

CONCLUSION

“... the Egyptians themselves in their manners and customs seem to have reversed the ordinary practices of mankind. For instance, women attend markets and are employed in trade, while men stay at home and do the weaving... Men in Egypt carry loads on their heads, women on their shoulders; women pass water standing up, men sitting down... Sons are under no compulsion to support their parents if they do not wish to do so, but daughters must, whether they wish it or not”¹.

Our knowledge is shaped by the nature of the evidence that has survived. Unfortunately the evidence is largely masculine in nature and consists of administrative documents and religious, state and funerary art forms that were produced by and for a male society, thus oversimplifying or ignoring the roles that women played. On careful analysis of the scarce evidence we have, we come to the conclusion that women had the same legal rights as men and could conduct themselves as they wished to.

It must be noted, however, that there are still many *lacunae* in the study of the rights of the ancient Egyptian woman and Meltzer (1989 : 505) proposes that an attentive study of the anthropology of law or political anthropology would help define terms clearly and would help avoid the contradictions stated throughout this dissertation.

We must also remember that only a small fragment of the original bulk of documentation has survived, and the question must be asked what type of equality

¹ Herodotus, as translated by Burns (1972 : 142-143).

there was in practice and whether a woman could exercise her rights at all times. As Menu (1989 : 205) states:

“women had a full *capacity* of rights, but ... in daily life they often left to their husbands the *exercise* of those rights”.

It cannot definitely be concluded that the above mentioned statement by Menu is correct as we have seen that the women of ancient Egypt did exercise their rights on their own without the help and intervention of a male guardian.

The strong position of the wife in Ancient Egypt is also shown by the way that Diodorus described the wife:

“... the wife lords it over the husband, as in the deed about the dower the men agree to obey the wife in everything”².

This is clearly a highly exaggerated statement on the part of Diodorus, but it also clearly shows that women had considerable rights in Ancient Egypt.

Marriages were mostly monogamous, which suggests the basic attitudes towards women. Marriages were only entered into by the consensus of the parties and the drawing up of matrimonial deeds. The duties which husband and wife had towards each other are presumed to lie in between morality and law. Divorce was a relatively easy procedure: a party to the marriage could end it at anytime and for any reason. The woman's legal rights are furthermore emphasized by the fact that she had custody of the children. She was responsible for their upbringing and maintenance. Children could be adopted and were thereafter considered the legal heirs of their

adoptive parents. Not only children, but also wives, could be adopted. This was usually the case when a husband wanted his wife to inherit more property and/or goods than normal.

The Egyptian woman had the right to inherit as well as the right to bequeath all her property as she deemed fit. She had a total right to her property and was legally *capax* to do with it as she wished. She could therefore disinherit some children and selectively bequeath property to certain children. She was able to litigate with regard to her inheritance and she could do so without the help of a guardian, although we know of a few cases where a male assisted a woman in inheritance disputes.

Another right a woman had was the right to own property. She could purchase and sell property and slaves as she wished. She could own immovable property - lands, fields and houses - and was also the owner of movable property, whether property acquired before, during or after the marriage.

She could conclude contracts for lending and borrowing of goods and could initiate court cases with regard to her property. She entered into contracts on a daily basis, which included the drawing up of marriage and divorce deeds, engagement in wet-nursing, arrangements for self-enslavement and the buying and selling of property.

Women were also subject to the same harsh punishments for crimes committed as men. Women are, however, less often seen in legal disputes than men, and are mostly the defendant in legal actions. Women were tried for conspiracy, perjury and tomb-robbery, as well as for theft, non-payment of debts and adultery.

² As translated by Pestman (1961 : 136).

The most important right of all was that she could live without the protection of a male guardian. This was an immense innovation in a period when the women of all the other major societies, in a greater or lesser degree, were relegated to a submissive status and were ranked with dependent children and the mentally disturbed, as inferior to men.

Thèodoridès (1971 : 292), states that, as can be deduced from the fragmentary evidence we have been left, women and men were treated equally in the eyes of the law.

To summarize the legal rights of women in Ancient Egypt: They had legal rights, unlike their counterparts in the rest of the Ancient Near East. They could own property, engage in trade, bequeath and inherit property, bring lawsuits and could do so without the help of a man. There are, however, some contradictions and *lacunae* with respect to some aspects of the law, the rights women possessed and how these were exercised in practice. Further studies in this field, as well as the obtaining of new data, will most certainly shed more light on the legal position of the women of Ancient Egypt.