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DEATH BY FIRE IN ANCIENT EGYPT

In a recent survey entitled "The Treatment of Criminals in Ancient Egypt through the New Kingdom" (1), David Lorton has argued that "the only form of death penalty that we know of was impalement" (p. 51). In reaching this conclusion, he considers, inter alia, a number of passages which seem to refer to death by fire. In his discussion of the fate of the adulterous woman in Pap. Westcar, he diverges significantly from the traditional view that the woman was burnt (2) by translating rdi ht m as a reference to "branding ... or, less likely perhaps, torture" (p. 15). In support of this, Lorton adduces a passage in a stela from Abydos, which bears the cartouches of Neferhotep I (3), as proof of the existence of branding as part of a punishment for crime in ancient Egypt (4). The stela forbids burial, or even trespass, in a sacred part of the necropolis (5), specifying as the penalty for anyone committing the latter offence "hr(t) wbd." which Lorton translates as "one shall brand him", adding that "the mention of branding ... clearly implies reduction to unfree status" (p. 18). His translation and conclusion both invite comment since, having thus disposed of two apparently explicit references to death by fire as a capital punishment, Lorton is able to dismiss a Ramesside ostracon of similar import (O. Nash 2) with the words "The text seems to state literally that they will be thrown into the fire, but such a penalty would fall entirely outside the bounds of the patterns of criminal punishment established by a study of the entire corpus" (6).

In support of his rendering of wbd in the Neferhotep inscription as "brand", Lorton quotes the translation of Breasted, who is said to have "pointed to the attestation of wbd in the Ramesside period in reference to branding" (7). On examination, however, this "Ramesside" parallel (not so called by Breasted) turns out to be part of the Twenty-second Dynasty "Chronicle" of Prince Osorkon (8). Furthermore, wdb does not occur in the passage quoted by Breasted which has, in any case, nothing at all to do with branding (9). It does not, therefore, provide a parallel for a translation of wbd as "brand" (10), and thus no support for Lorton's translation of Pap. Westcar can be derived from the Neferhotep stela. In both cases, the traditional translation of "burn" should be retained. It is not my intention to pursue the question of branding as a concomitant of imprisonment or loss of freedom. Suffice it to say that the only branding scenes we possess depict foreign captives being registered on their arrival in Egypt or at the institution to which they had been allotted, and there is as yet little evidence that it was part of the ordinary criminal procedure (11).

The main concern of this note is Lorton's implicit contention that burning as a capital punishment is not attested in ancient Egypt, or at least not before the end of the Twentieth Dynasty. Quite apart from the texts already mentioned, there is evidence from the New Kingdom which merits consideration (see below, n. 39), and, in excluding the period after the New Kingdom, a body of material which is in some vital respects richer than that available for the two previous millennia is neglected. The extent of its relevance to earlier Egyptian society is rarely easy to assess, but it cannot simply be ignored. In some aspects of law, there was demonstrably little significant change between the New Kingdom and the
Ptolemaic period\textsuperscript{12}), and it might be argued that, in so far as generalisation is permissible, the presumption ought to be one of relevance until proven otherwise. References to death by fire in a variety of contexts have been collected by De Meulenaere and Hornung\textsuperscript{13}), and it would serve no purpose to catalogue them again here, but I would like to draw attention to one particular aspect of the problem, for which a text from the temple at Philae provides an excellent starting-point. An address to Osiris reads: \textit{di.k h3 kw-ib msf n nsw r \textquoteright n Mut hr snwt.s shr.n.k. sntyw km.f}, "May you place the rebels, the king's anathema, on the brazier of Mut, who is under her brother, after you have overthrown the enemies of His Majesty"\textsuperscript{14}). \textit{H3kw-ib} and \textit{sntyw}, if not exactly synonymous, are evidently descriptions of the same people\textsuperscript{15}), and it is clear that death by fire is envisaged as a punishment for rebels after their defeat. The possibility of remote allusion to actual rebellion here is intriguing but cannot be clarified without a more detailed knowledge than we currently possess of the influence exercised by Ptolemaic and Roman rulers on the composition of temple inscriptions\textsuperscript{16}). That the concept is not a purely mythological one is evident from the much more worldly "Instruction of Ankhsheshonq". In the preamble, which explains how Ankhsheshonq came to be in prison, it is related how those associates of the author who schemed against Pharaoh suffered the fate of being placed upon "the brazier" (\textit{p3 kw})\textsuperscript{17}). An as yet unpublished demotic story recounts an essentially similar episode, although apparently as an integral part of the tale rather than merely by way of introduction\textsuperscript{18}). The papyrus is unfortunately fragmentary, but one passage cites a royal order to put someone, probably a Prophet of Horus, lord of Letopolis, together with his family and associates, on the brazier (\textit{p3 kw}). It is not certain what the crime was or whether the punishment was actually carried out, but, as in "Ankhsheshonq", the execution episode is incidental, and likely to reflect the custom of the day. The use of the definite article in the two stories implies that the punishment was familiar to their audience\textsuperscript{19}), and the combined testimony of these diverse texts may be taken as proof that death by burning was well-known to Egyptians in the latter half of the first millennium B.C., and that it seems to have been regarded as particularly appropriate to treason.

It is important to note that these two demotic literary texts, despite the late date of the surviving mss.\textsuperscript{20}), reflect a wholly Egyptian milieu. All the characters are Egyptian, and, whoever the unnamed Pharaohs of these tales may be, they are not Ptolemies. The Saqqara papyrus is earlier as a manuscript than the extant copy of "Ankhsheshonq", but each must derive its inspiration from at least as far back as the Thirtieth Dynasty, and perhaps much earlier, as does the Pedubast cycle\textsuperscript{21}). This does not necessarily help to determine their dates of composition, since one can envisage them being written in a mood of nostalgia for a lost past, or as a nationalist rejection of the unpleasant fact of foreign sovereignty\textsuperscript{22}); the crucial point for the present purpose is that the society and customs which they depict are distinctively Egyptian.

The same association between rebellion and death by fire can be seen in two earlier instances. The well-known crux in the narrative of prince Osorkon, whatever its precise significance (see below), undoubtedly refers to the burning of Theban rebels. The method of execution is not explicit, "each man being burned in the place of his crime", but the double reference to \textit{\textquoteright hkw}, "braziers", by way of simile in the same passage points to one akin to that of the texts discussed above\textsuperscript{23}).