Throughout the ancient world the practice of crucifixion was considered terrifying form of execution. Cicero referred to it as "that plague" (*In Verrem* II.5.162) considered that even the word "cross" should be far removed from the thoughts, eyes and ears of a Roman citizen (*Pro Rabirio* 16).

For Jews the horror of the cross was increased because of its association with Deuteronomy 21:22-23 which lent to crucifixion a taboo religious character.

...for any Jew...the cross would be doubly repulsive... crucifixion was the most abhorrent of all deaths because of its cruelty and shame, but for the Jew it also involved the curse of the Torah, the curse pronounced on 'every one that hangeth on a tree' (Davies, 1980:227).

The horror associated with crucifixion was also felt in Christian circles:

Christ redeemed us from the curse of the Torah, having become a curse for us - for it is written, "Cursed by every one who hangs on a tree." (Galatians 3:13)

By the first century of the Common Era it is likely that every Jew who witnessed a crucifixion interpreted that hanging in the context of Deut 21. Indeed, the pre-Christian Paul hearing the story of the cross of Jesus, is likely to have thought of Jesus as cursed by God.^{iv} The entire of idea of such a one being the Messiah would have been viewed as absurd. The cross was proof of the opposite. Paul's own words, "No one speaking by the Spirit of God ever says 'Jesus is cursed'" (1 Corinthians 12:3), are likely an echo of Paul's own pre-Christian thinking.

It is outside the scope of this paper to enter into a discussion of what happened to Paul to cause his radical change of opinion about the person of Jesus (Stendahl, 1976; Kim, 1981; Segal, 1990; Hurtado, 1993). What does concern us is an examination of the way in which the Christian Paul reconceptualized the 'hanging' of Jesus.

Paul's solution is radical. Affirming the Old Testament and contemporary Jewish notion that the curse of God attached to a hanged person, Paul affirms that on the cross Christ was in fact curse. This curse was not, however, the final word for, as Paul says "Christ became a curse *for us*". Those who deserved the curse ("all who do not abide by all things written in the book of the law, and do them", Galatians 3:10) are

spared because the Messiah, God's representative, has taken the curse on himself. An 'exchange' has taken place (Hooker, 1971). Since Christ is the representative of Israel (the 'Messiah', 'born under Torah,' Galatians 4:4; see Donaldson, 1986), he is the appropriate candidate to deliver those under the Torah's curse. Christ as the representative is able to take their place and become the place of an exchange. He takes the curse which the Torah-breakers deserve – *for them*. Paul expresses a similar line of thought in 2 Corinthians 5:21: For our sake he made him to be sin who knew no sin, so that in him we might become the righteousness of God."

The logic at work here is the logic of sacrifice, which allows an innocent victim to take the place of the guilty. It is at this point that Paul's logic intersects with the Babukusu context to which we must now turn.

The Babukusu are a people who belong to a larger ethnic group known as the Luyia (Makila, 1978). The Babukusu probably migrated from the environs of Upper Egypt around 900 C.E. They settled in the area of Mt. Elgon, near the present border between Uganda and Kenya.

In common with many African peoples the Babukusu acknowledge the immanent reality of ancestral spirits (Basambwa). Harmful, malevolent spirits can cause disease and misfortune. These are the spirits of those who have been rejected in the spirit world and are left to roam in forests, river banks and valleys. Reasons for rejection in the spirit world include moral failure, such as thievery and murder. The childless and outcast become outcasts in the afterlife, just as they were in this life. Also included among malevolent spirits are those who have committed suicide.

The spirits of those approved by society are also received favourably in the next life. These become ancestors and continue to have a beneficial relationship with the living. They are invoked in prayer and mediate between people and God (Wele). The spirits who have died most recently are considered most helpful. Care is taken to ensure that all the necessary after death ritual requirements are fulfilled, in order to facilitate the relative's reception in the after-world, thus making the ancestor more helpful to the family. The helpfulness of spirits depends on blood relations. It is only the spirit of a relative who can be invoked with effect. The living dead are ever present, watching over human activities, punishing misbehaviour and upholding the order and morality of the clan.

Given the relationship between the living and the ancestral spirits, it can be understood that the transition from this life to the next is considered vitally important. Suicide, especially suicide by hanging, is considered abhorrent. That a member of the Babukusu would be so unable to cope with life is considered a judgement on the society for not caring for one of its members. Suicide, therefore, is not considered the fault of the victim alone - all blood relations are implicated in the death. The entire tribal unit shares in the shame and all become the object of the curses from God and the ancestral spirits, as well as the derision of the living. Because human life is highly valued, suicide is considered an offence of the highest order. Although any form of suicide is detested, all agree that death by hanging causes much fear and horror.

The person who has resorted to suicide is said to bring a curse. Curses are usually passed within families related by blood, and are thought to have great power. Blood which binds people together in the blessing of family can also bind them together in a curse. Since death by hanging is a result of the community's failure to recognize its own weakness and prevent the factors which could lead to such a death, the curse turns upon that community. Because of the threat of the curse, extreme measures are taken in order to deflect its power.

Four cases of suicide by hanging in recent times have been remembered. Interviews with those who remember reveal significant rituals which must follow such a death.^v When it is found that a suicide by hanging has taken place, the body must quickly be identified. The relatives who have been informed do not remove the body, but hire strangers who are unrelated to take the body down. These people are provided with a sheep to be used in a sacrificial ritual of cleansing from any evil influence. The intestines of the slaughtered sheep would be smeared on any who make contact with the body, as well as on the desecrated area. The disposal of the body is performed without honour. Mourning is not expected. Normal funeral rituals are prohibited. A cow is slaughtered, but not as a gift for the dead relative as would be customary, but as an appeasement to the spirit in order to prevent trouble for the survivors.

In the case of most deaths, the ritual of "removing the disease" (khurusia lufu) is performed. This involves a gathering of the clan in which an elder recites the life history of the dead person, followed by a narration of the circumstances of the death. A second session soon after involves accounting for the dead person's property and debts. In this way the society is able to make sure that the surviving members of the family are cared for. In the case of suicide by hanging, no such rituals take place. Other rituals which are meant to ensure a peaceful transition to next life are also left undone. In most African societies children are named after close relatives, ensuring that the relative is remembered, and somehow survives, through the child. This privilege is not given to one who dies by suicide. The entire funeral is intended to avert any possibility of a curse coming on the remained members of the family.

Even the tree of hanging is given special attention. In the Babukusu life world, the tree is symbol of life. Trees are put many beneficial uses: branches are used as fuel, and construction of houses; leaves of some trees have medicinal qualities; large trees are used as shade from the sun.

But a tree used as an instrument of suicide becomes a symbol of death. Such a tree is feared, for it is believed that others in the community could be prompted to commit suicide by the presence of the tree. Some believe that the branches or leaves of such a tree could have harmful effects, or that the tree could become a home for evil spirits and, therefore, bring more evil on the society. The suicide by hanging on tree is much feared because the tree which remains standing in the midst of the community reminds people of the tragedy amongst them.

Following the suicide, the tree is completely uprooted, cut into pieces and burned. The ashes are collected and thrown into a river to be carried away. The tree which could be a source of a curse if left standing is totally obliterated and removed from the society.

The practice of Babukusu Christians has not been unaffected by these traditional ideas. Christian pastors who have been asked to participate in the funeral of a suicide victim normally refuse.

There are remarkable similarities between the biblical tradition preserved in Deut 21:22-23 and ideas concerning hanging preserved in Babukusu oral traditions. Both cultures find the very idea of hanging on a tree to be an abomination. In both traditions the person hanged is considered to be under a curse. Deuteronomy and the Babukusu both consider the land to be threatened with a curse if a person is left to hang. Both cultures have strict rules surrounding the disposal of the corpse.

There are differences, of course. The Bible stipulates that the corpse must not be left over night. Bukusu culture insists that foreigners must deal with the body. Bukusu tradition also has elaborate regulations concerning the disposal of the tree which are lacking in scripture. The most important difference is the occasion of the hanging - the Deuteronomy the hanging referred to is a capital punishment; for the Babukusu the hanging which is so loathed is a suicide.

For our purposes the important issue is that both first century Judaism and the Babukusu people conceive of a connection between hanging on a tree and a curse which attached to death by hanging. Paul the apostle and the contemporary Babukusu Christian are in comparable situations. It stands to reason that people within both cultures would conceive of Jesus' death as curse and, therefore, would have difficulty understanding how the crucified Jesus could be of any benefit. For both cultures the cross appears to be a barrier to faith.

And yet it is clear that the cross is at the centre of Paul's theology: "I decided to know nothing among you except Jesus Christ and him crucified" (1 Corinthians 2:2); "being found in human form he humbled himself and became obedient unto death, even death on a cross" (Philippians 2:8)^{vi}; "But God shows his love for us in that while we were still sinners Christ died for us...we are now justified by his blood" (Romans 5:8-9); "in Christ Jesus you who were once far off have been brought near in the blood of Christ" (Ephesians 2:13).^{vii}

It is also clear that Babukusu people having responded positively to a version of Christianity which emphasizes the cross. Protestant Christianity in Western Kenya (and in much of East Africa) is deeply influenced by the East African Revival Movement which began in Rwanda and spread through Uganda, Tanzania, Kenya and the southern Sudan in the 1930s. This movement emphasizes the cross as a sacrifice which takes away sin. The preaching of the Revival Movement proclaims Jesus as the 'lamb of God', and the virtue of the 'power of the blood'. The hymns of the Revival announce "Damu ya Yesu, u sa fisha kabisa" ('the blood of Jesus, it washes completely').

The effect of preaching about Christ's death by hanging has immediate appeal:

At Namwesi Church a member of the congregation who had just become a Christian, on hearing the message came and commented that Jesus' death was horrible; he added, "so he was hanged because of my sins." While at Malakisi Church, the imagery of Christ crucified and hanging led an elder of the church to conclude the "the message of our Lord becomes new every time I realize that his blood was shed on the cross for my sins." In these two instances it should be noticed that the image of Christ hanging and his blood flowing had an impact on each of the people in a special way...The sense of appeal in the imagery of Christ crucified, hanging and bleeding appeared overwhelming (Wabukala, 1988:56).

Paul came to understand the curse of hanging on a cross as an exchange curse which was capable of bringing redemption and blessing to those believe. The logic which Paul invokes is the logic of sacrifice: an innocent victim can represent and take the place of one who is guilty; a curse can be removed from one by being transferred to another.

This same logic is at work in the popular theology of the Revival Movement among the Babukusu: in dying on the cross, Jesus becomes the lamb of God who takes the world's sin so that the world can go free; the curse of sin and guilt is transferred another.

This logic of an exchange curse allows Paul to view the curse of the cross as God's way of giving life to people previously living under the curse of the Torah. The same logic has allowed Babukusu Christians to sing and preach about the cross as a life-giving tree, at least since the 1930s. The idea of the hanged Christ has the potential to be a cause of offence to Babukusu people. The cross could have been considered a source of cursing. Instead the logic of sacrifice has allowed the cross to be for the Babukusu a sign of life and blessing.

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Notes

ⁱ..... This preliminary observation was first discussed by the authors in a class at St. Paul's United Theological College, early in 1987. The eventual result of that discussion was Eliud Wabukala's B.D. thesis, which Grant LeMarquand supervised (Wabukala, 1988).

ⁱⁱ..... As can be seen from the quotation at the head of this article, the idea of a hanged person being cursed is present also in West African traditions: Chinua Achebe is a novelist from Nigeria.

ⁱⁱⁱ..... It is not known if the Essenes actually practiced hanging or crucifixion. That other Jews did employ the technique is stated by Josephus who reports that Alexander Jannaeus had eight hundred Pharisees crucified (*Jewish War* I 97, 113; *Antiquities* XIII 380). Several traditions report the crucifixion of Jews by the Hellenizing high priest Alcimus in 162 BCE (1 Macc. 7:16; Josephus *Antiquities* XII 396; *Genesis Rabbah* 65:22). The Mishnah reports that Simeon ben Shetah had eighty women hanged in one day (*m. Sanhedrin* 6.4).

^{iv}..... It is likely that the language of the cross as a "tree" and, therefore, a place of cursing, had already entered into Christian vocabulary and preaching before Paul: see, for example, Acts 5:30.

^v..... One case involved a girl at Namwesi village in 1956. The other three cases, between 1984 and 1987, involved two elderly men and a youth in Kuafu area of North Kulisiru sub-location, Kenya.

^{vi}..... Many argue that in Philippians 2:5-11 Paul is quoting an ancient Christian hymn. Most of those who argue this case, however, assume that the mention of the cross is a Pauline addition to the hymn.

^{vii}..... Some consider Ephesians to be deutero-Pauline. Those who would do so would argue that Paul's pseudepigraphal disciple has attempted to write Ephesians as a letter which closely resembles

Paul's thought. Whether or not Ephesians was actually penned by Paul, in its cross-centred focus Ephesians certainly sounds "Pauline."

This essay was published in *The Bible in Africa: Transactions, Trajectories and Trends* edited by Gerald O. West and Musa W. Dube (Leiden: Brill, 2000): 350-59.

The Rev. Dr. Grant LeMarquand is Academic Dean and Associate Professor of Biblical Studies and Mission at Trinity. Dr. LeMarquand has written and edited numerous articles and books, including Why Haven't You Left? Letters from the Sudan and A Comparative Study of the Story of the Bleeding Woman in North Atlantic and African Contexts. He is executive editor of Trinity's new theological journal, the Trinity Journal for Theology & Ministry and international editor of Anglican and Episcopal History.