

# CHAPTER 5

## CRIMES AND PUNISHMENT

Evidence shows that women were less involved in legal disputes than men and that they were mostly defendants in disputes. Women could be charged with and tried for committing treason, tomb-robbery and perjury. They were tried for misconduct against individuals and the temple and could be tried for theft, adultery, and non-payment of a debt. Women were also subject to the same harsh punishments as men.

### 1) GENERAL

Women could go to court either as claimants, defendants or witnesses, without the help and support of a male guardian. Tyldesley (1995 : 41) mentions an Ostraca from Deir el-Medina, and which, according to Tyldesley, shows that women were less involved in legal actions than men and this shows that women played an inferior part in the public sphere. A woman was allowed to keep her independence without being legally subservient to her husband. Women were responsible for their own actions and could be summonsed before the court to account for such actions. In accounts of court cases women are subjected to the same harsh methods of interrogation and punishment as those applied to men<sup>1</sup>.

Women criminals surely existed, but they are not mentioned continually in the historical records. Of the prisoner-lists in our possession only a small percentage of women are recorded. A woman's name does appear on the list of prisoners at el-

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<sup>1</sup> Also see McDowell (1992 : 152): women were mostly defendants, rather than claimants. They were accused of theft, non-payment, selling of property not belonging to them and the neglecting of an ill family member. Also see Tyldesley (1995 : 40-41).

Lahun. Examples of women offenders are also known. Ostracae Ashmolean Museum 1945.37 & 1945.33 states that:

“Pharaoh placed ..., 2 men, behind your wife and daughter likewise”

and this, according to McDowell (1992 : 238) apparently indicates that they would be arrested.

Lorton (1977 : 47) mentions a case where a slave woman stole objects belonging to a charioteer, and also refers to another case where a workman stole objects from his overseer. In both cases the same punishment was applied, and it is thus clear that:

“Egyptian law did not recognize the respective status of the two parties involved as criterion for fixing a penalty...”

It was the general duty of all citizens to report crimes to the district officials (Bedell 1973 : 73). A woman, Taaper, saw a thief selling copper to another and she went to report the crime. She was brought to the Great Court to testify. She was asked to tell the court what she had witnessed:

“I said to the district officer Amon-khau, “Now I happened to be sitting hungry under the sycamores and the men chanced to be trading copper as we were sitting hungry”<sup>2</sup>.

According to McDowell (1990 : 247),<sup>3</sup> someone found guilty of a tort was to pay compensation to the claimant for the loss or damage he had suffered, whereas a

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<sup>2</sup> P. BM 10403, as translated by Ward (2001).

<sup>3</sup> Also see Lorton (1977 : 7).

criminal was physically punished: the victim did not receive any compensation, except for the revenge.

The courts mostly consisted of men, even though there is one case recorded at Deir el-Medina (Ostraca Gardiner 150) where women also acted as judges (Tyldesley 195 : 41). This case is unusual because the court consisted of men and two women:

“Year twenty-eight, third month of the winter season, day twenty-two. Court of this day, the workman Nekhetmenu, the workman Pentawer, the workman Neferhoteppu, the citizeness Pet, and the citizeness Merumut”.

Unfortunately the ostrakon is broken further on and we do not know what type of case they tried. McDowell (1990 : 160) states that the presence of women on the bench and the absence of officials are unique and exceptional.

The highest administrative titles held by a woman, Lady Nebet, wife of Huy were:

“Sole Royal Ornament, Hereditary Princess, Daughter of Geb, Countess, Daughter of Merhu, She of the Curtain, Judge and Vizier, Daughter of Thoth, Companion of the King of Lower Egypt, Daughter of Horus.”

It was unusual for a woman to hold the title of Vizier and Judge, but circumstantial evidence shows that her husband undertook the responsibilities on her behalf. No other women were again awarded these titles until the end of the 26<sup>th</sup> Dynasty. Lesko (1991: 5) states that this title may only have been honorific and that her husband indeed undertook the responsibilities on her behalf.

The need for civil order, or Ma'at, was instilled from the earliest of times in the subconscious of the Egyptians (David 1982 : 139), who states that:

“It was believed that the law, together with all the other tenets of the society, were handed down to mankind by the gods on the First Occasion. Law was personified by the goddess Ma'at, who governed truth, justice, righteousness, and maintained the correct balance and order of the universe and its inhabitants”.

Anthes (1957 : 170), describes Ma'at as being:

“... righteousness, justice, and the order of the world, ... divine and permanent”.

The Egyptians applied the death penalty to those who broke Ma'at as Ma'at was a central conception of the legal sphere of Ancient Egypt and, according to Shupak (1992 : 15), it denoted order, honesty and justice.

## **2) CRIMES AGAINST THE STATE AND THE PUNISHMENT THEREOF**

### **2.1) CONSPIRACY**

In Egypt, as in all other countries, treason was punishable with death, and torture was also used to induce the accused to make some confessions.

One of the most well known cases of conspiracy and treason took place against Ramesses III and is known as the “Harem Conspiracy” (Judicial Papyrus Turin). A minor wife of Ramesses III plotted to kill him so that her son could inherit the throne, and she also persuaded other women of the harem to assist her in this. They tried

various methods to dispose of him, but as nothing seemed to kill him, they turned to rebellion. The rebellion was a failure and, the conspirators, were brought to justice. All those found guilty in the conspiracy against the life of Ramesses III were given the death penalty. Some of them were given the choice to commit suicide, but the others were put to death by the ruling of the court.<sup>4</sup> Most of the concubines and lesser women assisting in the harem conspiracy against Rameses III were convicted and their ears and noses were cut off (White 2002 : 170).<sup>5</sup> Six women altogether were executed, but nothing is known about the fate of the mother of the prince who had started the conspiracy.

## **2.2) PERJURY**

Perjury was also a capital offence, because the oath taken in court was sworn on the life of the Pharaoh and to swear falsely meant that the Pharaoh was prejudiced (Murray 1962 : 84). Lorton (1977 : 32) states that:

“Each suspect or witness interrogated was sworn in, and in his oath against perjury, he acknowledged the penalty for false testimony”,

for example:

“If I speak falsehood, may <I> be mutilated and sent to Kush”.

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<sup>4</sup> Bedell (1973 : 152). Also see De Buck (1937 : 154): “And they went and examined them, and they caused to die by their own hands those whom they caused (so) to die ... , [and they] also punished [the] others ...”. (155): The wives of the men at the gate of the harem were also executed, for they had conspired: they were found guilty and “they caused their punishment to overtake them”. See also Ventura (1983) for more information on the harem conspiracy.

<sup>5</sup> Also see Lorton (1977 : 28).

Lorton (1977 : 35)<sup>6</sup> notes a special case: a man apparently confessed to robbing a tomb, but as it turned out, his confession was false. He took the oath and according to the text:

“He took an oath on pain of being beaten, of his nose and his ears <being cut off>, and of impalement, saying, “I do not know any place here in the places except this tomb which is open and this house which I have pointed out to you”. (Papyrus Abbot)

According to Bedell (1973 : 125), the attester usually said that if the statement in the conditional part of the oath was found to be true, a penalty would result. It is understood that the penalty was for perjury, and this statement of proposed corporal punishment forms the second part of the oath.

It can also be noted that men and women sometimes mentioned punishments appropriate to their sex (Bedell 1973 : 127). For example a woman witness in a land dispute concerning the family of Mes<sup>7</sup> swore:

“By Amon, and by the Ruler, if I speak falsely, may I be sent to the back of the house”, and

and a male witness in the same case swore:

“By [Amon and by] the Ruler, I speak [in truth, and I speak not] falsely, and if I speak falsely, may my [nose] and ears be cut off, and may I be sent to Kush”.

Irnefer, the wife of a tomb robber and a witness in the Great Tomb Robberies, swore:

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<sup>6</sup> According to Lorton (1977) this was an oath against perjury, but it also contains the retraction of the confession that was made earlier.

“If I speak falsehood, may I be sent to Ethiopia”. (Papyrus British Museum 10052)

Erenefer swore the following oath:

“As Amon endures, as the Ruler endures, if witnesses establish against me that there was any property belonging to the citizeness Bekmut (comprised) in this silver which I gave for this servant, and I concealed it, I will be liable to a hundred strokes, after being deprived of her”. (Papyrus Cairo 65739)

Papyrus British Museum 10403 refers to yet another case wherein a woman was to take an oath:

“There was brought the citizeness Shedeh-nakht, the concubine of the farmer Pai-Kharu, (she) who had been in [the harem] with the priest and thief Teti-sheri. She was examined by beating with the stick, and her feet and hands were twisted. She was given the Oath of the Lord on (penalty of) her mutilation, not to speak falsely. She was then asked whom she had seen with the stolen goods. She said: “I did not see (it). Should I have seen it, I would have told you”. She was again examined by beating with the stick, and the Oath of the Lord was given to her not to speak falsely. She said: I did not see anyone. Should I have seen, I would have told.”

The oath, according to Bedell (1973 : 127), had become standardized by the late Twentieth Dynasty, so that sex distinctions in penalties were no longer made. She also mentions that penalties mentioned in oaths most probably reflected real punishment, but that they were not inflicted on perjurers and that the penalty formed an integral part of the oath formula.

## **2.3) TOMB ROBBERIES**

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<sup>7</sup> Inscription of Mes.

The ancient Egyptians considered tomb robbery as one of the most heinous crimes that could be committed (Andrews 2003) and held that the death penalty could be imposed for this crime, as is deduced by Lorton (1977 : 31), who refers to three examples from P. BM 10052 for proof :

1) A man who admits violating tombs, but not at Thebes, states:

“Oh, let them kill me for the tombs of Gebelein! They are the ones I was in!”

2) Another suspect, protesting his innocence, states:

“I saw the punishment which was done to the thieves in the time of Kham-Waset. Truly, why am I going to seek death deliberately?”

3) Another suspect, who also claims to be innocent, says:

“I do not know the tombs! It is my men <who were in> the West and went to the royal tomb. Oh, let them kill me for my men! That is my “thieving”.”

A woman named Nesmut was implicated in a few robberies of the royal tombs in the Valley of the Kings during the 20<sup>th</sup> Dynasty. Apparently the stone weight used for the division of the loot was found in the house of Nesmut. It is not certain why Nesmut was not interrogated by the court (Bedell 1973 : 93-95)<sup>8</sup>

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<sup>8</sup> Also see Wilson for a detailed setting out of the oaths. On 135 he states that beatings were usually given before an oath was taken, and refers to: “The citizeness Ineri, the[concubine] of the priest Ta-sheri, son of Hori, was brought. She was examined by beating with a stick, the bastinado being applied to her feet and her hands. The Oath of the Lord was given to her not to speak falsely”. Thereafter they proceeded with the questioning.



In a case (Papyrus Mayer A) where the accused was dead, his female servant was taken to the scene of the crime to point out the tomb from which her master had stolen from (Bedell 1973 : 101). It is stated:

“The Court said:” Let this female servant Beki be taken to the Necropolis”.

Papyrus British Museum 10052 also refers to another female slave, Shedsumut, who was given the following instruction by her master, Degay:

“Do not confess anything, fill yourself with my courage in this...of solitary examination and do not confess anything”.

A wife could also be brought in to testify and give evidence about her husband’s activities pertaining to tomb robbery (Bedell 1973 : 94 & 103). This is seen in the case of the Great Tomb Robberies (Papyrus British Museum 10052), where Mutemuia was summonsed to give evidence on her husband’s activities. At first she stated that she knew nothing about the silver her husband had stolen, but after she was beaten she disclosed that she knew the location of the stolen goods:

“My father heard that [he] had gone to the tomb and said to me, I will not allow this man to enter my house.”

She was “examined” again, and she said:

“He never brought me his load”

She was again “examined” with the birch and screw and she then replied:

“He stole this silver and put it in the house of the overseer of the chamber Ruti, the husband of Tabeki, the sister of the measurer, Pewater’o”.

Another woman connected with the Great Tomb Robberies (Papyrus British Museum 10052), the wife of a dead thief, was summonsed to the court as a witness. She told the court what had happened to her husband’s loot. She informed the court that she had been given her husband’s share by the accomplices. She then stated:

“I took the part of my husband, and I put it in my store-room, and I took one *deben* of silver from it and I bought *shesh*-grain with it.”

She also stated that the accomplices had forced her to give the loot back to them.

Yet another case is referred to, in Papyrus Mayer A, wherein a woman states that her husband, who was then deceased, was involved in the theft of a portable chest. She also indicated what had happened to this loot:

“He brought away some copper which belonged to the portable chest. We traded with it and spent it”.

The court was also suspicious of the large expenditures of two wives of dead thieves that were involved in the Great Tomb Robberies. They both denied that they possessed any loot of their husbands, but their expenditures did not support this claim. They were both questioned on the silver their husbands had carried off, but they denied that they had seen the loot. On further interrogation regarding their purchase of slaves, they both again denied that the slaves had been bought with the loot and claimed that they had bought them with money they had received in

exchange for barley and crops. Apparently the court's aim was to recover the loot both husbands had stolen (Bedell 1973 : 115-116).

The text<sup>9</sup> at the tomb of Ankhtifi at Mo'alla indicates that anyone:

“... who will commit a bad, evil act against this coffin, and against any part of this tomb, his arm will be cut off for Hemen ...; and Hemen will not accept any of his meals; and his heir will not inherit from him.”

It is thus clear that the potential violator of Ankhtifi's tomb would be punished in several ways; his arm would be cut off, the god would not accept any offerings from the violator and his children would be disinherited.

## **2.4) DESERTION OF MILITARY SERVICE AND CORVEE LABOUR**

According to a Brooklyn Museum papyrus of the Middle Kingdom, a woman was incarcerated in a jail in Thebes, as she had fled from her district to evade corvée service on a royal estate (Tyldesley 1995 : 137). Teti, the daughter of the scribe Sainhur, was found guilty and:

“...an order issued to execute against her the law pertaining to one who flees without performing his labour duty”.

Laws concerning desertion called for 6 months imprisonment, forced labour or a fine, but special circumstances such as illness in the family were taken into account. Should a soldier desert his military service, or a servant his/her duties, or a person

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<sup>9</sup> Mo'alla Inscription no. 8.

evade corvée labour, his/her whole family could be imprisoned<sup>10</sup>. The papyrus further shows that the person fleeing, when he was caught, was bound to servitude for the rest of his life. The families of these persons were also seized until the arrest of such a person.

A Middle Kingdom papyrus, Papyrus Brooklyn 35.1446, contains a few directives from the government, indicating that fugitives should be punished according to the correct laws, and therefore gives evidence on the penalties that those people suffered who committed wrongs against the state. According to Lorton (1977 : 17):

“the directives, which are concerned with specific individuals who failed to perform their required labor service, cite laws by topic”,

and Hayes (1955: 47) translates these laws as follows:

- 1) “The law pertaining to those who desert”.
- 2) “The law pertaining to one who deliberately deserts for six months (or more)”.
- 3) “The law pertaining to the deliberate desertion of [one’s] labors”.
- 4) “The law pertaining to one who flees without performing his tasks”.
- 5) “The law pertaining to one who flees the prison”.

The decree of Nefer-ir-ka-Re, stated that:

“With regard to any man of the district who takes any royal mortuary priest who are on a field of the god, for which they do priestly service in this district, (for) work on the (royal) property or any corvée of the district, you shall send him to court. [He himself] shall be given over [to the gra]nite (-quarry), and (his) harvest-yield of barley and emmer [shall be given to...}. With regard to any man of the district who takes any serfs who are on a field of the god (for) work of the (royal) property or any corvée of the district, you shall send him to court. [He himself] shall be

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<sup>10</sup> Also see Robins, 137.

given over [to the gra]nite (-quarry), and (his) harvest-yield of barley and emmer [shall be given to ...]”.

### 3) **CRIMES AGAINST THE TEMPLE AND THE PUNISHMENT THEREOF**

Edgerton (1947 : 221) states that the crimes against the Temple was consolidated in the Nauri Decree of Seti I (the first part of the stipulation) which also sets out the punishment for these crimes (the second part of the stipulation). It mostly deals with officials that had committed a crime against the temple or Foundation, but it also makes reference to commoners, men and women:

“in order to prevent wrong being done to any person belonging to (the) Foundation, who is in the whole land, (whether) man (or) woman”.

It can be taken that in the Nauri Decree the reference to the masculine also included the feminine.

Edgerton (1947 : 221-227) translates the legal part of the Nauri Decree as follows, listing the offence to be punished in the first part of the stipulation and the punishment to follow the offence, in the second part:

- (I.B.1.a-c) “Any official that shall take any person belonging to the Foundation from (one) district for (another) district by corvée (or?) by forced labor for plowing (or) by forced labor for harvesting likewise to do any task,
- (I.B.1.d) punishment shall be done to him by beating him with two hundred blows (and) five pierced wounds, together with exacting the work of the person belonging to the Foundation from him for every day that he shall spend with him, to be given to the Foundation”.
  
- (I.B.2.a) “Any official who shall detain any boat belonging to the Foundation, agent of the estate and moor it even for one single day, saying, “I will take it as commandeered for certain [busi]ness of Pharaoh with it”,

- (I.B.2.b) punishment shall be done to him by [beating him] with two hundred blows (and) five pierced wounds together with exacting the work of the boat from him for every day that it shall spend moored, to be given to the Foundation”.
- (I.B.3.a) Any official who shall violate (the) boundary of fields belonging to the Foundation so as to move their boundaries,
- (I.B.3.b) punishment shall be done to him by cutting off his nose (and) his ears, he being put as a cultivator in the Foundation”.
- (I.B.4.a) “Likewise, any person who is in (the) whole land who shall drive off any catcher belonging to the Foundation from his trapping marshes (or) from his fishing waters,
- (I.B.4.b) punishment shall be done to him by beating him with one hundred blows (and) five pierced wounds”.
- (I.B.5.a) “Now as to any person who shall be found stealing any goods belonging to the Foundation,
- (I.B.5.b) punishment shall be done to him (by) beating him with one hundred blows and exacting the property of the Foundation from him, together with a penalty at the rate of one hundred to one”.
- (II.A.7) “[in order to] prevent their wives (and) their slaves being taken captured, in any task of Pharaoh”.
- (II.B.1.a) “As to anyone who shall violate this decree and take a herdsman belonging to the foundation by capture or from (one) district for (another) district in any task, and the herdsman shall say, “Verily, since such an one took me, loss of one animal or two or three or four has occurred in my herd”,
- (II.B.1.b) punishment shall be done to him by beating him with two hundred blows and exacting the animal belonging to the Foundation from [him], (together with) a penalty at the rate of one hundred to one”.
- (II.B.2.a) “Likewise the one who shall be found taking an animal belonging to the Foundation,
- (II.B.2.b) punishment shall be done to him by cutting off his nose (and) his ears, he being put as cultivator in the Foundation,...and putting his wife (and) his children as serfs of (the) steward of his estate”.

- (II.B.3.a) “Now as to any keeper of cattle, any keeper of hounds, (or) any herdsman belonging to the Foundation who shall sell any animal belonging to the Foundation to another; likewise the one who shall cause it to be offered on another list and not to be offered to Osiris its lord in the Foundation,
- (II.B.3.b) punishment shall be done to him by casting him down, placing him on top of a stake, and dedicating [his] wife, his children, (and) all his property to the Foundation and exacting the animal from the one to whom he shall have [given] it, together with a penalty (in favor of) the Foundation at the rate of one hundred to one”.
- (II.B.4.a) “Now as to any person who is in (the) whole land who shall drive off [any] herdsman belonging to the Foundation [from] his pasturage,
- (II.B.4.b) punishment shall be done to him by beating him with one hundred blows (and) five pierced wounds”.
- (III.B.2.a) “Likewise the one who shall take any sailor of a barge belonging to the Foundation in order to send him on a task [--],
- (III.B.2.b) punishment shall be done to him and the things shall be exacted from him with the forfeit (in favor of) the Foundation and [the days of the sailor] shall be exacted [from him at rate of- to one for] every [day] which [he] shall spend with him”.
- (IV.B.3.a) “[And if] any person belonging to the Foundation [shall complain] [to any council that is in a city, saying], “A certain [agen]t, a certain charioteer, a certain stable-chief, [a certain] soldier [has wronged me and has taken my goods from me]”,
- (IV.B.3.b) [they shall] exact the things which shall be deficient from him [and he shall recover the goods from the man who has] wronged him”.

(Chapter V,II)

“But His Majesty has forbidden [-----] put on a stake for the sake of causing him to be convicted in any council of any city to which they go”.

(Chapter VI)

- (VI.A) “[As to any people] who are in (the) whole land, to whom any person belonging to the Foundation shall come saying, “[A certain--] has wronged [me], he took my ox, he took the ox, he took my goat”, (or) anything (else) which may be taken from people, or (if he shall say), “A certain agent took my man by capture to do a certain task”, and they fly

not at his voice to have his opponent brought in haste in order to judge him,  
(VI.B) Osiris the First of the Westerners, the lord of the people, the lord of the goods, shall be after him, after his wife, after his children, to punish his name, to destroy his soul, to prevent his corpse resting in the cemetery”.

According to a stela<sup>11</sup> in the Hakaib sanctuary, anyone who:

“... will take it [the offering] away ... his arm will be cut off like (that of) the above ox, and his neck will be severed like (that of) a bird... He is destined to the fire, and his children to the flame, his corpse being destined to “smelling the earth”.

The texts clearly indicate that the seizure of offerings will be punished, even though it is not clear who executed these punishments.

One of the documents dealing with tomb robberies also mentions that thefts from mortuary temples were being investigated, and three oaths are recorded; for example, one suspect refers to being sent to the “garrison of Kush” (Papyrus British Museum 10053) and another refers to being impaled (Papyrus British Museum 10053), should they be found guilty of tomb robbery.

#### **4) CRIMES AGAINST INDIVIDUALS AND THE PUNISHMENT THEREOF**

##### **4.1) THEFT**

Many court cases are known concerning women accused of theft of property. Theft was a common problem, although not many cases are known regarding theft of private property or the penalty for such crimes.



From Otraca Nash 1 we learn of a woman, Heria, who was accused of the theft of a copper axe that belonged to one of the workmen, Nebnefer. She denied the accusation and swore an oath that she had not stolen the axe. Her house was searched and the stolen item, as well as other stolen items, including temple equipment, were found. Her crime was seen as very serious because the theft was compounded by blasphemy. The court accused her of being:

“... a great false one, worthy of death”.

Capital punishment could, however, only be decreed by the king or vizier, and the case was referred to a higher court. The above mentioned text which is available for study was possibly a draft of the report that was sent to the vizier, and it refers to a previous case of theft by a woman as a precedent. The outcome in the latter case, where a copper vase was stolen, states:

“The vizier had the scribe Hatiay come. He had her taken to the river bank.”

We do not know what this meant, but according to Hawass (2000 : 133) executions were performed on the river bank in the times of Mamluk <sup>12</sup>.

A further Deir el-Medina ostracon (Hawass 2000 : 133) documents a case that occurred in the reign of the vizier Neferrenpet. A women, Tanjmhms, was accused of the theft of copper equipment worth 1-1/2 deben. The women denied the claim and

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<sup>11</sup> Stela no. 9.

<sup>12</sup> Also see Bedell (1973 :149).

was taken to the vizier. The scribe informed the vizier that she should be punished to discourage other women from doing the same. The scribe referred the vizier to the case of another woman, Shaka, who stole something worth 1-1/2 *deben* and he told the vizier:

“My lord ordered that punishment should be meted out on this woman because no other woman will do such a thing again” (O. Nash 1)

A husband could also take his wife to court on the grounds of theft. Such a case was tried by the court of Deir el-Medina. A husband and his wife arrived together at the court, and he accused her of theft. It was recorded that:

“He said: “As for me, sickness came to me. I said to my sister (wife)...of what is good of mine. She went herself to the Valley of Kings. I spent the month while I was sitting. I was alone receiving. It was the...which Pharaoh- Life, Prosperity, Health! - gave to me. She stole it”. (Ostraca Petrie 18)

In Papyrus Cairo 65739<sup>13</sup>, the merchant, Raia, offered Irynofret a female slave from either Palestine or Syria, which she then bought. They fixed the price for the slave as 4 *deben*, 1 *kidet* of silver, but she paid in commodities, some of which she possessed and some of which she still had to buy from other people. A charge was laid against her by Nekhy, on behalf of Bakmut, Irynofret’s female neighbour, that she had used (stolen) some of her goods to pay for the slave girl. Irynofret was then taken to court and she had to swear the following oath:

“As Amon endures and as the Ruler - life, prosperity, health!- endures should witnesses be brought up against me that any property belonged to the woman Bakmut within the silver which I gave for this servant and I

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<sup>13</sup> As translated by Pritchard (1955 : 216).

concealed it, I shall be (liable) to one hundred blows, while I am deprived of her!”

The records from Deir el-Medina show that punishment regarding stolen and embezzled goods might take the form of returning the goods with a fine of twice, or even triple, their value. Should the owner of the property be merciful he could renounce the fine (Andrews 2003)<sup>14</sup>.

## **4.2) DEBTS**

It is clear from certain texts that the women of Deir el-Medina were brought to the court to pay their debts (Cruz-Uribe & Nims 1990 : 284). Cruz-Uribe & Nims (1990) state that a trustee kept the loan (debt) document until full payment of the loan (debt) was made or until the failure to pay was established. The debtor, if not having made payment, may have been taken to court on the grounds of this document which the trustee held.

An ostrakon (Ostraca Berlin 14214) explains that the court ordered a woman to pay 20 *deben* for a chair. The text explains that she was taken to the temple of Rameses II and the court then decided that she should pay 30 *deben*, because she was behind with payment of her debts. The opening lines of the text are lost and we are therefore left with many questions regarding the court’s ruling or the deadlines, if any, that were imposed.

A certain man, Khaemseba, gave Huy objects worth 2 *snw* and Huy gave a woman a cloth worth 2 *snw*, although we do not know the relation between the first and the second transaction. Huy's payment to the woman did not satisfy the claims of Khaemseba regarding the first transaction. Huy was beaten and a few days later he paid Khaemseba goods to the value of 4 ½ *snw*. A fine of more than one hundred percent was applied in this matter (McDowell 1990 : 179).<sup>15</sup>

An example is known to us from Papyrus British Museum 10523, where a woman, a widow, promised all her property, as well as her house, as security for a debt (Pestman 1961 : 87).

King Bocchoris suppressed imprisonment for debt, as well as enslavement for debt.

### **4.3) ADULTERY**

While a married man could have sexual relations with other women than his wife, it was expected of a married woman to be true to her husband<sup>16</sup>. Motherhood, unlike fatherhood, could never be in dispute and therefore adultery on the woman's side was deplored in texts and men were criticized for having relations with married women (Robins 1993 : 67).

Watterson (1991 : 69) states that:

“It might be expected in a society where property passed through the female

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<sup>14</sup> Also see Murray (1962 : 85).

<sup>15</sup> O. Cairo 25572 as translated by McDowell (1990 : 253-254).

<sup>16</sup> This does not make sense as the aim of marriage was the “procreation” of children and the husband wanted to make sure that he was the father of his children, seeing that legitimate children had certain rights on the inheritance of the father's property.

line that adultery on the part of the wife would be considered a heinous crime”.

A story of a wife who had an extramarital affair, told by Khafre<sup>17</sup>, reads that, when the king heard about the matter he ordered that:

“...the wife be taken to a plot of land on the north side of the Royal Residence, where fire was heaped upon her. Her ashes were then thrown into the river”.

A husband could ask his wife, who was suspected of having committed adultery, to take an oath, thereby proving her innocence or guilt:

“I did not have any extramarital intercourse, I have had no intercourse with anybody, since I was married to you in the year 22, till to-day”. (Ostraca Louvre 8112)

If the wife took the oath she was deemed innocent of the accusation of adultery, but if she refused to take the oath she was found guilty. The husband also took an oath, stating:

“If she takes the oath, he shall have no claim on her and he shall give her 4 talents and 100 (*deben?*) [of money]”. (Ostraca Louvre 8112)

In Chapter 125 of the Book of the Dead we find the negative statement by the deceased:

“I have not copulated with a married woman”

or:

“I have not copulated with the wife of another man”

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<sup>17</sup> P. Westcar. Also see Pestman (1961 : 55,f6), Lorton (1977 : 14-15) and VerSteeg (1994 : 44-45).

Should the deceased however have had an adulterous relationship, the negative confessions could not be made by the deceased and the person could therefore not pass to the netherworld and he was therefore doomed for all eternity.

Stories also warn men not to have sexual relations with married women, for example, in the Tale of Two Brothers<sup>18</sup> the wife of Anubis said:

“Come let us pass an hour lying together”

whereupon Bata replied:

“What is this great wrong you have said to me? Do not say it again!”

Anubis’ wife betrayed him time after time until finally she was caught and was given what she deserved:

“ So he reached his house, and he killed his wife, and threw her out (to) the dogs”.

The Wisdom texts gave practical advice on how an individual should behave in public and society. According to Robins (1989 : 115), they included counsel on how to treat women, but also to beware of the wiles of some women.

A court case at Deir el-Medina<sup>19</sup> starts with the accusation, that the foreman Paneb had adulterous relationships with married women:

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<sup>18</sup> P. BM. 10183 as translated by Pritchard (1955 : 23-25). Also see the Instructions of Any, and the Instructions of Ptahhotep.

<sup>19</sup> P. BM 10055 (Previously the Salt Papyrus 124).

“You copulated with a married woman in the-place-of-carrying-torches.”

The rest of the text is difficult to follow, but this accusation was intended to show that the man was a bad character and to cast doubt on his reliability<sup>20</sup>. The accusations against him are further described in detail:

“...Paneb copulated with the citizeness Tuy, she being the wife of the workman Qenna. He copulated with Hul, she being with Penduau. He copulated with the citizeness Hul, she being with Hesysunebef, so said his son. And when he had copulated with Hul he copulated with Webkhet, her daughter. And Aapehty, his son, copulated with Webkhet as well”.

A bridegroom complained in Papyrus Deir el-Medina 27 that his bride had betrayed him. He found her in the arms of another man, Merysekhmet. The bridegroom’s claim for justice was not met and the court ordered that he should be given a beating. Inherka, the overseer of the workmen, was very upset about the ruling of the court. Inherka ordered that Merysekhmet should swear that he would never again speak to the woman and should he not obey, he would be punished for not obeying. He, however, did not keep his word and impregnated the woman. This time his own father took him to court and again he had to swear that he would not go near her. There was no request for the death penalty as punishment, as Merysekhmet was of a lower social stratum<sup>21</sup>. It was only because the overseer mediated on behalf of Merysekhmet against the injustice that the court decided to take action against the other man<sup>22</sup>. Lorton (1977 : 38) states that in the case of Merysekhmet, it can be deduced that:

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<sup>20</sup>Also see Eyre (1984 : 94).

<sup>21</sup>This could be the reason why the husband was beaten the first time he went to court to complain.

<sup>22</sup>Also see McDowell (1990 : 155-156).

“An adulterer, in swearing to the court that he will not continue to “speak” to another man’s wife, invokes upon himself the punishment of the cutting off of his nose and ears and being sent to Kush. On a later occasion, swearing not to “go to” the place where this woman is, he invokes the penalty of being sent to the mountain of Elephantine. The amazing aspect of this case is that the man apparently was never punished, despite repeated adulterous acts and court hearings!”.

Adultery led to divorce and a total loss of all the rights of a woman. An adulterous woman who was caught was open to the severest punishment by her husband (Tyldesley 1995 : 70)<sup>23</sup>.

A case is recorded in Papyrus British Museum 10416 where a married man had an adulterous relationship with another woman. The people of the community thought it was outrageous, and wanted to go to the adulterous woman and beat her and her family up. The workmen’s steward intervened, turned to the adulterous man and urged him to go to the court with his wife. The steward also told him that he had held off the people on this occasion, but that he would not do so again in the future. It is, however, not certain whether the people of the community were allowed to take the law into their own hands. (Janssen 1988 : 137)

According to Diodorus Siculus an adulterous woman’s nose could be cut off, while her partner in crime was beaten in a brutal manner (Diodorus 1985 : 78)<sup>24</sup>. Divorce and social disgrace were seen as an acceptable punishment and a woman that was

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<sup>23</sup> Also see Pestman (1961 : 56):“... the husband - if he repudiates his wife - owes her a fine, unless this repudiation takes place in consequence of adultery committed by the wife”.



repudiated as the result of adultery was condemned by all. An adulterous woman could even be burnt to death on the stake.

## **5) CORPORAL PUNISHMENT**

Beating, usually 100 strokes with a cane, was very common and was almost always applied for lesser crimes, and 5 bleeding cuts or brands were added for more serious crimes to act as a permanent dishonour, as was seen in the Nauri Decree.

No Ramesside texts indicate that a crime by an individual against another individual was punishable by death<sup>25</sup>, but crimes against the state, such as an attempt on the life of the king or theft of the property of a god, was almost always punishable with death. Tomb robbery also fell into this latter category and everyone knew that death could be imposed. The Pharaoh had the final say in the imposition of this punishment. (Bedell 1973 : 143, 146)

In two tombs at Assiut<sup>26</sup> it is shown that both the culprits were to be put to death, as a limb of each was severed. The tombs mentions that the one culprit's head was to be cut off, while the other was to be burned and his ashes to be cast to the ground.

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<sup>24</sup> Also see Tyldesley (1995 : 95). Pestman (1961 : 55, footnote 6), also states that Diodorus claimed that a man who assaults a married woman is castrated and that a man who commits adultery receives 1000 strokes with a stick, while the woman's nose is cut off.

<sup>25</sup> In the case of Heria, where she stole copper from an individual and the property of Amon, the court gave the verdict: "The citizeness Heria is very guilty, deserving of death". We do not know however if the punishment was meted out as her case was put aside for the vizier to decide on. We also do not know whether she would be given the death penalty because of the copper (all metal belonged to the king) or because it was said that she stole the property of a god. The theft of copper and copper implements in this village, that was inhabited by tomb cutters and their families, could also be punishable by death after a decree by the king. This point will only be clarified upon further evidence becoming available.

<sup>26</sup> Tombs III & IV.

According to texts in Lower Nubia, if someone damaged any graffiti (Willems 1990 ; 38):

“He will die at the King’s execution block”<sup>27</sup>

Another text<sup>28</sup> states that (Willems 1990 : 38):

“As for the one who damages it, he will die by the hand of the executioner”

Another text<sup>29</sup> indicates that the violator of the graffiti would not be able to sail back home to Egypt: the reason for this is not known, but it can be assumed, according to Willems (1990 : 38) that the perpetrator was executed.

The Nauri Decree, intended to protect an Estate of Osiris, only lists one crime punishable by death. If a person, who was entrusted with the care of the Foundation’s animals, gave away any of the animals or if he/she caused that an animal to be offered to another god, this crime was considered more serious than ordinary theft and such a person was doomed to be put to death. This crime was considered a sacrilegious act and a betrayal of trust, and the only proper punishment was the death penalty. Although the Decree was to protect the State and the property of a god, the king made a judgment as to the seriousness of each crime and then fitted the punishment accordingly.

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<sup>27</sup> Graffiti no 57.

<sup>28</sup> Graffiti no 24.

<sup>29</sup> Graffiti no 58.

Depending on the severity of the crime, a pharaoh could send a criminal to labour in quarries and mines. This was a punishment much worse than death because of the precarious conditions the criminals lived in. A criminal could even be exiled to Nubia and the Western Oasis (Bedell 1973 : 151)<sup>30</sup>.

Other crimes were punished by mutilation, for example, the cutting off of a hand, ears, nose or tongue. Severe crimes were punished by impaling on a stake, burning alive, decapitation and drowning (Bedell 1973 : 151).

## **SUMMARY**

The ancient Egyptians were ruled by the terms of Ma'at. Should Ma'at be broken by a person, the culprit needed to be punished.

Women could be tried for committing a conspiracy, as was seen from the Harem Conspiracy against Ramesses III. They were given a hearing, and were given the choice to commit suicide: an appropriate punishment for such actions.

Women were also tried for tomb-robbery, and even those robberies committed by a husband. Usually the aim of the trial was to establish what had happened to the loot, and usually the restitution thereof was punishment enough.

Desertion from military service as well as from corvée service were viewed as crimes, and a penalty of 6 months imprisonment, forced labour and a fine could be imposed on such a person. Usually mitigating circumstances were taken into account.

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<sup>30</sup> Also see Murray, 85.

Crimes against the temple were consolidated in the Nauri Decree. Each crime against the temple had an accompanying punishment. It is notable, however, that only one crime necessitated the death penalty: If a person entrusted with the Temple animals gave them away or caused them to be offered to another god.

Theft was punishable by a hundred blows with a stout stick and even death if the objects had been stolen from the Temple. Sometimes a fine was imposed on the value of the goods and the stolen goods had also to be returned to their lawful owner. A husband could also take his wife to court on the grounds of theft.

Debts were also punished. Usually the debtor was taken to court on the grounds of the debt document, an IOU, if the debt was not paid in time. Punishment meted out for debts usually entailed the payment of a fine. There was no enslavement or imprisonment for debt, however.

Adultery was seen as the most heinous crime that a married woman could commit. Usually adultery was punished by the repudiation of the wife. The shame and repudiation was thought to be an acceptable punishment. Sometimes even the death penalty was imposed. The wife also usually had to take an oath, stating that she has not committed adultery. Should she take the oath she was deemed innocent, but if she did not, she was found guilty.

Usually corporal punishment was meted out for more serious crimes. The death penalty was always meted out for crimes against the state. The king had the final say in the imposition of the death penalty.

From the aforementioned it can be deduced that women were tried in the same way men were tried, and that women were also punished by the same severe punishments men were liable to.