

# The Punishment of Burning in the Hebrew Bible

SHAUL BAR (UNIVERSITY OF MEMPHIS)

## ABSTRACT

*Different modes of executing people are mentioned in the Hebrew Bible. Among them we find the punishment of burning which also existed in the Ancient Near East. Thus, the question posed here is: what is the significance of describing this form of death? In order to arrive at an answer, we examine the episodes which describe death by burning to see in which context they appear. We will show that the punishment of burning in the Hebrew Bible appears in cases of illicit sex, sacrilege, and as a threat. In addition we will demonstrate that burning people to death was a bad omen and that it meant total obliteration of the dead. Execution by burning meant non-burial; this was an end to continuity and the final extinction of the deceased, who had not been "gathered to his ancestors." In other words the punishment of burning shows a belief in posthumous concept.*

## 1 INTRODUCTION

Texts from the Ancient Near East rarely describe how the condemned were put to death. For example, when the Code of Hammurabi prescribes death for those who commit a particular crime, the method of execution is not specified,<sup>1</sup> except in a few cases that stipulated drowning,<sup>2</sup> burning, etcetera.<sup>3</sup> The Bible, too, generally employs the laconic מות יומת "he shall be put to death." We have definite knowledge of only two forms of execution: stoning (after which the corpse was suspended in public view) and burning. In this article we will limit our study to the punishment of burning to see in which context it appeared. We will explain the meaning of this form of execution and suggest a rationale for its particular description in the Bible. Moreover, since the person is dead, why then does the Bible attach such importance to describe the manner and cause of a person's death? Was the punishment of burning an indication of a posthumous concept?

<sup>1</sup> "The Code of Hammurabi," translated by Theophile J. Meek (*ANET*, 166-176 no.1-3, 6-11, 14-16, 19, 22, 26, 33, 109, 116, 130, 210, 229, 230).

<sup>2</sup> "The Code of Hammurabi," translated by Theophile J. Meek (*ANET*, 170-172, no. 108, 129, 143).

<sup>3</sup> "The Code of Hammurabi," translated by Theophile J. Meek (*ANET*, 167,170,172,177; §§no.25, 110, 157; he was tied to bulls who dragged him through the field [§256]).

## 2 BURNING

### 2a Illicit Sex

Reading the Hebrew Bible shows that Biblical law specifies burning as the punishment for two forms of illicit sex. The first is the case of a man who marries both a mother and her daughter: “They shall be burned with fire, both he and they” (Lev 20:14).<sup>4</sup> The obvious meaning is clearly that both women are to be burned. However, what is the first wife guilty of? In a *baraita* we find a debate between R. Ishmael and R. Akiva: the former maintains that only the second wife is to be burned, but the latter insists that the punishment applies to both.<sup>5</sup> Furthermore, R. Akiva extends the prohibition to a third generation in each direction: the daughter, her mother and her grandmother, as well as the mother, her daughter and her granddaughter.<sup>6</sup> It seems that the first wife is culpable because it was inconceivable that a man would marry a woman and her mother had the first wife not given her consent to this *ménage à trois*, thus, making her an accomplice to the transgression. That they are to be burned is an indication of the severity of their offense.

Rashi points out that “and them” (וְאֵתָהֶן), the plural, implies that more than one women are to be put to death. The wife, however, is not punished because her husband sinned with a close relative. From the plural we can learn that the penalty applies to the mother-in-law and her mother should they both sin with him.<sup>7</sup>

In extra-biblical sources, burning is also the punishment for illicit sex. Under the Code of Hammurabi, it is stated “[i]f a seignior has lain in the bosom of his mother after [the death of] his father, they shall burn both of them.”<sup>8</sup>

Gerstenberger points to the severe punishment of burning, because according to him burning signals a purification ceremony. When three people entered into prohibited sexual associations they released malevolent and deleterious forces.<sup>9</sup> Similarly, Hartley points out that burning cleansed the land from the defilement. But, as for the severe punishment, he says that burning deprived these offenders of a proper burial which therefore increased their punishment in

<sup>4</sup> Wenham says that the verb *לָקַח* does not mean marry but “to live with” since he believes that such unions would have been given public sanction. But see Gen 11:29; Exod 21:10; Deut 20:7; *Sipra Qedoshim* 10:12, which has the meaning to marry. The Akkadian semantic cognate *aḥāzu* “to take” also means to marry. See: Gordon J. Wenham, *The Book of Leviticus* (NICOT; Grand Rapids: Eerdmans, 1979), 280.

<sup>5</sup> *b. Sanh. 76b.*

<sup>6</sup> *y. Yebam. 11a.*

<sup>7</sup> *b. Sanh. 76b.*

<sup>8</sup> “The Code of Hammurabi,” translated by Theophile J. Meek (*ANET*, 172 no. 157).

<sup>9</sup> Erhard S. Gerstenberger, *Leviticus: A Commentary* (Louisville, Ky: Westminster John Knox Press, 1993), 296-297.

the eyes of ancient people. He suggests that burning may have followed execution by stoning as it appears in the case of Achan. He speculates that burning, as a form of punishment, may be related to God's way of putting to death those who dared to enter the sanctuary with something foreign or those who openly challenged his purpose.<sup>10</sup>

In the second case, if the daughter of a priest is promiscuous, "it is her father whom she defiles; she shall be put to the fire" (Lev 21:9). The plain meaning is that the daughter in question is unmarried; but the Talmudic sages held that the provision applies only to a betrothed girl (R. Ishmael) or to a betrothed girl or married woman (R. Akiva and R. Simeon).<sup>11</sup>

She is liable for this severe punishment because her behavior resembles that of the sacred prostitutes of the pagan cults and because she profanes her father's holiness. According to Levine, her behavior reflects on her father's sacral office thus the death by fire indicates the seriousness of the offence.<sup>12</sup> The rabbis assert similarly: "If he [the father] was regarded as holy, he is now regarded as profane; if he was treated with respect, he is now treated with contempt; and men say, 'Cursed be he who begot her, cursed be he who brought her up, cursed be he from whose loins she sprung.'" <sup>13</sup> We have to remember that in ancient Israel the family was considered a unit, the action of one member reflected on the rest of the family. Since she caused the family's defilement she had to be removed. Milgrom points out that some societies were permissive in sexual matters with regards to commoners but they were strict regarding royalty.<sup>14</sup> As for burning it is believed that fire cleanses away the defilement.<sup>15</sup> Here, too, a parallel exists to the Code of Hammurabi, which prescribes burning for a "cult prostitute or divine lady" who goes to a party and becomes intoxicated: "If a hierodule, a nun, who is not living in a covenant, has opened (the door of) a wineshop or has entered a wineshop for a drink, they shall burn that woman."<sup>16</sup>

Under ancient law, however, burning seems to have been the penalty imposed on any woman who had illicit sex, and not just the daughter of a priest. When Judah is informed that Tamar has acted lewdly and became pregnant, (although she is bound to his son by a levirate marriage), he reacts immediately: "Bring her out ... and let her be burned" (Gen 38:24). Tamar is accused of adultery either as Er's widow or Shelah's betrothed. According to Wester-

<sup>10</sup> John E. Hartley, *Leviticus* (Dallas, Tex.: Word Books, 1992), 339.

<sup>11</sup> *b. Sanh. 50b, 51b.*

<sup>12</sup> Baruch A. Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society, 1989), 144.

<sup>13</sup> *b. Sanh. 52a.*

<sup>14</sup> Jacob Milgrom, *Leviticus 17-22* (AB 3A; New York: Doubleday, 2000), 1810.

<sup>15</sup> Hartley, *Leviticus*, 349.

<sup>16</sup> "The Code of Hammurabi," translated by Theophile J. Meek (*ANET*, 170. no 110).

mann her act was sufficient for criminal punishment without inquiry or legal process. Therefore, Judah pronounces the sentence immediately. This is the only place in the Bible where an individual had the power to order the execution of another for adultery. But this is not a surprise, since the incident took place in the patriarchal period when the patriarch had total authority over the members of his household.<sup>17</sup> Judah as head of the family exercised his power of life and death here, Tamar was still considered part of the family. The words "Bring her out!" that is, outside the gate point to the fact that the death sentence was performed outside the locality (Deut 22:21).<sup>18</sup> Westermann raises the possibility that burning was perhaps an earlier more severe punishment for adultery and stoning was a later punishment in Israel (Deut 22:23).

Indeed, the only report that a sentence of burning was carried out after Achan, is post-biblical. The Mishnah states that the method was to drop a "wick" into the mouth of the condemned person.<sup>19</sup> The Babylonian Talmud says that this means a molten bar of lead.<sup>20</sup> It explains that the corpse had to be preserved intact, so that the death would resemble God's work.<sup>21</sup> To prevent any external injury to the condemned person, they buried him in dung up to his knees and tied two scarves (a rough one inside a soft one, to avoid the scars of a burnt rope) around his neck; the two witnesses pulled on the scarves in opposite directions until he opened his mouth, into which they poured the molten lead, which would go straight down to his intestines.<sup>22</sup> In the Talmud as we shall see later the idea of resurrection was well developed. Thus, the latter made an effort to preserve the body of an executed man. Burning the dead meant total obliteration. It was an end to continuity and the final extinction of the deceased. Thus by using this method the body was preserved and the dead person "gathered to his ancestors."

Philips pointed out that on the basis of Gen 38:24 the punishment for adultery in the patriarchal period was burning. However, he thinks that there is no indication that such a sentence was ever prescribed besides the two provisions of the Holiness Code (Lev 20:14; 21:9). Thus, he believes that during the exile the penalty of burning was borrowed from two similar enactments of

<sup>17</sup> Anthony Philips, *Ancient Israel's Criminal Law* (Oxford: Basil Blackwell, 1970), 117, no 34.

<sup>18</sup> Claus Westermann, *Genesis 37-50* (trans. John J. Scullion S.J.; Minneapolis: Augsburg Publishing House, 1986), 54.

<sup>19</sup> *b. Sanh. 52a.*

<sup>20</sup> *b. Sanh. 52a*; but cf. *y. Sanh. 7:2*. Two contracts from Alalakh, dating from the end of the Hammurabi period, threaten the violator of the contract that molten lead will be poured into his mouth. See: Donald J. Wiseman, *The Alalakh Tablets*, (London: The British Institute of Archaeology at Ankara, 1953), 37 no. 8 line 32; 49 no. 61 line 18.

<sup>21</sup> *b. Sanh. 52a.*

<sup>22</sup> *b. Sanh. 52a.*

Babylonian law. The penalty of burning was not exercised in post-exilic Israel which relied on excommunication. Judah's order that Tamar be burnt is probably a priestly gloss reflecting the Babylonian type of punishment which was incorporated into the Holiness Code.<sup>23</sup> We should point out that burning is also attested to in Egypt for adultery as, P. Westcar, notes: "Then he had her burnt, [and she became] refuse for the river."<sup>24</sup> According to Parkinson, fire is an attested means of execution. However, he believes that cases of adultery were dealt with less extreme measures. The adulterers were thrown into the water, a place that is associated with the unburied dead.<sup>25</sup>

According to Nahmanides, the harshness of the punishment is determined by Judah's high status. It may also reflect Canaanite custom. Rashbam believes that it is an older law. Ramban says that the unmarried daughter of a priest is not liable for death penalty, therefore there were other reasons for the death sentence.<sup>26</sup> According to him Judah is represented as a ruler and a judge who acted on his own authority. Tamar's harlotry affronted his status just as the priest's daughter who committed harlotry and was condemned for having "thereby profaned her father" (Lev 21:9). Ramban concludes that this judgment would not have been suitable for a commoner. Rashi also recognized the problem with the harsh punishment of burning, therefore he quotes a midrash: "Ephraim Makshahah, a disciple of R. Meir, said in the latter's name: Tamar was the daughter of Shem; for it is written, *And the daughter of any priest, if she profane herself by playing the harlot...she shall be burnt with fire* (Lev 21:9); consequently, And Judah said: bring her forth, and let her be burnt,"<sup>27</sup> while Luzzato thinks that Judah ordered the severest punishment because the sons of Jacob were strict regarding their family honor.

## 2b Sacrilege

In the story of Achan, set at the time of the conquest of Canaan, burning is the punishment for sacrilege, not for forbidden sexual relations: "He who is taken with the devoted things shall be burned with fire" (Josh 7:15). Only burning is mentioned here, however in v. 25 we read: "All Israel pelted him with stones; they burned them with fire, and stoned them with stones" (Josh 7:25). According to v. 15, he is to be burned because, having stolen the "devoted things" (קָדָשׁ), he has acquired that status for himself; and the fate of the "devoted things" is to be burned (see 6:24). By contrast, v. 25 refers to stoning, twice. Perhaps this is an example of the general and specific. Rashi explains that the language in v. 15 is elliptical. He reads it as referring, not to the transgressor,

<sup>23</sup> Philips, *Ancient Israel's Criminal Law*, 129

<sup>24</sup> Richard B. Parkinson. *The Tale of Sinuhe and Other Ancient Egyptian Poems 1940-1640 BC* (Oxford: Oxford University Press, 1997), 109, 4.10.

<sup>25</sup> Parkinson, *The Tale of Sinuhe*, 121. no12.

<sup>26</sup> *b. Sanh. 50b.*

<sup>27</sup> *Gen. Rab. 85:10.*

but to his tent and movable property. As stated in v. 25, Achan was stoned to death rather than burned; only his inanimate possessions were burned.<sup>28</sup> The simple meaning, however, is that Achan was sentenced to two punishments, burning and stoning. After he was burned they stoned his charred corpse. The Talmudic Sages said that he was stoned because of *when* he committed the theft—on the Sabbath, and a Sabbath desecrator is to be stoned; he was burned for *what* he stole—the “devoted things.”<sup>29</sup>

It was pointed out by Leahy that in some cases of Egyptian sources, rebels were executed first and their bodies then incinerated. He specifically points to the Osorkon episode where rebellion took place against him. He was the king’s eldest son and also the High Priest of Amun, which meant that this crime was a theological one against Amun. The crime’s theological nature resulted in the rebels getting burnt: “...each man being burned in the place of his crime.”<sup>30</sup> This is the only place that Leahy believes the phraseology reinforces the view that the rebels were killed first. But as Leahy himself pointed out, a single instance is not an adequate basis for generalization.<sup>31</sup>

According to the text, Achan’s sons, daughters, livestock, and all his possessions were burned with him (vv. 24–25). The Talmudic Sages asked how his family and possessions had sinned. Some replied that his family was not executed but taken to the execution site to witness their father’s punishment.<sup>32</sup> Others maintained that his family members were judged as his accomplices because they did not protest against his action.<sup>33</sup> Another possibility is that they were judged like Korah and his congregation, who were swallowed up along with all their possessions (Num 16:26). Or, as Robinson says, we are dealing with the concept of community solidarity, in which case, the transgressions of an individual are ascribed to the entire community.<sup>34</sup> Another and more plausible interpretation has to do with the motif of sanctity. All of the spoils taken in war must be consecrated to the Lord and is considered to be holy (Josh 6:19).

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<sup>28</sup> *b. Sanh. 44a.*

<sup>29</sup> *Num. Rab. 23:6.*

<sup>30</sup> Anthony Leahy, “Death by Fire in Ancient Egypt,” *JESHO* 27 (1984): 200-201.

<sup>31</sup> Leahy, “Death by Fire,” 202.

<sup>32</sup> *b. Sanh. 44a.*

<sup>33</sup> *Pirque R. El. 38.*

<sup>34</sup> H. Wheeler Robinson, “The Hebrew Conception of Corporate Personality,” in *Werden und Wesen des Alten Testament* (ed. Paul Volz, Friedrich Stummer and Johannes Hempel; BZAW 66; Berlin: Alfred Topelman, 1936), 49–62. (See also H. Wheeler Robinson, *Corporate Personality in Ancient Israel*, [Philadelphia: Fortress Press, 1964], 1-2).

The failure to do so created ritual defilement, and the camp had to be purified of all those who came into contact with the spoils.<sup>35</sup>

Soggin follows a similar path and says that the whole clan of the condemned man, even though it was not directly responsible for what happened, was subject to the same punishment. The whole clan had to be expelled from the community because it was contaminated.<sup>36</sup>

The fact that the offender and also his relatives were sentenced to death by burning is also attested to in the Egyptian text in the "Instruction of Ankhsheshonq." In this incident, treason was the reason for the harsh punishment. According to the preface Ankhsheshonq, a priest of Re at Heliopolis came to visit his boyhood friend Harsiese at Memphis. The latter told him that he and other courtiers are plotting to kill Pharaoh. Ankhsheshonq tried to dissuade his friend from the plot. Their conversation was heard by a servant who reported it to the king. The result was that Pharaoh had an altar of earth built at the door of the palace. He had Harsiese, son of Ramose, placed in the fire "...together with all his people and every man who had conspired in Pharaoh's doom."<sup>37</sup> As for Ankhsheshonq he was assigned to the house of detention.

Death by fire long before the first millennium is also known from Mari.<sup>38</sup> As in Egypt, we read in Mari about the punishment of burning as a result of treason by burning the guilty together with his family.<sup>39</sup>

## 2c Threat of Burning

Burning was not only a punishment imposed by a court of law. When people took the law into their own hands they used the threat of burning. In one case such a threat was even carried out. In the Samson's stories we read that the Philistines who pressured Samson's wife to discover the answer to his riddle, threatened to burn her and her father's house (Judg 14:15). Later on we read that they indeed carried out the threat and they burned her and her father (Judg 15:6).<sup>40</sup> This was done as retaliation so that they suffered Samson's wrath by fire. Block points to the irony:

<sup>35</sup> Joshua R. Porter, "The Legal Aspects of the Concept of 'Corporate Personality' in the Old Testament," *VT* 15 (1965): 368–372; Trent C. Butler, *Joshua* (WBC 7; Waco, Tex.: Word Books, 1983), 86.

<sup>36</sup> Alberto J. Soggin, *Joshua* (Philadelphia: Westminster Press, 1972), 105.

<sup>37</sup> Miriam Lichtheim, *Ancient Egyptian Literature* (vol. 3; Berkeley: University of California Press, 1980), 163.

<sup>38</sup> Jack M. Sasson, "Treatment of Criminals at Mari: A Survey," *JESHO* 20 (1977): 97; "Punishment by Fire," Translated by William L. Moran (*ANET*, 627-628).

<sup>39</sup> Sasson, "Treatment of Criminals," 109.

<sup>40</sup> In some MSS and in Greek and Syriac version we read "her and her father house." This version is to be preferred.

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The woman draws the solution to the riddle out of Samson to prevent her and her family from being burned, but in the end she succumbs to the very catastrophe she tried to avoid, precisely because she got the answer from him.<sup>41</sup>

Similarly the Ephraimites, in their fury, threatened Jephthah that they would burn his house down on top of him (Judg 12:1). According to v. 1, the reason for their anger was because Jephthah did not call them to join him in his fight against the Ammonites. Some scholars suggested the Ephraimites were angry because they were denied a share of the victor's booty.<sup>42</sup> Jephthah had already lost his household, now the Ephraimites wanted to burn down his physical house as well. Instead of thanking him for delivering them from the Ammonites, in their jealousy they wanted to destroy him.

### 3 NON-BURIAL

Thus far we have examined cases where people were put to death by fire, but the question still remains: what is the implication of this form of punishment? When people were burnt, it meant that they were not buried. To remain unburied was a curse. Non-burial was worse than death, because the spirit of the dead could not find rest and would never reach the underworld. In the ancient world, the dead were offered food due to the belief that they could influence events in the world of the living. The dead would help the living if the latter provided for their needs, but would hurt them if they were neglected. The Bible is clearly antagonistic towards inquiries of the dead or providing them with food and drink. The prohibition of magic and necromancy in Leviticus and Deuteronomy, is motivated by the fact that these were among the abhorrent rituals of the Canaanites, whom the Israelites abhorred. The Bible does not deny that it is possible to communicate with the dead; but it totally denounced this practice. It mentions sacrifices to the dead (Ps 16:4; 106:28; Lev 19:26; 1 Sam 14:32–35; Ezek 33:25), but always rejects them. Providing the dead with food was not part of Israelite culture, and when it did infiltrate, it was rebuffed by official circles.

The fact that non-burial was a curse appears in the war of words between David and Goliath. The Philistine curses David and promises he "will give your flesh to the birds of the sky and the beasts of the field" (1 Sam 17:44). Not to be outdone, David counters him with "I will strike you down, and cut off your head; and I will give the carcasses of the Philistine camp to the birds of the sky and the beasts of the earth" (v. 46). Again the curse here is: to not be buried so that the spirit will wander aimlessly.

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<sup>41</sup> Daniel I. Block, *Judges, Ruth* (NAC 6; Nashville: Broadman & Holman, 1999), 433; Trent C. Butler, *Judges* (WBC 8; Nashville: Thomas Nelson, 2009), 340.

<sup>42</sup> Leslie Hoppe, O. F. M., *Joshua, Judges* (Wilmington, Del.: Michael Glazier, 1982), 175; Susan Niditch, *Judges* (Louisville: Westminster John Knox, 2008), 137.



The curse of non-burial is also found in the prophetic literature: "The carcasses of this people shall be food for the birds of the sky and the beasts of the earth, with none to frighten them off" (Jer 7:33)—an echo of Deuteronomy 28:26. That there are none to frighten off the scavengers implies that there are no survivors or no one who pities them. Similarly "they shall die of deadly diseases. They shall not be lamented, nor shall they be buried; they shall be as dung on the surface of the ground. They shall perish by the sword and by famine, and their dead bodies shall be food for the birds of the air and for the beasts of the earth" (Jer 16:4).

The curse of non-burial is also found in extra-biblical sources. For example, in the Vassal Treaties of Esarhaddon: "May Ninurta, leader of the gods, fell you with his fierce arrow, and fill the plain with your corpses, give your flesh to eagles and vultures to feed upon."<sup>43</sup> "Let dogs and pigs eat your flesh, and may your spirit have no one to take care of and pour libation to him."<sup>44</sup> "May the earth not receive your body for burial, may the bellies of the dogs and pigs be your burial place."<sup>45</sup> Clearly victorious kings treated their vanquished enemies savagely. The annals of Ashurbanipal report what he did to his foes: "I fed their corpses cut into small pieces, to dogs, pigs, zibu-birds, vultures, the birds of the sky and (also) to the fish of the ocean."<sup>46</sup> In the Epic of Gilgamesh, after Enkidu returns from the underworld, he is asked "Him whose corpse was cast out upon the steppe hast thou seen?" and he replies: "I have seen: His spirit finds no rest in the netherworld."<sup>47</sup>

When people were burnt to death the meaning was that as they were not buried they were cursed. The idea was that they will not find rest and their spirit will not reach the underworld. A similar concept is also found in Egyptian texts. In order to insure that the offender was denied an afterlife it was essential to completely destroy his body. Thus we read about the posthumous burning of Amasis body by Cambyses. According to Herodotus, Cambyses gave orders to dig up the body of the pharaoh Amasis (the father of Psammenitus) and desecrating the corpse in front of the pharaoh's tomb. He then ordered the body to be burned. This act was considered sacrilegious to both the Egyptians and the Persians. However, the Egyptians claimed that it was not the pharaoh who was cruelly defiled. Apparently, the king was warned by an ora-

<sup>43</sup> "The Vassal-Treaties of Esarhaddon," translated by Erica Reiner (*ANET*, 538, no. 41).

<sup>44</sup> "The Vassal-Treaties of Esarhaddon," translated by Erica Reiner (*ANET*, 538, no. 47).

<sup>45</sup> "The Vassal-Treaties of Esarhaddon," translated by Erica Reiner (*ANET*, 539, no. 56).

<sup>46</sup> "The Death of Sennacherib," translated by A. Leo Oppenheim, (*ANET*, 288, iv 65–82).

<sup>47</sup> "The Epic of Gilgamesh," translated by Ephraim A. Speiser, (*ANET*, 99, xii 152–154).

cle. Therefore, he arranged for a second corpse to be interred with him to take the punishment. Herodotus did not believe this story, which he feels was simply made up to make them feel better.<sup>48</sup>

The same punishment is mentioned in the Instruction of Sehetepibre: "There is no tomb for the rebel against His Majesty."<sup>49</sup> "The one whom the king loves shall be a well provided spirit; there is no tomb for anyone who rebels against His Majesty and his corpse shall be cast to the waters. Do this, and your body will flourish, and you will find it (excellent) for eternity."<sup>50</sup>

Similarly, in the Joseph story, we read that Joseph interpreted the dream to the baker. In this interpretation Joseph predicted that in three days the pharaoh will lift the baker's head and impale him upon a pole and the birds will pick his flesh (Gen 40:19). As we know, the Egyptians paid special attention to the preservation of the body after death. Thus the punishment foretold was repugnant. The baker was not buried thus his soul did not find rest.

#### 4 A POSTHUMOUS CONCEPT

The Talmudic sages counted 903 different types of death. The worst of them, they said, is death from asthma or croup; the easiest, death by a Divine kiss, which is the lot of the righteous and is compared to removing a hair from milk.<sup>51</sup> Great importance was assigned to the manner of a person's death and day of death, because these were indicators of whether the deceased was good or bad. Death after an illness of five days was considered to be the norm. Death after four days was viewed as a reprimand, after three days a severe reproof, after two days precipitous, and after only one day of illness a sudden or apopleptic death.<sup>52</sup>

A comparison of judicial execution forms mentioned in the Bible, with those in the Talmud, indicates that the latter made an effort to preserve the body of an executed man.<sup>53</sup> The difference may stem from the fact that in Talmudic times the idea of resurrection was well developed. Even though the idea of the resurrection of the dead was not fully developed in the biblical literature, we still find some hints about it (Deut 32:9; Dan 12:2-3; Hos 6:1-2; Isa 26:19). The notion that the righteous and the wicked shared the same fate and are both found in Sheol was too simplistic. In the Hebrew Bible we read that the underworld is a void; the dead cannot praise the Lord and do not know

<sup>48</sup> Herodotus, *Hist.* 3.16.

<sup>49</sup> Leahy, "Death by Fire," 205-206.

<sup>50</sup> William K. Simpson, *The Literature of Ancient Egypt: An Anthology of Stories, Instructions, Stelae, Autobiographies and Poetry* (New Haven: Yale University Press, 2003), 174.

<sup>51</sup> *b. Ber. 8a; b. B. Bat. 17a.*

<sup>52</sup> *b. Mo'ed Qatan. 28a.*

<sup>53</sup> *b. Sanh. 45a, 52a; b. Pesahim. 75a; b. Ketub. 37b.*

anything about the living. The belief of the underworld as the final station of life, from which there is no return and which is utterly divorced from reward and punishment, came to represent too naive and too cruel a notion. It left no room for answering the thorny question of why evildoers prosper and the righteous suffer. Hence the biblical texts began asking questions about the underworld and the survival of the soul. As Ecclesiastes wondered: "Both go to the same place; both came from dust and both return to dust. Who knows if a man's life-breath does rise upward and if a beast's breath does sink down into the earth?" (Eccl 3:20–21). This same book, evidently written between 500 B.C.E. and 100 C.E., concludes: "And the dust returns to the ground as it was, and the life-breath returns to God Who bestowed it" (Eccl 12:7). This clearly reflects a belief in the immortality of the soul.

Pagans in the ancient world feared that the manner of death could influence whether or not a man could be resurrected. As late as the tenth century the Jewish masses held similar views.<sup>54</sup> According to Saul Lieberman, medieval literature intimated that non-burial was a bad omen for the deceased and a severe punishment, indicating that the man was a sinner.<sup>55</sup> Evidently the different modes of unnatural death which include the punishment of burning in the Hebrew Bible as well as the different modes of death that appear in the Talmud points to a posthumous concept. The punishment continued after death. In other words the punishment of burning in the Hebrew Bible meant an end to continuity and the final extinction of the deceased, who had not been "gathered to his ancestors." His spirit wandered aimlessly never to be resurrected.

## 5 CONCLUSION

In the Hebrew Bible execution by burning appears in cases of illicit sex, sacrilege and as a threat. Execution by burning aims at the total obliteration of the evil. The usage of the fire motif comes to stress that nothing is left of the sinner, a method of utter extinction.<sup>56</sup> Burning was done in order to not allow the

<sup>54</sup> Saul Lieberman, "Some Aspects of After Life in Early Rabbinic Literature," in *Harry Austryn Wolfson Jubilee Volume* (vol. 2; Jerusalem: American Academy for Jewish Research, 1965), 528 no 112; Menahem Stein, "Mother Earth in Old Hebrew Literature," *Tarbiz* 9 (1938): 272–274 (Hebrew).

<sup>55</sup> He goes on to say, however, that the Sages also believed that the premature death of a normal sinner and non-burial served as atonement and helped the man acquire his share of the world to come. According to Lieberman, the Christians adopted a similar tradition; in the late Middle Ages some requested that their bodies be thrown into the fields or a river, like the carcasses of animals; but such abuse is contrary to the spirit of Judaism. See *b. Sanh. 46b, 104a*; Lieberman, "Afterlife in Early Rabbinic Literature," 530.

<sup>56</sup> The fire motif appears many times in the prophetic literature in war oracles where fire is to destroy the enemy. The divine fire in battle often appears in the mythology of the ancient Near East. See: Isa 29:6; 30:27,30; 66:15-16; Ps 18:9,13; 50:2-3; 104:4.

deceased to find rest. The execution by burning was an atrocious deed meant to profane the dead person's memory. The act of burning came to prevent the deceased from being gathered to his kin in the underworld. This means that his spirit wandered aimlessly without finding a resting place and could not be resurrected.

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Dr. Shaul Bar; Bornblum Judaic Studies, The University of Memphis, Mitchell Hall 301, Memphis, Tenn.. *E-mail*: sbar@memphis.edu.