



TORTURE IN THE ACHAEMENID PERIOD

TORTURE IN THE ACHAEMENID PERIOD. *Definition.* Torture is here taken as defined in the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, Art. 1.1. There, *torture* is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person has committed, or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity” (<http://www.un.org/documents/ga/res/39/a39r046.htm>; for a broader discussion of the definition cf. *Stanford Encyclopedia of Philosophy* s.v. Torture –1. Definition of Torture <https://plato.stanford.edu/entries/torture/>).

Source Problems. Torture figures prominently in ancient reports on acts of violence against people. Among *Achaemenid* royal inscriptions only the *Bisotun* inscription refers to the use of torture. As later inscriptions largely blend out historical details (on this phenomenon cf. Jacobs, 2014; *idem* in Jacobs and Trampedach, pp. 60-71), they naturally fall silent on the subject. By far the largest amount of pertinent information comes from secondary sources, especially from classical authors, and thus from an outsider’s



perspective. Usually their reports are fitted to a literary mold and the described procedures are therefore shaped by their context (Rollinger, pp. 559-62, 615-22). One outcome is that judicial decisions taken at royal courts are for the most part presented as arbitrary acts; another is that in the accounts of death sentences, the focus of attention is not centered on the imposition itself but on the manner of the execution. The accentuation of the cruel enforcement points to an intentional distortion (Rollinger, pp. 561, 575f.). So in [Herodotus](#) as well as in [Ctesias](#) acts of physical violence are frequently located at the court and are, particularly in Ctesias, often ascribed to queens (cf. Rollinger, pp. 562-600; Colburn, 90-94).

The above-mentioned accounts foster the image of an Oriental despotic rule marked by cruelty and arbitrariness in contradistinction to the Greek world. The distorted gender roles are also conducive to this orientalism *avant la lettre*. All this makes it necessary to assess reports of such occurrences with much prudence.

Torture as means of interrogation. In the sources on the Achaemenid empire the use of torture as a means of interrogation is seldom attested. One of the few instances is a notice by Ctesias who reports that [Cyrus II](#), wishing to learn where the defeated Median king [Astyages](#) was hiding, threatened his daughter, [Amytis](#), son-in-law, Spitamas, and grandchildren with torture (Ctes. F 9[1]). In two other chapters [Artaxerxes II](#) is reported to have given the servants of his mother Parysatis over to be tortured to learn if she had prompted his wife [Amestris](#) to be poisoned (Ctes. F27[70] and F29b[19.8]). It is not clear from the notice in Ctesias whether the mistreatment (αἰκισμός) of the poisoner Gingis was aimed at extracting a confession or if it was intended to be a component part of her punishment (Ctes. F27[70]). That torture as a way of extracting information was applied more often than it appears in the sources is suggested by the fact that the Old Persian word *fraθ-* “to punish” originally meant “to question” (DB §§ 8, 55, 63, 64; DNb §2; Lincoln, 2013, pp. 259-60; Schmitt, p. 177), and that the equivalent used in Akkadian means “to investigate, to prosecute” and the counterpart in Elamite “to press his oil/juice” (Lincoln, 2007, p. 88; cf. Tuplin, p. 631, n. 41 on the titles **patifrāsa* and **frasaka* [in press]).

Torture as a means of punishment and revenge. In this context torture is understood as aiming at the victim’s enduring stigmatization or prolonged suffering. An apodosis to CAT, Art. 1.1 reads “It (torture) does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.”



Although in Achaemenid times this confinement would certainly have been appraised as thoroughly relevant by the authorities – as is the case in some modern states –, it will not be considered hereinafter (cf. An Operational Guide for National Human Right Institutions, p.13, www.ohchr.org/Documents/Countries/NHRI/Torture_Prevention_Guide.pdf) and corporal punishment – cf., e.g., Herodotus (III.29) and Ctesias (F13[11]) on lashing – will generally be tagged as torture.

Regarding the reliability of ancient reports on torture as a punitive measure, on the one hand one has to take note of the importance which compensation payments had in ancient oriental legal practice as a substitute for the enforcement of extreme corporal punishment (Rollinger, pp. 600-613, esp. 612-13). On the other hand, one must admit that the offences, which according to the Greek authors actually brought about those extreme implications, usually consisted of violations of loyalty or of crimes – mostly murder – against members of the Achaemenid family, for which a painful retaliation would have been an expected and socially acceptable consequence. Offences of this severity may not have had a degree of veniality that made satisfaction by compensation payments acceptable. They may rather have ranked among a sort of capital offences, which **Darius I**, according to the Bisotun inscription, avenged in the same or in a comparable way.

In the Bisotun inscription mutilation is a well-attested example of torture: **Ciçantaxma** and **Fravartiš** (on Fravartiš see also **MEDIA**) are each said to have been deprived of their ears, their nose, an eye and – in the case of Fravartiš – the tongue (DB §§ 32-33).

In an anecdotal account by Herodotus, the magus who usurped the Persian throne pretending to be Smerdis, the younger brother of **Cambyses**, is said to have been debunked by his missing ears, which had been cut off previously (Hdt. III.69-70). Comparable examples of mutilation occur in Hdt. III.118, IX.112; Xen., *Anab.* I.9.13; Ctes. F 9[6], F 16[58]; F 26[14.10].

Also the so-called talion or mirror punishment serves the purpose of enduring stigmatization being put into effect at that part of the body with which the crime was perpetrated. Here the severance of hands and feet of muggers as reported by **Xenophon** (Xen., *Anab.* I.9.13) is to be subsumed. Artaxerxes II is said to have ordered that the tongue of a man who had defected to his brother Cyrus and, beyond this, had boasted to have killed two enemies was to be pierced through by three needles (Ctes. F 26[14.4]). Regarding the case in



which queen Parysatis ordered molten metal to be poured into the ears of a Caunian who had vaunted to have killed Cyrus the Younger (Ctes., F 26[14.10]), it is difficult to determine whether we are dealing with an ordeal practice or with a distortedly reported mirror punishment (Jacobs, 2009, pp. 121-23; Binder, pp. 236f.; Rollinger, p. 612).

Reporting that a ten-day torture and the blinding of the victim preceded the last-mentioned measure, the author intends to emphasize the sadistic aspect of Parysatis' action. Queen [Amestris](#) tortured the physician Apollonides of Kos for a misdemeanor for two months, before he was buried alive (Ctes. F 14[44]). That these excesses in both cases were ascribed to women is certainly attributable to the distorted gender roles mentioned above and should be regarded as historically doubtful.

Impaling. Impaling, Old-Persian *uzmayāpati kar*, is well attested for Achaemenid times by the Bisotun inscription (DB §§ 32, 33, 43, 50). In Greek the verbs used to describe the procedure are *anastaurizein* and *anaskolopizein* (e.g. Hdt. IX.78). Both verbs are ambiguous insofar as they could also be read as “crucify.” Other testimonies for impaling or crucifying are Hdt. III.159, IV.43, VI.30, VII.194; Ctes. F 9[6], F 14[39 and 45], F 16[66], F 26[12.7]; Ezra 6.11).

Impaling is richly attested for earlier times, especially on Late-Assyrian reliefs (Jacobs, 2009, pp. 134-36 fig. 1-3). If Arrian's ([Arrianus](#)) report that Alexander caused Bessus (=Artaxerxes V) to be impaled following the Persian practice (Arr., *Anab.* IV.7.4) is correct, this method of execution must have remained in use throughout Achaemenid times. When crucified the culprit dies by slow suffocation; impaled he dies either for the same reason or through blood poisoning (Jacobs, 2009, pp. 137-8).

Flaying. Flaying is well attested by Assyrian representations (see, e.g., Barnett / Lorenzini, Pl. 81), i.e., rooted in older Near Eastern tradition. Testimonies for Achaemenid times originate, for the most part, from Ctesias (F 9[6], F 9a, F 16[66], F 26[17.7]; Hdt. V.25). When flayed the convict dies by heart failure or by hypothermia and bacterial infections (Jacobs 2009, p. 140).

Throwing-into-the-ashes. This method of execution, which lets the victim perish by cauterization of the skin (N.A. Corfù, personal communication) is, for Achaemenid times, attested by Ctesias (Ctes. F 15[50, 52, 53], F 16[63]) and by the Roman author Valerius Maximus (9.2 ext.6; on the interpretation of this text source see Jacobs, 2009, pp. 144-46). Given the contested character of



Ctesias as an informant, the application of this method of execution has been doubted (Rollinger, pp. 610-13), particularly as this method is not attested in older Near Eastern tradition. A source, which refers to a later epoch, however, seems to bear witness of this practice, *viz.* the report about the killing of Menelaus by Antiochus V Eupator in 163 BCE (2 *Makk.* 13.5; cf. also the allusion in Ovid, *Ibis* 313-14).

Putting-into-the-Vat. This kind of execution is conveyed only by Ctesias (F 26[16] and F 14[34]). According to the detailed description, which Plutarch gives citing Ctesias as the authority (Artax. 16.2-7 = Ctes. F 26[16]), we learn that a mixture of milk and honey was instilled into the convict, who was fixed between two vats, and was poured over his face. This lured flies to settle and breed there, thereby launching the process of physical decomposition in which excrements and urine made the skin vulnerable. After an extraordinary long period of suffering the condemned died from a septic shock (cf. Jacobs, 2009, pp. 126-7). Once again it has been doubted that such a method was ever put into practice (Binder, pp. 248-49; Rollinger, pp. 610-13). Lincoln suggested that it might be historically authentic by linking it to texts of the Avestan tradition which connect decay with evil (Lincoln, 2007, pp. 85-96, 137-38; Lincoln, 2009, pp. 161-62). Colburn rightly contested the relevance of Zoroastrianism for the Achaemenids (Colburn, pp. 88-90). On the other hand, the coherence of the detailed account might serve as an argument for its plausibility.

Burying alive. The execution by burying alive is reported by Ctesias as practiced exclusively by queens. In most cases vengeance is the motive (F 14[44], F 15[56]). Herodotus, who reports that Cambyses ordered twelve noble Persians to be burrowed heads down into the ground without any traceable reason (III.35), brings this deed up as one among many pieces of evidence for the “insanity” of the ruler.

Torture in religious context? In two other cases mentioned by Herodotus, to be buried alive is not the ramification of a misdeed; rather the suffering of the victims is accepted as a consequence of religious ceremonies. So Amestris, the wife of Xerxes, is said to have ordered fourteen children of noble Persians to be buried alive to express her gratitude towards the god beneath the earth for endowing her with a long life (Hdt. VII.114). In the same chapter Herodotus discloses that during Xerxes’ campaign against Greece the magi buried nine boys and nine girls alive at Ennea Hodoi (“Nine Paths,” Greek town in Thrace; see [Herodotus vii. Xerxes According to Herodotus](#)). These accounts do not find support of any kind in primary sources.



Torturous conditions? Somewhat different is the case with the burdensome circumstances under which slaves and deportees not infrequently had to work. The shocking but, from a source-critical perspective, highly problematic description of a procession of four thousand Greek prisoners who, brand-marked and mutilated, approached Alexander on his march toward Persepolis (Curt. V.5.5-7), may be a dramaturgically overreaching reflection of the harsh working conditions. It seems that the foodstuff allocated to the male labor workforce of the lowest category (e.g., in PF-NN 1700 and 1848, where they are termed *libap*; Henkelman, 2003, pp. 103-10), was less than adequate (on minimum wages for working men see Foxhall and Forbes, pp. 38-39). Aperghis believed this to have been the reason for the high mortality rate especially of male adults, that seems cognoscible to him in the Persepolis Fortification tablets (Aperghis, pp. 132-36, Tab. 3- 4; cf. the cautious remarks of Jursa, pp. 410f. with n. 157, and Henkelman, 2012, who points at the sporadic references to the allocation of seed to dependent laborers). As an example of the excessive hardship of many an exacted labor, one may cite the situation of those deported Eretrians who were forced to do decidedly noxious work at the asphalt sources not far from *Arderikka* (Hdt. VI.119).

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