

**THE CONCEPT OF LAW AND JUSTICE IN ANCIENT EGYPT,
WITH SPECIFIC REFERENCE TO
*THE TALE OF THE ELOQUENT PEASANT***

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I, Nicolaas Johannes van Blerk, declare that THE CONCEPT OF LAW AND JUSTICE IN ANCIENT EGYPT, WITH SPECIFIC REFERENCE TO *THE TALE OF THE ELOQUENT PEASANT* is my own work and that all the sources I have used or quoted have been indicated and acknowledged by means of complete references.

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SUMMARY

This thesis discusses the interaction between the concepts of “justice” (*ma’at*) and “law” (*hpw*) in ancient Egypt. *Ma’at*, one of the earliest abstract terms in human speech, was a central principle and, although no codex of Egyptian law has been found, there is abundant evidence of written law, designed to realise *ma’at* on earth. The king, as the highest legal authority, was the nexus between *ma’at* and the law.

Egyptologists have few sources of knowledge about law and justice in ancient Egypt because the ancient Egyptians used commonplace language in legal documents and they only had a few imprecise technical terms relating to law. For Egyptology to advance, therefore, we need to reappraise its sources. The *Tale of the Eloquent Peasant* has a strong legal background and should be treated as an additional source of information about how law and justice were perceived and carried out in ancient Egypt.

Key terms

Ancient Egypt; Egyptology; Judgement; Justice in ancient Egypt; Law in ancient Egypt; Legal system; Ma’at; Role of pharaoh; Sources of knowledge; Tale of the Eloquent Peasant

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List of Abbreviated Journal Titles

<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JARCE</i>	<i>Journal of the American Research Centre in Egypt</i>
<i>JEA</i>	<i>Journal of Egyptian Archaeology</i>
<i>JESHO</i>	<i>Journal of the Economic and Social History of the Orient</i>
<i>JNES</i>	<i>Journal of Near Eastern Studies</i>

INTRODUCTION

Justice (*ma'at*) governed the lives of ancient Egyptians because they saw no difference between divine and human justice (Mancini 2004: 3).

Their concept of justice was, however, very different from ours and we find it hard to define it properly. Perhaps this is why modern legal researchers have shown very little interest in researching the ancient Egyptian concept of justice (Mancini 2004: 3).

Aim

The aim of this dissertation is to address the following questions:

- What did the ancient Egyptians understand by the concept of “justice”?
- How did this concept manifest itself in their law and the legal system?

Methodology

The method used to addressing these questions was a descriptive analysis of terminology in ancient Egyptian fiction and its implications for the contemporary system of law and justice. The primary source discussed is the *Tale of the Eloquent Peasant*.

Justice

Tremendous evolution took place in ancient Egypt, especially in the rise of a sense of moral responsibility. This moral responsibility or conscience, which influenced every aspect of their lives, was expressed by a single word, *ma'at*, which encompassed our ideas of order, honesty, and justice.

As Breasted (1934: 32) indicated, there was a developed civilisation very early in ancient Egypt, in which the organisers of religion and government produced mature abstract thinking. A virtuous man was called “peaceful”, in contrast to the criminal, who was an offender against those around him (Breasted 1934: 41). Some conduct was approved and some conduct not (Breasted 1934: 38). There must already have been law that recognised these two kinds of conduct and the source of law was clearly the pharaoh

(Breasted 1934: 41). This implies a social and ethical development that lies far below our earliest historical horizon (Breasted 1934: 42).

There is archaeological evidence¹ that justice was essential to the ancient Egyptians. They were much more interested in justice than in law, and the ancient Egyptian idea of justice was one that our modern mentalities can hardly understand, in contrast to the legal system that the ancient Romans gave us (Mancini 2004: 1).

Justice was a factor of daily life, discussed in connection with not only earthly life, but also the afterlife. This is attested to by the fact that almost all of the texts and inscriptions discovered speak of justice (Mancini 2004: 1). For this reason, no discussion of the concept of justice and law (*hpw*) in ancient Egypt can begin without a thorough consideration and discussion of the importance of *ma'at* (and *M3't* – the divine law of order, honesty, and justice, which was reflected in the human *ma'at*).

Egyptian society was founded on the concept of *ma'at*.² It regulated the seasons, the movement of the stars, and relations between man and the gods;³ it was a golden thread running through their ideas about the universe and their code of ethics;⁴ it formed the basis of their thinking and especially of the way they approached justice and law.

Justice was the measure by which the dead were judged in the balancing scales of Ma'at, the goddess of truth and justice, as we learn from the *Book of the Dead*. It tells how the god Horus weighed the heart of the deceased in balancing scales against an ostrich feather, which symbolised Ma'at's justice.⁵ The woman accompanying Horus was Ma'at (VerSteeg 2002: 19). This judgement scene is shown in illustrations called "vignettes" that accompany many funerary texts, so passing through the scales of Ma'at appears to have

¹ For instance, various stelae, tomb inscriptions and didactic literature like the stelae of the steward Mentuwsre (erected as a royal gift in year 17 of king Sesostris 1), Amenemhet's tomb at Beni Hasan and the Instruction for King Merikare (Lichtheim 1992: 33-41)

² The earliest mention of "doing ma'at" occur nears the end of the fifth dynasty. An example is the tomb inscription of the priest Wr-hww from Giza (Lichtheim 1992: 9).

I went from my town
and have descended from my nome,
having spoken Ma'at there,
having done Ma'at there.
I never did what is hurtful to people,
I never let a man spend a night angry with me about something
since I was born.

³ Ma'at, the Goddess of Truth and Justice, is omnipresent (Mancini 2004: 2).

⁴ The wisdom texts taught that one had to conform to Ma'at (Mancini 2004: 2).

⁵ The heart represented the soul (*ba*).

been a compulsory step in order to enter the afterlife, which so concerned the ancient Egyptians (Mancini 2004: 2).

For them, this was the equivalent of the Christian Last Judgement, and this must be considered when reflecting on the ancient Egyptian concepts of law and justice (VerSteeg 2002: 19-20): Studying the judgement scene might give us an idea of how the ancient Egyptians perceived justice.

It related to activities of human life and the cosmos in general. After its creation by the sun god Re, *ma'at* ordered the universe. Since the pharaoh was a living god, ruling by divine right, he was the supreme judge and lawgiver. As Re's representative on earth, he was responsible for the preservation of *ma'at* and was the nexus between *ma'at* and the law (*hprw*).⁶

Law

Egyptian law was essentially based on a concept of justice that was antonymous to falsehood and injustice (Shupak 1992: 15). The courts were guided by the principles of *ma'at* and, in fact, the vizier who was in control of the law courts held the title "priest of Ma'at" (McDowell 1999: 166).

Breasted (1909: 242) remarked:

The social, agricultural and industrial world of the Nile Dwellers under the Empire was therefore not at the mercy of an arbitrary whim, on the part of either the king or court, but was governed by a large body of long respected law, embodying principles of justice and humanity.

Middle Kingdom fiction, such as the *Tale of the Eloquent Peasant*, used terms (see Chapter 5), that imply that judges of the time destroyed and corrupted *ma'at*, although one of their basic functions was to defend *ma'at* (Shupak 1992: 15). We can therefore learn a great deal from the Tale about ancient Egyptian ideas of "incorrupt" law and *ma'at*.

⁶ The connection between *ma'at* and the law is firmly anchored in the textual evidence (Lorton 1986: 57).

OUTLINE OF THE DISSERTATION

In Chapter 1, the discussion focuses on the concept of *ma'at* (justice) within a broader context of justice and law. I address the question of what the concept “justice” meant for the ancient Egyptians and how this related to their understanding of the world, on both a cosmic and a practical level. *Ma'at* influenced individual and collective conduct in the daily lives of the ancient Egyptians, and the goddess Ma'at was the personification of physical and moral laws, order, and truth.

Chapter 2 proposes that the judgement scene portrayed in vignettes of the goddess Ma'at in “the judgement of the dead” or “the weighing of the heart” was an accurate reflection of a court layout and the importance of *ma'at* in ancient Egypt.

Chapter 3 discusses the nexus between *ma'at*, the king and law.

Chapter 4 focuses on whether law and a functional legal system (*hpw*) existed. I explore the importance of law for the ancient Egyptian society, which had a high reputation for justice, and discuss what the ancient Egyptians understood by the terms *hp/hpw* (one law as opposed to laws in general). Law was essential for them and was not merely earthly *hpw*, but also the divine law, *M3't*. I indicate that, although no codex has ever been found, there is abundant evidence of written law in Egypt and they must have had a functional legal system .

Chapter 5 analyses terms used in the *Tale of the Eloquent Peasant* and evaluates it as a source of information about ancient Egyptian law and the principles of law and justice in that era. This important work has a strong legal background and shows the interaction between law and justice.

CHAPTER 1. MA'AT

Because *ma'at* was the highest conception of physical and moral law and order known to the Egyptians, Egyptologists normally use a transcription of the Egyptian word, rather than a translation (Allen 2004: 115). *Ma'at* on a cosmic level governed the proper functioning of the universe and kept the world's elements fixed in their proper places. The opposite of *ma'at* was *jzft*, “wrong”, “incorrect, or antisocial behaviour”, “disorder”, “falsehood”, and “injustice.”

1.1 THE MEANING OF MA'AT IN ANCIENT EGYPT

1.1.1 Order

The ancient Egyptians must have groped for a term that would best express their idea of order (Breasted 1934: 142). They eventually found it in the remarkable word *ma'at*, which summed up for them all that was highest in human life. It was one of the earliest abstract terms preserved in human speech.

Bleeker (1967: 13) said:

The ancient Egyptians were undoubtedly people of keen intellect and great insight, yet rational thinking which infers certain logical conclusions by reasoning and experiment, was unknown to them.⁷

The ancient Egyptian ideal of insight did not consist in the ability to comprehend the laws of nature, but in the wisdom, which enabled man to understand the cause of the divine order of life and to conform with it in order to promote the salvation of the individual and of the community.

Ma'at governed human affairs and served as a yardstick against which the Egyptians measured most of their important experiences.⁸ Man “did *ma'at*” because it was good and because the goddess desired it. It was the principle of right, order by which the gods lived, and which men recognised as needful on earth and incumbent upon them. Even Akhenaten is described as “living by *ma'at*”. (Budge 1969: 418)

⁷ “This type of independent and inventive thinking from which modern scholarship originated, was created by the Greeks” (Bleeker 1967: 13).

⁸ These included their society's values, their relationships with one another and their own perception of reality (Allen 2004: 116).

1.1.2 Justice

Ma'at was realised when justice was effected, and to be just meant to protect the weak⁹ from the strong and to accomplish equality (Assmann 1989: 60). The Egyptians used the word in a physical and moral sense and it came to mean “right, true, truth, real, genuine, upright, righteous, just, steadfast”, etc. (Budge 1969: 417) and all these conceptions were represented in Egyptian speech by the single word, *ma'at* (Breasted 1934: 142). Perhaps we could add the word “justification” to them, since it seemed to Spangenberg (1991: 278) that Assmann would prefer to translate *ma'at* as “justification”, and to refer to those who lived in accordance with *ma'at* on an individual political or social level as “justified”.

The state derived authority and stability from the concept of *ma'at*. It prevented the oppression of the poor and needy, and so the poor and needy were liberated by *ma'at* (Spangenberg 1991: 278).

1.1.3 Righteousness

Ma'at is usually translated as “truth, justice, order, or righteousness” (Knapp 1988: 103). For the ancient Egyptians, to be the righteous did not involve any moral or ethical idea. On the contrary, wrong actions appeared to them to be behavioural aberrations that impeded human beings from being happy because not conforming to *ma'at* brought disharmony and unhappiness (Mancini 2004: 17-18).¹⁰

1.1.4 Belief

Ma'at had a religious, ethical, and moral connection, since it was the guiding principle for all aspects of life and represented the values that all people sought (VerSteeg 2002: 21).

However, contrary to our modern religions based on texts, the Egyptian religion was based upon nature (Mancini 2004: 14)¹¹ so the concept of *ma'at* was not a religious one, as we understand the word “religion” today. Today, such a word implies a belief in something

⁹ The protection of the weak was the ideal of kings. In the *Eloquent Peasant*, the peasant says to Rensi: “Because thou art the father of the orphan, the husband of the widow...” (Fensham 1962: 132). From the *Instructions of Amenemope*, we can see the concern for the oppressed and disabled. It is declared that the oppressed must not be robbed and no harshness may be inflicted on the disabled (Fensham 1962: 133).

¹⁰ “Their minds were rather focused on the very practical cosmic balance permitted by *Ma'at* and its actual results in the microcosm as well as in the macrocosm” (Mancini 2004: 18-19).

¹¹ The Egyptians’ religion (rituals and cults) were aimed at energy renewal. The offering of *Ma'at* consisted in the circulation of cosmic energy (Mancini 2004: 14). Bleeker (1967: 6) says ancient man looked to nature and the universe for guidance regarding law.

abstract, which we cannot verify, and such a view was alien to the very practical ancient Egyptians (Mancini 2004: 13-14).

The ancient Egyptians did not need to believe in *ma'at*; they just had to experience it. The wisdom texts advised them to do so through observing the results of their behaviour when opposing *ma'at* or when in conformity with it (Mancini 2004: 14).

1.1.5 Disorder

The opposite of *ma'at* was *jzft*, or wrong, incorrect, or antisocial behaviour, disorder, falsehood, and injustice. Today we control these by religious commandments and codes of civil law. The ancient Egyptians did not have such codes and the distinction was determined by practical experience. It was behaviour that promoted balanced, harmonious relationships between people – behaviour that was *m3'* or “right, correct, just, orderly, true” (Allen 2004: 116).

The contrast of *ma'at* with disorder was made in Egyptian literature, for example in the *Prophecies of Neferty* and in the *Complaints of the Khakheperre-Sonb* (Tobin 1987: 115). In some instances, *ma'at* was opposed by falsehood and Tobin uses the example of the Amama text, where the nobles of Akhenaten point out that *ma'at* is in their bodies and that they, therefore, reject falsehood.

The creator established a balanced universe and imbalance in the world came, not through the existence of some evil force, but from human behaviour (Allen 2004: 116).¹²

However, any discussion of *ma'at* is incomplete without considering Ma'at, Goddess of Truth and Justice (see the illustration in Appendix B).

1.2 THE GODDESS MA'AT

Ma'at was the greatest of the goddesses and she became the personification of justice, who awarded to every man his due (Budge 1969: 418). Ma'at was therefore very important to the ancient Egyptians, both as a goddess personifying physical and moral

¹² Ma'at was established by the creator as part of the world's “natural order” (Allen 2004: 116).

laws, order, and truth, and as an abstract concept (Bleeker 1967: 7). Ma'at influenced individual and collective conduct in the daily lives of the ancient Egyptians.¹³

1.2.1 The will of god

A shift took place in the understanding of *ma'at* during the New Kingdom, so that it was identified with the will of god by the end of this period. The *Teaching of Ani* and the *Teaching of Amenemope* are examples in this regard (Spangenberg 1991: 280).

The relationship between *ma'at* and the protection of the poor was pushed to the background. The state existed for the sake of god and the king was no longer the mediator who had to establish *ma'at*; he too had to do god's will. In other words, god now fulfilled the role of the king (Spangenberg 1991: 290).

1.2.2 The judgement of the dead

Ma'at was of course also present at the judgement of the dead, when the heart of the deceased man was weighed (see the illustration in Appendix C). She was symbolised by the ostrich feather that balanced the scales against the deceased's heart at the Last Judgement.¹⁴ Egypt is the only country in the ancient Near East where we find this belief in the weighing of the heart.¹⁵

Grimal (1992: 47) said:

Ma'at occupies a unique place in the Egyptian pantheon; she is not so much a goddess as an abstract entity. She represents the equilibrium, which the universe has reached through the process of creation, enabling it to conform to its true nature. As such, she is moderator of all things, from justice to the integration of a dead man's soul into the universal order at the time of the final judgement.

When he took over the world, Re (R') became the master/lord of *ma'at* and *Ma'at* began to be portrayed in a mythological sense. The abstract idea became personal and anthropomorphic, portrayed as a woman with an ostrich feather on her head. In written form, *ma'at* is shown seated or only by the feather (Helck 1980: 1111). It is interesting to

¹³ "The myth and reality of Ma'at may be explained by "the particular" pre-Aristotelian logic of the Egyptians, based on an indomitable faith and belief in the magical nature of things and the aetiological reality of myths" (Iversen 1971: 170).

¹⁴ Breasted recognises the "legal form and legal process" by which the deceased was judged (1959: 173).

¹⁵ Interestingly, mention is made in the Bible, Proverbs 21: 2 "But Yahweh weigheth the hearts." See also Prov 16: 2, 24: 12 and Job 31: 6.

note that *Ma'at* was not part of the nine creation gods, which may indicate that the personification of *ma'at* only took place later. Ptah, Thoth and, at the end of the Old Kingdom, Osiris, were other gods who became rulers/masters of *ma'at* (Helck: 1111-1112).

In mythology, Ma'at was the daughter of the sun god, Re (z3t r') because, like the forces of nature, Ma'at was established at the creation, when the sun rose into the world for the first time (Allen 2004: 115).¹⁶

The goddess Ma'at was the personification of physical and moral laws, order and truth. She was represented as a woman seated or standing,¹⁷ and holding a sceptre in one hand and an ankh in the other (Budge 1969: 416). She is even depicted on a scene of the west doorway of the first court of the Luxor Temple in the form of an unguent jar (Teeter 1997: 26). Her symbol, the ostrich feather,¹⁸ was normally fastened to her headdress and sometimes in her hand (Budge 1969: 416–417) or by the plinth on which she sat.

From this association, the feather also became an ideogram for *M3't*. It seems the feather, or the hieroglyph of the goddess wearing it, were only used in art and writing by the Egyptians when they were thinking of Ma'at as a goddess (Allen 2004: 115).

In the New Kingdom, Ma'at received her own temple. The most important example is at Karnak, where there were priests and personnel, and where court cases were held (Helck 1980: 1114-1115).

Ma'at is the object of the most important ritual of exchange between the king and the sun (Mancini 2004: 5). The ritual consists of raising Ma'at up to her father Re, in other words, returning to the sun the light he gives, thus allowing him to go on giving light forever (Mancini 2004: 5). The vizier¹⁹ was supposed "to raise *M3't* to the heights of heaven, and to circulate her beauties over the breadth of the earth" (Bedell 1985: 10).

¹⁶ Ma'at was also known as Re's mother, and as Re's food and the food of all the gods (Mancini 2004: 5).

¹⁷ She is wearing a sheath dress. Ma'at is also represented by the plinth statuette on which she sat and sometimes with the wings of a divine being. The symbolism of the feather is unclear, but it was assigned to lightness and weightlessness. She was associated with other gods, primarily Ptah and Thoth and shared the emblem of the feather with Shu.

¹⁸ The association of the ostrich feather with Ma'at is unknown, as is also the primitive conception, which underlies the name (Budge 1969: 416). Budge (1969: 417) maintains that from passages in texts of all the periods we learn that the feather primarily indicated, "that which is straight".

¹⁹ The vizier served as a prophet of the goddess Ma'at (Bedell 1985: 11).

In the context of a never-ending quest for truth in ancient Egypt, Ma'at provided a sense of continuity that ensured the permanence of many features of ancient Egyptian culture because of her emphasis on tradition and unchanging values (Teeter 1997: 1).

However, we need a deeper understanding of what the ancient Egyptians meant by the word, *ma'at*.

1.3 THE CONCEPT OF MA'AT

The concept of *ma'at* was extremely important for the ancient Egyptians. Gods and people, particularly the king, had to live according to *ma'at*. It was by living according to *ma'at* that the ancient Egyptians confirmed that they understood the concept/principle of *ma'at*, and that they acknowledged the existence of the gods (Helck 1980: 1112-1113).

1.3.1 Ma'at and natural order

Ma'at was created by the creator god and was placed in the cosmos to bring order. Order was therefore not seen as a natural quality of the world (Assmann 1989: 62)

M3't essentially meant "the way things ought to be". It referred to the natural order of the universe, and was a concept that is very difficult to translate accurately by one English word (Allen 2004: 115).

Ma'at was seen as the most fundamental force of nature by the ancient Egyptians and its hieroglyph, Aa11, appears to be a base upon which an object²⁰ can stand, which is perhaps why it was used as an ideogram for something that is basic or fundamental. The base was also used as an ideogram for *M3't* and for related words, such as the verb *m 3'*, meaning "to direct", and the adjective *m 3'*, meaning "having the quality of *ma'at*" (Allen 2004: 115).

Ma'at is a concept that reminds us of what we refer to as "natural law" in Western philosophy (VerSteeg 2002: 3). It was initially the idea of order as the *grundlage* of the world. The goal was to keep the chaotic forces at bay, both in the world and within oneself. The legal system was based on this foundation (Helck 1980: 1110-1111).

²⁰ Like a statue or an object (Allen 2004: 115).

The Egyptians believed the existence of *ma'at* ensured the continued existence of the world as it had done from the beginning of time (Allen 2004: 115); *ma'at* on a cosmic level governed the proper functioning of the universe and kept the world's elements fixed in their proper places.²¹ In their view, an ideal order did not mean that the more desirable parts of nature should eliminate the less desirable. Instead, the concept of *ma'at* meant that all parts of nature lived in balance and harmony (Allen 2004: 116). The ordered existence of the cosmos was reflected by the ordered existence of humankind, so humankind sought harmony with the cosmic order.

Ma'at is an attribute, which imposes responsibilities upon the king, since it invokes conformance with principles of the universe, which come down from the creation, or it involves right-dealing among humans (Bleeker 1929: 81).

Thus *ma'at* was the most important of the divine attributes of the king:

Ma'at, in this sense of truth, order or regularity, belonged to the world which the gods set up at creation (Wilson 1954: 2).

Bleeker (1967: 8) says:

The ancient Egyptian lived in the unshakable faith that *ma'at*, the order instituted by the Sun-god in prehistoric times, was, despite periods of chaos, injustice and immorality, absolute and eternal.

Ma'at was, however, more accurately characterised as a cosmic or divine force for harmony and stability, dating back to the beginnings of time (Knapp 1988: 103). The Egyptian's world was unified:

For *ma'at* expresses the typically ancient view whereby the various fields of nature and culture – cosmic life, state policy, the cult, the science, art, ethics and the private life of the individual – still form a unity (Bleeker 1967: 7).

The laws of nature, the laws of society and the divine commands all belonged to the one category of what was right (Frankfort 1948: 54).

To the Egyptian mind, *ma'at* bound all things together in an indestructible unity – the universe, the natural world, the state, and the individual were all seen as parts of the wider order generated by *ma'at* (Tobin 1987: 113)

²¹ The seasons followed their natural order, night gave way to day, and each generation was succeeded by another (Allen 2004: 116).

Assmann (1992: 151) suggested that the coherence and continuity of the world depended not on causality, but a “connective justice”²² and that this explained how *ma’at* could refer to both cosmic and social order, truth and justice.

1.3.2 Ma’at and law

Good rule and sound administration were forever imbued with *ma’at*. It represented the values that all people sought and was the guiding principle of all aspects of life (VerSteeg 2002: 21). The external righteousness of *ma’at* bespoke an ordered stability that in turn confirmed and consolidated the continuing rule of the king. Suffused with the benefits of *ma’at*, the divine office of the king served as a basic unifying element for the ancient Egyptian state.

Ma’at was also important to judges and to their sense of duty. They were considered “priests of Ma’at” and wore a small figure of the goddess as a pendant around their necks to symbolise their judicial office (VerSteeg 2002: 21).

To the ancient Egyptians, the concept of *ma’at* represented the natural order and balance of life in ancient Egypt – the way things were supposed to be. It had religious, ethical, and moral connotations – and became the focal point of the legal system (*hprw*). If the *hprw* were obeyed, one would be following the principle of *ma’at* but, if one went against the principle of *ma’at* and committed an offence, the law could be applied against him (Bedell 1985: 12).

1.3.3 Modern interpretation of the ma’at concept

Egyptologists and historians of religion have noted that the many in-depth studies now available could never reach a clear understanding of *ma’at* (Mancini 2004: 7). If we want a clear understanding of the concept of *ma’at*, we need to look at the Egyptian world with a neutral mind and not impose our modern ideas of ethics and reasoning (Mancini 2004: 8).

The classical view was that *ma’at* could not be changed or interfered with (Assmann 1989: 75-76). This classic idea of *ma’at*, which implies an indirect causality, is in contrast with the concept of the will of god, Re which implies a direct causality.²³ The direct causality meant that the god could dispense with *ma’at* and be an example of justice himself. As

²² “Connective justice” is the connection between crime and penalty is to be defined by jurisdiction and to be enacted by judicial and executive institutions (i.e., by society and the state) (Assmann 1992: 78).

²³ This direct causality was more evident in the Amarna period (Assmann 1989: 75-76).

lord of justice, he could then deal with injustice and inequality. He was omniscient and could judge man's deeds. Success and failure were therefore not attributed to *ma'at* but were a consequence of direct intervention by the god (Assmann 1989: 76-77).

The only useful guiding principle in Egyptology is: one must learn to think Egyptian to be able to penetrate the religion of Ancient Egypt (Bleeker 1967: 1).

The school of thought having consisted in imposing on *ma'at* our current conception of justice and in considering it as a purely ethical concepts – as in the texts of the negative confessions found in the tombs might allow us to believe – is today widely outdated, and the Egyptians as well as the historians of religion now consider *ma'at* to be rather a cosmic concept (Mancini 2004: 8-9).²⁴

Ma'at represents truth, justice, and order in corporate life, three ethical values that, upon closer inspection, prove to be based on the cosmic order (Bleeker 1967: 7). *Ma'at* relates to both ethics and morals and to the human, divine or cosmic order.

But we lack words for conceptions which, like *ma'at*, have ethical as well as metaphysical implications. We must sometimes translate “order”, sometimes “truth”, sometimes “justice”; and the opposite of *ma'at* requires a similar variety of renderings. In this manner we emphasise unwittingly the impossibility of translating Egyptian thoughts into modern language, for the distinctions which we cannot avoid making did not exist for the Egyptians (Frankfort 1948: 54).

The ancient structure of the Egyptians' religion “is most clearly show[n] in the conception of the goddess Ma'at. It can be said without any exaggeration that Ma'at constitutes the fundamental idea of ancient Egyptian religion” (Bleeker 1967: 6-7).

Ma'at is very different from our modern concepts of truth, solidarity, etc, and is probably a remote ancestor of our modern concepts (Mancini 2004: 24). Many Egyptian concepts, symbols and ideas appear obscure to us, not because the Egyptian sources are unclear, but only because “we are confronted with a state of mind opposite to our own” (Mancini 2004: 15). The Egyptians were not only interested in the material side of life, as we tend to be. Our materialistic approach to the world makes it difficult to understand, for example, that, when offering food to dead people or to gods, the Egyptians intended to offer the immaterial energy of the food (Mancini 2004: 15-16).

²⁴ We owe this new view on Egyptology and the history of religion to Claas Joyce Bleeker (Mancini 2004: 9).

1.4 SOURCES

Ma'at appears almost in every text that Egyptologists have translated, such as texts of wisdom, funerary papyri or hieroglyphic inscriptions carved on temple walls. The main references from which Egyptologists and religious historians have derived their understanding of the Egyptian concept of *ma'at* are writings, found mostly in tombs and temples, particularly Ramesside temples (Teeter 1997: 81), but also hieroglyphics engraved in stone (Mancini 2004: 7).

Lichtheim (1992: 9) grouped references about *ma'at* and made some commentaries. The earliest statement of “doing *ma'at*” occurred near the end of the 5th dynasty and alleged that the motivation for acting by *ma'at* was that the god loves or desires it (Lichtheim 1992: 9).

The tomb inscription of the monarch Inti of Deshasha adds an effective definition of what doing *ma'at* is and what its rewards are: loving the good, hating wrongdoing and obtaining a state of honour with the king and the god (Lichtheim 1992: 11). The motivation for doing right was obviously not only because the god loved *ma'at*, but also because men loved good and hated evil. The most significant element of *ma'at* appears to be “not doing evil” rather than “doing good” (Adelson 1995: 26).

1.5 CONCLUSION

The true meaning of *ma'at* was never explained properly, but always went through the medium of the king, who was the interpreter of *ma'at*. Nevertheless, gods and people, particularly the king, had to live according to *ma'at*, which was the highest conception of physical and moral law and order known to the Egyptians, so an Egyptian's whole life was governed by *ma'at*. *Ma'at* kept the world's elements fixed in their proper places.

Ma'at was realised when justice was effected so the state derived authority and stability from the concept of *ma'at*. Good rule and sound administration were imbued with *ma'at*, which is why, suffused with the benefits of *ma'at*, the divine office of the king served as a basic unifying element for the ancient Egyptian state.

To the ancient Egyptians, the concept of *ma'at* was the overriding principle in law: If one obeyed the *hprw*, one would be following the principle of *ma'at*. This was important to judges and to their sense of duty.

CHAPTER 2. THE JUDGEMENT

Every Egyptian, even the King, had to pass through a final judgement. This was a social judgement and not a religious judgement as in the Last Judgement of Christian tradition.

The Judgement of the Dead, or the “weighing of the heart”, shows *ma’at* in action, and the balancing scales on which the heart of the newly deceased is weighed provide valuable insight into the nature of *ma’at* (see the illustration in Appendix C). Many Egyptian texts explain that the heart is the organ that receives *ma’at* and emits *ma’at* (Mancini 2004: 59). It is balanced on the scales to show the cosmic exchange of *ma’at* – that balance obtained through the right circulation of *ma’at* through the heart (Mancini 2004: 59).

Every Egyptian had a duty to live in accordance with *ma’at*. Only if they did so, could they join the society of the dead when they died (Allen 2004: 117). The visual representation of the Judgement gives us a glimpse of how ancient Egyptians might have perceived living in accordance with justice (VerSteeg 2002: 19). It was so important to them that they made it a central part of their theology (Lorton 1977: 4).

What we know about the “Judgement of the Dead” or the “weighing of the heart” has been conveyed mainly through the funeral literature as it appears in the ancient Egyptian *Book of the Dead* (Mancini 2004: 39).

2.1 THE BOOK OF THE DEAD

The ancient Egyptian *Book of the Dead* is usually included in the general body of religious texts, which deal with the welfare of the dead and their new life in the world beyond the grave. It is not one book, but a number of scattered speels (funerary literature), which were compiled and divided into chapters (Mancini 2004: 40).²⁵ The book is known to have been in use amongst the Egyptians from about 4000 BC to the early centuries of the Christian era (Budge 1999: 3).²⁶

However, there are variations in the details of the Judgement in different versions and, despite many translations by experts, the *Book of the Dead* remains obscure (Mancini 2004: 41). One reason is the fact that it is strongly coloured by an element of magic, the

²⁵ The actual Egyptian title given to this compilation was the *Book of the Coming Forth by Day* (Mancini 2004: 40).

²⁶ The Pyramid Texts represent the oldest form of the *Book of the Dead* known to us (Budge 1999: 3).

aim of which was to help the deceased pass successfully to the next world (Mancini 2004: 41). In chapter 125, called the *Declaration of Innocence* or *Negative Confession*, the dead person had to have a spell cast to have his innocence magically declared, irrespective of his actual moral behaviour (Mancini 2004: 42).

The *Book of the Dead* is a poorly written text (Mancini 2004: 42-43) but Egyptologists and religious historians cannot describe The Judgement without reference to its chapter 125, and hence to its ideas of judgement, sin, punishment, etc.

Traditional methodology has been able to produce some remarkable results in Egyptology and in History of religions, one must regret the lack of interest in pictures and symbols it involves. It is indeed through the pictures engraved in stone or painted on walls and on papyri that Egypt transmitted its most permanent messages (Mancini 2004: 43-44).²⁷

Egyptologists and religious historians were so focused on the funerary texts that they did not make the most of the symbolic representation of justice in action (Mancini 2004: 46). However, the judgement scene deserves close attention because it is through this unique picture, showing *ma'at* in action, that we have the best possibility of finding valuable information about the concept of *ma'at* (Mancini 2004: 45-46).

As the *Book of the Dead* does not satisfactorily explain the judgement scene, it is better to try to understand the judgement scene itself intuitively, keeping in mind how important communication through symbols and pictures was for the Egyptians (Mancini 2004: 45).

2.2 DISCUSSION OF THE JUDGEMENT SCENE

The Egyptian ideas of law and legal systems were heavily influenced by religion. We can therefore assume that judicial procedures located in the afterworld inevitably reflect practices followed on earth (Griffiths 1991: 204-205).

It was the god Horus, who weighed the heart of the deceased in the judgement of the dead. The heart, symbolically representing the *ba* (the soul) is weighed on the scale against the ostrich feather, which represented *Ma'at* (VerSteeg 2002: 19). *Ma'at's* dominant meaning in a judicial context was the ideal of truth and justice. As a goddess, *Ma'at* is therefore not presented in judicial contents as a presiding deity, but rather as

²⁷ Pictures allow a more spontaneous feeling, closer to the pre-logical mind of the ancient Egyptians (Mancini 2004: 44).

sanctioning the process of justice (Griffiths 1991: 205). She is the goddess who accompanied Horus and symbolised justice.

If the heart was heavier than the feather, it was heavy with evil deeds, in other words, not full of truth and justice – and the devourer would eat the departed. If, however, the heart was in balance with the feather, it meant the soul was full of righteousness, goodness, truth, and justice – and the departed would not be devoured.²⁸ Only when the comparison between the heart and *ma'at* showed that the deceased was *m3' hrw*, “true of voice”, was the deceased transferred by Horus to the care of Osiris.

Thoth, god of scribes, attended the Judgement as evaluator and recorded the results (VerSteege 2002: 19).

Other scholars, like VerSteege (2002: 20), believe it is inappropriate for us today to try and generalise about what the ancient Egyptians thought on a deep level about right and wrong. Based on the limited evidence we have, it is often impossible to separate the secular from the religious. James (1984: 62) said:

The precise definition of law in ancient Egypt is difficult to achieve because the evidence is both thin and scattered over many centuries. It has, in addition, an elusive quality, which hinders precision of definition... Egyptian law was an integrated system of statute, precedent, practice and to a limited extent, religious principle.

2.3 CRITICISM

Mancini maintains that the approach of scholars to interpretation of the judgement scene is open to criticism (2004: 51). She believes that the titles chosen to label the scene, like “the judgement of the dead” or “the weighing of the heart”, narrow the scope and focus of ideas about judgement, death, ethics, measurement of the soul, etc. (Mancini 2004: 51-52). To the contrary, because there is no corpse and because *ma'at* suggests life and Ma'at is the opposite of death, the judgement scene must be about life.²⁹

The “ethical approach” to the judgement scene is too abstract for the ancient Egyptians' very practical mind and it is a mistake to impose our modern ethical concepts on this picture (Mancini 2004: 52).

²⁸ In other words, the weighing was to establish whether the deceased's actions during his or her life were in balance with Ma'at (Allen 2004: 117).

²⁹ Mancini (2004: 54) also criticises scholars for imposing modern concepts of conscience, ethics on the Judgement Scene.

Mancini's (2004: 53) view is that we need to understand much more about the judgement scene, as the pair of scales, prior to being a device for physical weighing, was the symbol for the act of exchanging both physical and intangible things. She therefore postulates that exchanging and not weighing was the main thing (Mancini 2004: 53).³⁰

2.3.1 The scales/balance

The scales are the instrument of Truth and involve the natural and automatic functioning of a natural law. The scales also portray *ma'at* in action (Mancini 2004: 56-57).

Mancini (2004: 57) maintains that the symbolism of the scales gives the most valuable information on *ma'at*. The judgement scene is not about weighing things because: 1) a feather and a heart cannot result in balancing the scales and can therefore not portray any weighing in the material meaning; and 2) a human being, even with an excellent heart, cannot make the weight against a goddess (Mancini: 57-58).

Because the objects on the pans of the scale (heart and feather) are small in comparison with the dimension of the scales, it makes the balance of the scale more conspicuous, so that it appears to be the essential message (Mancini 2004: 58).

Why is there then this balance and what does it result from, Mancini (2004: 58) asks. The heart is the organ of circulation, and the feather, by its lightness, symbolises immaterial energy – therefore this is a symbolic representation of the cosmic energy that is free to circulate (Mancini 2004: 58-59). The ancient Egyptians appear to have had some precise knowledge about the circulation of solar energy, now lost, and to have applied it to many aspects of life – and to justice, through the concept of *ma'at* (Mancini 2004: 60).

This role of reception–emission of *ma'at* played by the heart is the way by which men participate in maintaining the balance of the cosmic as well as the human world and the free flow of life....hence the scene, observed without preconceived ideas, portrays that cosmic circulation of life very simply and globally (Mancini 2004: 59).

The primary aim of the scales is to portray the cosmic exchange of *ma'at*, in other words it shows the balance obtained through the right circulation of *ma'at* through the heart (Mancini 2004: 59-60).

³⁰ The pair of scales has always been the symbol of a balanced exchange and of justice. The pair of scales is also the symbol of cosmic balance and has nothing to do with weighing (Mancini 2004: 53).

2.3.2 Gate

Judgement was most probably carried out at the gates or entrances of temples or palaces (Westbrook 2003: 265)³¹ since one well attested term for judge, *wd' rwt* means “one who judges at the gate” (Westbrook 2003: 306).

The noun *rwt* usually refers to gate, although many indicate that *rwt* is more than just the gate itself (Van den Boorn 1985: 6). It constituted a part of or was clearly connected with the Old Kingdom judicial system and it appears that there were officials of the gate/portico³² of the juridical institution (Van den Boorn 1985: 8).

In the Ptolemaic period the term *rwt di M3't* was used and can be translated as “the Gate at which Justice is given” (Van den Boorn 1985: 8).

The gate/portico was “the place of judgement” and was the approach between the outer world and the enclosed world of the temple/palace. The inhabitants of this enclosed world, the god, the king, or their representatives, could present themselves to the public in their official functions, one of which was the dispensation of justice (Van den Boorn 1985: 8).

The above is illustrated by Van den Boorn (1985: 9) in his reference to the *Decree of Horemhab*, where it is said that the king has appointed judges who listen to “the words of the Palace, the laws at the '*ryt*.” The words spoken in the palace by the king became law to the outer world through the '*ryt*, functioning as the transitional³³ area between the two regions. The judges listened to these words and enforced the laws (Van den Boorn 1985: 9).

Dispensing “justice at the gate” means therefore to represent the overall authority of the king/god, since one acted in the front of their dwellings, before the “gate” through which their authority could be experienced (Van den Boorn 1985: 14-15).

Anthes (1957: 177), in his discussion of the expression *wpt M3't*, “in a message of truth”, employed a more literal meaning of the phrase as being either “dividing *ma'at*” or “opening *ma'at*”. According to the *Book of the Dead* chapter 30, this implies either establishing the

³¹ From available inscriptions, it has been deduced that, during the Graeco-Roman period, temples in Dendera, Edfu, Esna, Karnak, etc., held court sessions in a place called *rwt d't M3't* (gate of giving *ma'at*), in other words, at the gate where justice is rendered, situated at the entrance of the temple in question (Allam 1991: 111).

³² The “portico” was a small construction built in front of the gates (Van den Boorn 1985: 6).

³³ Occurrences of the '*ryt* refer to juridical and non juridical, but the basic conceptual meaning of 'gate' is a transitional area between an outer world and an enclosed world (Van den Boorn 1985: 9).

judge's decision in a divine lawsuit for the court or declaring the same judgement to the court (Anthes 1957: 179). *Wpt M3't* would therefore mean to determine *ma'at* by means of a decision at the summit (Anthes 1957: 188). Hence, every decision made by the Vizier for the king would mean a new contribution to the Egyptian jurisdiction, therefore determining justice by means of successive contributions (Anthes 1957: 188).

2.4 CONCLUSION

The Judgement of the Dead or the weighing of the heart shows *ma'at* in action and has been conveyed mainly through the funeral literature as it appears in the ancient Egyptian *Book of the Dead*. The primary aim of the scales is the cosmic exchange of *ma'at*, in other words it shows the balance obtained through the right circulation of *ma'at* through the heart.

The heart, representing man's life deeds, must balance with the feather. *Ma'at's* feather represents the totality of justice and truth. *Ma'at* was ethical, moral, religious, and legal truth rolled into one. *Ma'at* represented equilibrium.

The dispensation of justice took place at the gates/portico of temples/palaces, where the judges listened and enforced the laws.

CHAPTER 3. THE NEXUS BETWEEN *MA'AT*, THE KING AND LAW

Passages connecting the law and *ma'at* show the relationship between human and divine law in Egyptian thought. The purpose of *hprw* (law) was to realise *M3't* (*ma'at*) – the cosmic order – on earth (Lorton 1986: 57-58). The king was the link between the two.

It is Allen's (2004: 298-299) view, that like the biographies and graffiti of officials, the royal inscriptions mentioning historical events were written to demonstrate the pharaoh's role in creating and preserving *ma'at*. The historical reality was not as important to the ancient Egyptians as the fact that it demonstrated the king's success in materialising order and harmony of *ma'at*.³⁴

3.1 THE KING

We must think of the king in terms of two personas, namely the individual human persona and the divine persona. Through the three thousand years of ancient Egypt's history, there was a sense that only one king existed: this divine royal persona that transcended the individual mortal monarch and occupied each individual king (Lorton 1995: 2).

3.1.1 Introduction

The few examples of law that have survived all begin with a reference to the king, i.e., the king has said, the king has commanded, etc. (Edgerton 1947: 154). Emphasising their close association with *ma'at*, the kings issued detailed legal edicts regulating the status and behaviour of individuals (Westbrook 2003: 294).³⁵ The continued legitimacy of the king depended on his fulfilling the mandate assigned to him by the gods, the most important element of which, from the legal perspective, was the duty to be just and to uphold justice (Westbrook 2003: 26).

The kings of the Middle Kingdom widened their concept of government and making laws so that they extended justice to the whole of society (Moret 1972: 233). The old rule of the god-king was replaced for the king and the people by the "rule of the just laws" (Moret: 1972: 233).

³⁴ A good example is Ramesses II's account of the battle of Qadesh, which was portrayed as a great victory in Egyptian records (which was untrue). It led to a peace treaty between Egypt and the Hittites – one of the first such treaties in recorded history (Allen 2004: 299).

³⁵ Like the Nauri Decree (Westbrook 2003: 294).

3.1.2 Duty of the king

The primary duty of the king was the upholding of the order of creation that had been established on the primeval mound at the time of the creation (Tobin 1987: 115).

The king's role was to mediate between the gods and the people. Kingship was indeed introduced by the Sun-god to establish *ma'at* on earth and to expel injustice, oppression, and violence (*isfet*) (Spangenberg 1991: 279).

The task of upholding *ma'at* was entrusted to the king who, as son of the sun god, had the necessary power to do so. In his policy, he followed the example of the Sun-god who established *ma'at* at the time of creation (Bleeker 1967: 7).

All Egyptians had to conduct their lives in accordance with *ma'at*, but the king had a dual responsibility: He had to live his own life according to the principles of *ma'at* and he had to maintain *ma'at* in society. This larger responsibility had many facets, but all these actions were seen as part of the king's duty to his subjects and the gods. It was therefore the king's responsibility to promulgate *ma'at* and, through royal decrees and edicts, new laws were created, and existing legal stipulations were reformed.

This larger responsibility had many facets,³⁶ but all of them were seen as part of the king's duty to his subjects and the gods. In texts, this duty is summarised by the phrase "putting *M3't* in place of *jzft'*" (injustice) and, on temple walls, by images of the king presenting the symbol of *ma'at* to the gods (Allen 2004: 117).

Kingship in Egypt represented the effective power of the order of *ma'at* (Tobin 1987: 115). This concept is strongly represented in the Pyramid Texts:

Heaven is content, the earth is joyful, For, they have heard that Pepi has established *ma'at* in the place of disorder (Tobin 1987: 115).

Thus Egyptians expected the king to be the effective agent of order in the state; in fact, they believed he *was* the state by official doctrine (Tobin 1987: 116).

It was believed that only the king knew the requirements of the *ma'at* principle and that his laws were identical to the will of the creator god, which was why the king could maintain

³⁶ The king had to settle disputes between people and towns. He had to keep Egypt's enemies at bay so that the country could live in order and tranquillity (Allen 2004: 117).

law and order. These laws and ruling of the king reflected the world in harmony (Helck 1980: 1115).

3.1.3 Presentation of *ma'at*

The scene of the presentation of *ma'at*³⁷ first appears as an iconographic device in the time of Thutmose III. The representation of the ritual could be regarded as a reflection of the king's desire for a deliberate expression of his right to rule (Teeter 1997: 83) and to uphold the fundamental principles of world order (*ma'at*). The ritual is symbolic of the king's legitimacy (Teeter 1997: 1).

The cultic ritual of the raising of *ma'at* symbolised, by the actions of the king, that everything in the world was in its proper order (Tobin 1987: 115). The raising of *ma'at* is probably best interpreted in this sense, and not as “symbolic assistance to the sun god to internalise the breath of life”, as has been suggested (Shirun-Grumach 1985: 179). The Opening of the Mouth Ceremony was done by the king in order to help the sun to rise and repeat the creation process (Shirun-Grumach 1985: 179).

The presentation of *ma'at*³⁸ was a sign of political and divine legitimacy, as the donor was the reigning king (Teeter 1997: 1).

3.1.4 Practical implications

It was expected of the king to uphold the order in accordance with divine law (Morschauer 1995: 102). This is clearly expressed in the wisdom text of the late First Intermediate Period – early Middle Kingdom, addressed to Merikare:

Make secure your position in the Afterlife by being righteous, by enacting justice (*ma'at*), upon which human hearts rely....

The deity who governs well mankind, the cattle of god – he has made heaven and earth for the sake of humanity, subduing the watery chaos, and making the breath – intending that their nostrils should live.

(Human beings) are his images, which have come forth from his limbs. He rises in the sky for their sake, and makes for them plants and cattle, fowl and fish, and feed them....

³⁷ Her effigy was presented to the gods by the king as sustenance. Hence she was known as ‘the food of the gods’.

³⁸ Depicted sometimes as a figure of quasi-royal authority (Teeter 1997: 1).

He makes daylight for their sake, sailing (about the heavens) to keep watch over them (God) has erected his shrine about them, and when they weep, He hears them.

From the start he made rules for them: (namely) leaders to raise up the back of the weak (Helck 1977: 80, 83-87 [translation] in Morschauser 1995: 102).

The primary duties of the king were,

1. the upkeep and maintenance of the temples and their staff;
2. the proper exercise of the legislative, executive and judicial powers inherent to his office (Morschauser 1995: 103).

It was therefore the king's responsibility to promulgate *ma'at* and, through royal decrees and edicts, to create new laws and reform existing legal stipulations (Morschauser 1995: 103). Justice and order were enforced by the efficient working of the court system, together with the correct appointment of competent officials.

Human beings, even criminals, were ultimately considered to be under the watchful eye of the divine and were not to be killed on a whim (Morschauser 1995: 104). Royal power was therefore limited by divine injunction. This was the widely held tenet of ancient Egyptian morality.

3. to maintain the funerary system; and
4. to protect the citizens from both internal and external threats (Morschauser 1995: 104).

The fulfilment of these four primary duties determined whether the king was a "beneficent ruler upholding *ma'at* on behalf of the gods" (Morschauser 1995: 105).

The king was the highest legal authority in ancient Egypt. The right to make legal decisions was however often delegated to a lower authority by the king. In the *Tale of the Eloquent Peasant*, for instance, this was the high steward (Shupak 1992: 5).

The king travelled through his domain in his boat, as the instrument and symbol of rule, in order to enforce law and *ma'at* (Assmann 1995: 50).

3.1.5 The king and his subjects

Ma'at was not restricted to the king's administrative duties solely, but was operative in the lives and conduct of the entire citizenry of Egypt (Morschauser 1995: 105).

The subjects of the king were obliged to be obedient to the king. Obedience included, paying taxes, labouring on behalf of the crown, conscientious execution of appointed office, etc. These duties, along with the benefits for acting so, formed the basis for a “social contract” between the king and his subjects; and *ma’at* was interpreted according to this *de facto* agreement (Morschauser 1995: 105).

However, *ma’at* entailed more than just blind loyalty to the king, for officials were expected to act in accordance with standards that were not simply royal, but of divine origin (Morschauser 1995: 105). Obligations to a transcendent principle of “justice” (Morschauser 1995: 105) were specifically expressed in Egyptian texts as demands for personal tolerance, forbearance, and mercy towards the disadvantaged. These ethical requirements of *ma’at* are cast in both negative and positive forms (Morschauser 1995: 105)

In the positive sense, it entails what one ought to do or what has been upheld, praised by the gods and transmitted from one generation to another (i.e., wisdom). The negative corollary includes acts that should be prevented or refrained from (Morschauser 1995: 105-106). Forbearance and toleration are specifically commended as part of “the laws” or “customs of the kingship” in the instruction of King Merikare.

Executive justice (*ma’at*), that you may endure one earth.

Calm the weeper, and not oppress the widow,

Do not expel a man from his father’s property

Do not wrongfully expel and official from his office.

Beware lest you punish wrongfully.

Do not kill, for it is no benefit to you.

Punish (instead) with beatings and with imprisonment,

For this land shall be well founded under such actions (Helck 1977: 27-28 [translation] in Morschauser 1995: 102).

Titles such as “defender of the orphan”, “rescuer of the fearful”, and “husband to the widow” (Morschauser 1995: 107) point to the special role that the king and his deputies were to assume in protecting those how had been improperly deprived of legal recourse. Morschauser concluded that the assumption of such a role defined the contents of *ma’at* as something other than simply the implementation of order by coercive means: Mercy, tolerance and rectitude in office, formed the ideal basis of the ancient Egyptian ethos (Morschauser 1995: 107).

Despite the lack of primary legal documentation, officials and individuals of wealth and influence were instructed, in wisdom texts, to care for and exhibit preferential treatment to the disadvantaged (Morschauser 1995: 109). This is illustrated by the following late New Kingdom instruction of Amenemope (Lichtheim 1976: 155-156, 161):

If you find a large debit against a poor man
Make it into three parts;
Forgive two, Let one stand
You will find it a path of life.
After sleep, when you wake in the morning
You will find it as good news.
Better is praise with the love of man
Then wealth in the storehouse
Better is bread with a happy heart
Than wealth with vexation.
Do not pounce on a widow when you find her in the fields, and then fail to be patient with her
reply
Do not refuse your oil jar to a stranger
Double it before your brothers.
God prefers him who honors the poor
To him who worships the wealthy.

Literature of this type is attested for millennia. Morschauser (1995: 109) suggested that such appeals on behalf of the needy, again, represented a widely held standard of morality, undoubtedly embodying the requirements of *ma'at*.

Some of the translations given to the king were: *'ity* (sovereign); *nb* (lord), *kh3* (ruler), etc. (Lorton 1974: 7-39). Textual evidence connecting law, kings and *ma'at* can be found in the following examples.³⁹

3.1.6 Ptahhotep 84-90

If you are a leader, commanding matters for the multitude, seek for yourself every occasion of excellence so that your administration will be without fault. *M3't* is great, lasting and effective. It has not been disturbed since the time of him who made it, (for) the one who transgress the laws (*hpw*) is punished (Lorton 1986: 57).

³⁹ See also Chapter 4.5, Sources *supra*.

3.1.7 Tomb of Kenamun

You shall observe the laws (*hpw*) of *M3't* (Lorton 1986: 57).

3.1.8 Memphite Coronation Text of Horemhab

His laws (*hpw*) flourish as a gift of *M3't* upon [earth] (?) (Lorton 1986: 57).

3.1.9 Dedicatory inscription of Ramesses II at Abydos

The Beloved of *M3't*, he lives through (her) by means of his laws (Lorton 1986: 57).

3.1.10 Edict of Horemhab

Horemhab announced that he did not only give law to the judges, but also “taught them the right way of life (*mtn n 'nh*) by guiding (*ssm*) them to justice (*bw M3't*)” (Shupak 1992: 9-10).

Although law was applied by legal officials, legislation was solely a prerogative of the king. Horemhab says “he restored (*smnh*) the law of Egypt” and “gave the judges laws in their journals” (Shupak 1992: 9).⁴⁰

The king delegated⁴¹ his authority regarding the preservation of *ma'at* to officials who actually performed the king's duties in defending *ma'at*. Of judges in the *Edict of Horemhab* it is said:

When I guide (*ssm*) them (the judges) to *ma'at*...

3.2 JUDGES

Ma'at was also important to judges and to their sense of duty. Judges were considered to be “priests of *Ma'at*” (Shupak 1992: 51). The chief justice of the Egyptian courts wore a lapis lazuli image of the goddess *ma'at* and, to indicate the winning litigant, the judge would turn it towards the winner as the litigants stood before him (Breasted 1934: 144).

⁴⁰ Horemhab might be referring to existing law books and codex (Shupak 1992: 9).

⁴¹ The vizier, as supreme judge, and the judges of local courts throughout Egypt, were equipped with laws and instructions that were given directly by the king (Bedell 1985: 20).

The judges had to execute their tasks with integrity and moderation:

Sethe

Do not judge unfairly, God abhors partiality: This is a God instruction, plan to act in accordance with it.

Regard one you know, like one you don't know: one near you, like one far from you... Do not pass over a petitioner, before you have considered his speech

When a petitioner is about to petition you, don't dismiss what he says, as already spoken. You may overrule him, but only after you let him hear the reason for you doing so.

Lo it is said A petitioner wants his plea considered, rather than have his case adjudged (Lichtheim 1976: 23)

The vizier Rekhmere (*circa*.1479-1425 BC) said regarding his views on administration of justice:

I judged both (the insignificant) and the influential, I rescued the weak man from the strong man, I deflected the fury of the evil man and subdued the greedy man in his hour.... I succoured the widow who has no husband; I established the son and heir on the seat of his father, I gave (bread to the hungry) water to the thirsty, and meat, oil, and clothes to him who had nothing...I was not at all deaf to the indigent. Indeed, I never took a bribe from anyone...(James 1984: 57).

This royal oration given at the installation of the king's vizier further cites that historical case of a judge, who was reviled for his harshness:

Avoid what was said of the minister, Khety: "He denied his own people for the sake of others out of fear of being falsely called (partial). If one of them appealed a verdict, that he had intended to carry out, he (nevertheless) persisted in denying their appeal. But such acts are in excess of *ma'at*" (Morschauser 1995: 103).

Falsehood (*grg*) is destroyed by the ideal judge who insists on moral values. The ideal judge speaks no falsehood. The honest judge also does not steal, covet, rob, cheat or show partiality. Most of these negative actions mentioned above refer to moral behaviour

and are not unique to the legal world, except for the “show partiality” (*rdi hr gs*, literally meaning “incline sideways”). This is a legal term (Shupak 1992: 15-16).⁴²

One of the principles of justice is therefore the judge’s objectivity and, for this reason, Thoth, the Egyptian god of justice and the ideal judge, “never inclines sideways” (Shupak 1992: 16).

One must make mention of the metaphors in Egyptian literature regarding the judge’s duties and qualities in ancient Egypt. In the *Tale of the Eloquent Peasant*, the judge is, for instance, compared to a pair of scales and their various parts and to a sailor sailing on the lake of truth (*ma’at*) (Shupak 1992: 16).⁴³

The good judge in the *Tale of the Eloquent Peasant* “does (*ir*) *ma’at*”. From the installation of a vizier the judge “speaks (*dd*) *ma’at*”, “knows (*rh*) *ma’at*” and “creates (*shpr*) *ma’at*”. The corrupt judge does the opposite, in that “he is deaf (*sh*) to *ma’at*”, he “diminishes *ma’at*”, “*ma’at* flees from him” and “it is banished from its seat” (Shupak 1992: 15).

3.3 CONCLUSION

The king was the link between *ma’at* and law. He had to live his own life according to the principles of *ma’at* and he had to maintain *ma’at* in society. It was therefore his responsibility to create new laws and reform existing ones. He delegated his authority regarding the preservation of *ma’at* to judges, who were considered to be “priests of *ma’at*”.

⁴² These terms are connected with the image of scales, symbols of honesty in ancient Egypt, which appears several times in the *Tale of the Eloquent Peasant*. The liar harms the norm of justice, just like the scales, which record an incorrect weight as a result of being unbalanced. It is for this reason that the judge overseeing justice is compared to a pair of scales and parts of his body to parts of the scale (Shupak 1992: 16).

⁴³ See also my discussion of the judge’s duty in Chapter 5, *The Tale of the Eloquent Peasant*.

CHAPTER 4. LAW

4.1 INTRODUCTION

Taking cognisance of Theodorides` (1971: 291-322) elaborate discussion of the matter of law in Egypt, it has to be granted that the general belief is that the Roman elaboration of law should stand as the *terminus a quo* for matters legal in Western Civilisation.

Since very little documentary evidence of law in Egypt has survived, many scholars have assumed its absence. The sheer naïveté of this argument should be clear to the reader: The complex societal structures evident in Egypt presuppose the existence of laws to organize and regulate society^{44 45}

According to the ancient Greeks, the ancient Egyptians had a working legal system and laws: Diodorus (1985: 91) mentioned that the Greeks went to Egypt to “gain knowledge of its noteworthy laws and customs” and that the Egyptians promulgated “the best laws”. According to Diodorus (1985: 91), ancient Egypt could not have prospered for thousands of years if it did not possess “the most excellent laws”.⁴⁶ He demonstrated that the Egyptians had a respect and fondness for the law, although they apparently did not progress to an abstract theory of law or the development of a legal profession.⁴⁷

In ancient Egypt, the law was not man’s code of *hꜫw* but the divine law, *M3t*. The submission of both king and people to it is clear from the vignettes of the weighing of the heart (Lorton 1986: 58). It is believed that Egyptian law was based on a common-sense view of right and wrong, following the concept of *ma’at*. This concept allowed everyone,

⁴⁴ “... it must be said that if Egypt went through the stages which ethnologists call “tribal” and “gentilic”, she had certainly passed out of them by the time she entered upon the historical era at the beginning of the third millennium BC. The social and administrative system then encountered in the Nile Valley is based on the family and even on the individual, and, as far as the institutions are concerned, there is developing at the same time a strong civil organization. This organization existed at an early period. To realise this, one has to refer to the Paterno Stone, which proves from the dawn of the historical period the Egyptian administration recorded, for instance, the annual level of the Nile flood and that, as well as the census of population, a biannual census of ‘gold and fields’ was made, at least from the Second Dynasty onwards. What does this imply, if not the transfer of both personal and landed property from one owner to another was considerable, and that private property must therefore have existed?” Theodorides (1971: 292).

⁴⁵ In fact, Egyptian law had a high reputation for justice (Petrie 1923: 78) and laws were essential for the ancient Egyptians to uphold it. The literature contrasts the prosperous life that flourished when people respected law with the dismal situation when law had been suspended (VerSteeg 2002: 3).

⁴⁶ “Of great interest are the last thirty paragraphs of his book, which deal with a variety of topics – the ritually regulated life of the kings, administration of the provinces and the case system, justice and laws and medicine” (Gardiner 1961: 5-6).

⁴⁷ This is illustrated by the juridical procedure of the Old Kingdom, which came to occupy a central place in Egyptian funerary beliefs, in the concept of the Last Judgement (Lorton 1977: 4).

with the exception of slaves, to be viewed as equals before the law, regardless of wealth and social position. The application of law was coherent (Theodorides 1971: 320), and there was a procedure, however peculiar its features, with laws to organize it.⁴⁸ Theodorides was of the opinion that the different legal categories, established by the ancient Egyptians differed little from present legal categorisation.

At the time of the unification of Lower and Upper Egypt, the early kings must have been concerned with reconciling the laws of both regions. In addition, the rapid development of the economy after unification and the draining of the Nile marshes undoubtedly increased the number of legal questions. One would expect these factors to have led at an early date to a written code of laws (Lorton 1977: 4-5).

We have contracts, wills, accounts of trials and records of taxations, mostly in the form of papyri, supplemented by inscriptions from tombs, monuments and temples⁴⁹ (Westbrook 2003: 5). They use the terms *hp* and *hpw*. It is generally agreed that *hp* meant a single written law and a collection of laws was referred to by the plural, *hpw* (Lorton 1986: 53), although some have suggested that the singular *hp* referred to a statute and the plural *hpw* to codified law (Perry 1986: 206).

There is therefore abundant evidence that there was a code of law (*hpw*) in ancient Egypt (VerSteeg 2002: 17), a law that was not just human *hpw* but that encompassed the divine law, *M3't*, in order to realise justice (*ma'at*) and *M3't* on earth (Lorton 1986: 57).⁵⁰

4.2 WRITTEN LAW

In the formative period, it is unlikely that there were any written laws. The kings and/or the goddess Ma'at were responsible for laws, and written laws must have been unnecessary in a world where the king was conceived as a god incarnate. The god-king was both subject to, and the earthly interpreter of, *ma'at* so the people assumed he would follow the principles of *ma'at*, and that his word expressed divine law that was in harmony with the concept of *ma'at*. There were no legislative bodies or legislation as such. (VerSteeg 2002: 5).

⁴⁸ The best evidence for the organisation of the system of justice at any given time is from the Ramesside period (Lorton 2000: 355).

⁴⁹ It is unfortunate, given the apparent sophistication of the Egyptian legal transition that so little material has survived from the first two thousand years (Lorton 1977: 5).

⁵⁰ Religion was of great importance to the people of ancient Egypt at all times and was important in law. It is therefore not surprising that the gods in Egypt played a big role in the law (Van Calcar-Honsbeek 1987: 72).

Despite all the written documents which have come down to us from ancient Egypt, we possess neither a body of law which is comparable to the Asiatic codes, nor any textual references to such laws elsewhere (Wilson 1954: 5).

In this, Theodorides (1971: 291) concurs:

We have, after all, collections of Sumerian, Akkadian, Hittite and Neo-Babylonian laws – but nothing of the kind from Egypt.

James (1984: 62) says:

Clearly there was no strict legal code such as was found in some other ancient cultures of the Near East.

The kings of the Old Kingdom received kingship from the gods and had to rule in accordance with the laws of the land.⁵¹ To this end, the early kings issued decrees and represented a source of law (VerSteeg 2002: 5). However, the position in the Old Kingdom (*circa* 2200 BC) was very different from the situation in Mesopotamia⁵² at this time, where a tradition of having written law on public display was already evolving. With no written laws available for the early viziers to consult and follow, they were instructed by the king to judge impartially and to avoid allowing favouritism (VerSteeg 2002: 6).⁵³

Although no written law or code has been discovered from ancient Egypt before about 700 BC (VerSteeg 2002: 9), some Egyptologists argue that ancient Egypt did have written laws, and that there was a body of highly elaborate law, which has unfortunately perished entirely (Breasted 1909: 80).

The laws which guided the king and the courts in their decisions were unfortunately unknown to us ... Diodorus informs us expressly of laws made by certain wise kings, and in fact the old chief judge Mentuhotep boasts that he had given laws. Under the 12th dynasty, the canon of the old laws was not considered finally closed, and the same is probably true of later times (Erman 1971: 141).

⁵¹ This refers to the customary laws of the land, which may have differed in different parts of Egypt (Wilson 1954: 6)

⁵² Egypt did not have any less law than Mesopotamia, but large areas of it are lost to us or are represented by isolated pieces of evidence (Westbrook 2003: 5).

⁵³ "Of course there were royal ordinances to fit specific instances, and of course there were precedents out of past judication; but there was nothing in Egypt corresponding to the Mesopotamian codes, detailed written law publicly displayed as the symbol of impersonal justice. In Egypt the law was personally derived from the god-king and was tailored as justice and equity to the individual appellant" (Wilson 1951: 173).

A law code “is ... alluded to in Egyptian writings” (Shupak 1992: 51), such as *The Edict of Horemhab*, *The Duties of a Vizier*, *The Admonitions of an Egyptian Sage*, iconography in the tomb of Rekhmere, etc. (Shupak 1992: 9). Diodorus refers to an eight-volume compilation of laws and lists five lawgivers, the first of whom was Menes, first king of the unified Egypt (Lorton 1977: 5). Reference is made to a scene in a law court from the 18th dynasty, with four tables, each with ten rolls⁵⁴ upon it (Petrie 1923: 77).⁵⁵

We now know for a certainty that there were law codes by Pharaonic times, thanks to the fact that a recently published papyrus of the 12th dynasty cites, by subject matter, five laws dealing with fugitives (Lorton 1977: 5).

Scribes of the Middle Kingdom (*circa* 2040–1647 BC) wrote a large number of judicial documents. This was a period of increased communication and information recording (VerSteeg 2002: 6).

In the New Kingdom (*circa* 1552–1069 BC), a community of workers, who were employed to build tombs for the pharaohs, lived at Deir-el-Medina. Numerous contracts and records of lawsuits that these workers recorded on ostraca have survived (VerSteeg 2002: 6).

After the political upheaval of the Armarna period (*circa* 1350 BC), a pharaoh could no longer claim his word as law; he became subject to law. In addition, priests began asserting their control over the civil courts (VerSteeg 2002: 6).

Later, legal officials applied the law but legislation was again solely the prerogative of the king (Shupak 1992: 9). An example is *The Edict of Horemhab*, which relates that law was restored, and that laws were given to the judges in their journals, implying the existence of law books/codes in Egypt.⁵⁶ Pharaoh Horemhab (*circa* 1323–1295 BC) provided us with a great deal of information about law in the *Edict*, but it was not a code *per se*.⁵⁷ Shortly after Horemhab’s edict, Seti I (*circa* 1294–1279 BC) issued the *Nauri Decree*, which gave privileges and exemptions to the temple of Osiris at Abydos, and outlined a series of possible crimes against persons and property belonging to the temple estate, and specific punishments for the perpetrators of these crimes. A decree with similarities to the Nauri

⁵⁴ We have no idea regarding their contents. The little information we have is obtained indirectly through later authors and the papyri of the later periods (Mattha [1975]: xi).

⁵⁵ According to Petrie (1923: 77), it is clear that the law was well codified, unlike the simplicity of the Twelve Tables, which were modified by the annual variations of the praetor’s edict.

⁵⁶ The word, *hp*, which is translated “law”, could be translated “custom” (McDowell 1999: 167).

⁵⁷ It was “rather a series of police regulations directed against specific malpractices and also a reorganisation of the administrative machinery in the land, in order to control future abuses” (Wilson 1951: 237).

Decree has been found at Elephantine and it is believed it was promulgated by Ramesses III (*circa* 1186–1154 BC) (VerSteeg 2002: 7).

VerSteeg (2002: 9) referred to a collection of laws from Hermopolis that represents the first concrete evidence of written laws in ancient Egypt, and appears to date from the 24th dynasty (*circa* 700 BC).⁵⁸

Our copy is probably from the third century BC. It is the only extant Egyptian analogue to the great law collections from Mesopotamia. In addition, like its Mesopotamian cousins, it may be a collection of case decisions (or summaries) rather than a law “code” per se (VerSteeg 2002: 9).⁵⁹

The presence of an earlier Egyptian legal code should therefore not so easily be dismissed.⁶⁰ The Egyptians envisioned the god Osiris as a judge as far back as the Old Kingdom (*circa* 2700–2200 BC)⁶¹ and there was already a legal system in place before then, perhaps by the first and second dynasties (*circa* 3150-2700 BC) (Grimal 1992: 5 no 7-58).

In a series of footnotes,⁶² VerSteeg argues that the absence of written laws leaves one other choice than to “re-invent” the Egyptian legal system by means of extant evidence, such as contracts, wills, deeds and accounts of criminal trials. From these sources, VerSteeg argues, we know that the ancient Egyptians had a functional legal system and followed legal precedent using a similar principle to our *stare decisis*.⁶³

The ancient Egyptians were attached to tradition and had the view that the world was basically secure and was operating in a fixed, regular, routine and natural order (VerSteeg 2002: 23).

One of the most characteristic traits of the Egyptian habit of mind...[was] the extraordinary attachment to the traditional as opposed to the actual, in fact a conservatism of expression without parallel elsewhere in the world. No other people have ever shown a greater reverence for what was by them termed “the time of the ancestors”, “the time of the gods” or

⁵⁸ The Demotic legal code of Hermopolis contains parts of civil law dealing with the tenure of land, ownership of real property, inheritance, etc. (Mattha [1975]: xi).

⁵⁹ It refers to matters such as leasing and real estate, family law, inheritance, etc. (VerSteeg 2002: 10).

⁶⁰ An unpublished Middle Kingdom papyrus fragment in the Berlin Museum testifies to the existence of written, codified law, according to David Lorton (1985: 53).

⁶¹ Osiris “had already been known as a judge in the Old Kingdom” (Breasted 1909: 173).

⁶² See VerSteeg 1997: 38-39.

⁶³ See VerSteeg 1997: 40 footnote 6.

“the first occasion”! Occasionally, this love of the time honoured and the typical led to downright falsification (Gardiner 1961: 56).

One reason why traditional things were undisputed is that the Egyptians’ were supplied by nature with a secure world with fixed harmonic routines (VerSteeg 2002: 24). The Nile valley provided inherent protection from foreign invasions and the consistent annual inundation of the Nile gave them confidence in the orderliness of life and dictated recurring rituals, farming practices and legal proceedings (VerSteeg 2002: 24; Gardiner 1961: 27).

The development of law was influenced by this reverence for the past in at least two ways: Firstly, records of their legal decisions were kept by judges in the viziers’ archives for future reference and precedent; and secondly, because of this veneration for tradition, Egyptian law was slow to evolve. The convention of vigorously following precedent meant that the laws tended to remain in force for long periods without modification (VerSteeg 2002: 24).⁶⁴

Nevertheless, Breasted (1909: 199) stated:

While the great body of this law was undoubtedly very old, it continued to grow; Thus Horemhab’s regulations were new law enacted by him.

4.3 ORIGIN OF LAW AND THE ROLE OF THE KING

The god-king in the Old Kingdom established law simply through his presence on earth as well as by his own will. Custom and *ma’at*, the Egyptian abstract sense of justice, were guided the king’s command (VerSteeg 2002: 17-18). He represented an unquestioned source of law, because the Egyptians considered him to be a god and so his word had the force of law (VerSteeg 2002: 5) and he was the primary source of legislation (Westbrook 2003: 26).

The laws that guided the king and the courts are unfortunately unknown to us, but some appear to have been attributed to divine origin (Erman 1971: 141).⁶⁵ Erman was referring to Diodorus, who mentioned that Thoth composed the sacred books of law and that certain

⁶⁴ “(The) king was in supreme control of legislation, but laws were conceived as expressions of ideal justice. A law promulgated in the proper way remained in force so long as it was neither modified nor abrogated” (Theodorides 1971: 294).

⁶⁵ “A deed informs us that the criminal should be condemned to the ‘great punishment of death’ of which the gods say ‘do it to him’ and it expressly states further that this decree of the gods is written in the ‘writings of the divine word’” Erman (1971: 141).

laws were made by certain great kings. It was practice to appeal to the cult images of divinities in order to obtain a decision in all kinds of affairs, judicial and other (Blackman 1925: 253).

The central institution of the royal court existed to serve the king's will in economic, administrative, and legal matters (Knapp 1988: 123). The divine force of *ma'at* continued to inspire peace, stability, and harmony in Pharaonic rule. The kings of this period received kingship from the gods with the understanding that they were to rule in accordance with the laws of the land (VerSteege 2002: 5) and the early kings issued decrees to this end.⁶⁶

The surviving legal manuscripts and references in ancient letters indicate that ancient Egyptian society operated with reference to decrees of the king, having the force of law, together with the precedents established in previous legal cases. Pharaohs such as Horemhab and Seti I issued edicts and decrees to address specific problems and to institute sweeping changes through Egypt (VerSteege 2002: 18).

Although the king, as a living god, was the supreme judge and lawmaker, much of his power was delegated to officers. The legal and administrative systems seem not to have been well defined. We know that the king's viziers often acted as judges⁶⁷ but the most important matters were probably still referred to the king.⁶⁸ There were courts such as the lower court at Deir-el-Medina in the New Kingdom that served communities to provide objective arbitration for citizens (VerSteege 2002: 18).

The *Installation of a Vizier* contains the following description: "As to the hall in which you judge, there is a wide room in it, full of legal decisions (*wd' mdw*)."⁶⁹ This indicates that there was a protocol in the High Court, which included a record of all the legal procedures taking place throughout the Kingdom (Shupak 1992: 10).

4.4 KEY ELEMENTS RELATING TO LAW

Ma'at (justice) is a central concept of the legal world of ancient Egypt (Shupak 1992: 15). If the laws (*hprw*) were obeyed, one would be following the principle of *ma'at*. If, however,

⁶⁶ Five ancient Egyptian kings were known as "law-givers" (VerSteege 2002: 3).

⁶⁷ It is believed the title of "Overseer of the Six Great Mansions" refer to our modern equivalent of a magistrate and "mansions" refers to the main law court in Thebes, although it is believed that there were also other major courts in Egypt (Andrews: 2003/06/04).

⁶⁸ The king was not a central figure in the judicial machinery during the New Kingdom, but it was rather the Vizier, as head of the administration who inter alia took charge of the judicial system (Allam 1991: 110).

one went against the principle of justice and committed an offence, the law could be applied against him (Bedell 1985: 12).

Impartiality, rhetoric, oaths and curses were core concepts and essential components of basic fairness, which dictated that people “who are situated similarly ought to be treated similarly before the law” (VerSteeg 2002: 26).

4.4.1 Impartiality

The pinnacle of concern for legal neutrality took place during the First Intermediate Period (*circa* 2200–2040 BC) and Middle Kingdom (*circa* 2040–1674 BC) and the instructions for Vizier Merikare⁶⁹ emphasised the importance of judging fairly and objectively (VerSteeg 2002: 26).

The composition of the vizier’s instructions were that he “must go back to the 13th dynasty” for precedents for his decisions, and that “justice is to be rendered in public and in such a way that every individual shall always secure his rights” (Theodorides 1971: 307-308). To this end, appeal was made to a sense of equity and, by implication, to jurisprudence.

In the early Middle Kingdom, the Egyptians developed in their legal perspective a:

disregard of political or economical barriers in the belief that all men have equal rights and opportunities – or should have such. It seems clear ... that there was a belief in social justice for everybody at this time and that even the poorest man had rights to the gifts of the gods because the creator god “made every man like his fellow” (Wilson 1951: 123).

This outlook is unique in human history.

When we consider that they stood more than a thousand years ahead of similar thinking by the Hebrews and the Greeks, we must give them all credit for sublime vision (Wilson 1951: 124).

4.4.2 Rhetoric

Rhetoric and law go hand in hand, and it is uncertain which affects the other more. The ancient Egyptians admired rhetorical skill (VerSteeg 2002: 4) so it is not surprising that a

⁶⁹ *Instructions of Merikare*

people who were infatuated with persuasive speaking would develop a sophisticated legal system. The art of persuasion was critical to influence a judge (VerSteeg 2002: 4).⁷⁰

(S)tress is laid on the ability to speak well and persuasively; and imitation of the ancient models is strongly recommended (Gardiner 1961: 115).

Be skillful in speech, that you may be strong[,] it is the strength of [...] the tongue, and words are braver than all fighting (Simpson 1972: 181).

In the Middle Kingdom fiction, *The Shipwrecked Sailor*, the sailor says:

For the speech of a man saves him, and his words gain him indulgence (Simpson 1972: 51).

In the main, the legal process was an attempt to reach a result that would be accepted by both parties in a dispute. For the legal process to function fairly, it had to allow adversaries to explain their conflicting viewpoints. This zest of the ancient Egyptians for rhetorical skill facilitated a robust legal process and helped the courts to reach just results (VerSteeg 2002: 26).

4.4.3 Oaths

Curses, blessings, and oaths are oral acts of legal binding character, which explains their strong affinity to legislation and jurisdiction⁷¹ (Assmann 1992: 162).

Oaths were taken under the supervision of law officials and most of them employed the Oath of the Lord (*'nh n nb*)⁷² regarding truthful speaking (Wilson 1948: 135). Sometimes we read of a “great oath of the lord” or simply “great oaths” (McDowell 1990: 36).

The sanction that enforced or accompanied an oath was implicit within the oath, which called upon the name of a god or upon the king. It assumed therefore serious obligations in the form of penalties for perjury (Wilson 1948: 154-155).

The ways in which oaths were recorded did not follow definite formulae. They ranged from full, detailed reports of what was actually said to short summarised accounts (McDowell 1990: 36).

⁷⁰ In the *Instructions of Merikare* (Middle Kingdom) “stress is laid upon ability to speak well and persuasively and imitation of ancient models is strongly recommended” (Gardiner 1961: 115).

⁷¹ Their functioning however does not depend on police and law-courts but on the believe in “metaphysical agency” (Assmann 1992: 162).

⁷² The reigning king is meant (McDowell 1990: 36).

4.4.4 Curses

There are frequent indications in royal and private legal documents of punishments that would befall violators of their provisions. However, as wrongdoers were not always caught, threats or curses were then added (Lorton 2000: 348).

While laws and curses are both ways of preventing damage by threatening potential evildoers with punishment, the difference lies in the fact that, in the one case, punishment is enforced by social institutions and, in the other, it is enforced by divine agents. Curses take over where laws are bound to fail (Assmann 1992: 149). For instance, where crimes remain undetected and when the law itself is broken or abandoned, the law protects the social order and the curse protects the law.

4.5 SOURCES

It must be remembered that, in the ancient Near East, although writing was widely used to document legal acts, oral tradition played a far more important role than in modern systems. Speech acts, solemn oaths, etc., were used to create legal obligations (Westbrook 2003: 12-13).

It is unfortunate that so little of the legal material has survived from the first two thousand years, considering the apparent sophistication of the Egyptian legal traditions (Lorton 1977: 5). Unlike the Mesopotamians, who wrote on clay tablets, the Egyptians used engraved hieroglyphs only for a selective publishing of documents. For other purposes, they preferred papyri or ostraca, materials that did not survive well.⁷³ Most of the legal material that has survived consists of royal edicts and private contracts of sale, marriage, etc. (Lorton 1977: 5). Legal and legislative texts were found on the walls of palaces and temples or papyri written in hieroglyphic, Demotic, Coptic, Greek, Latin, Hebrew, Aramaic and Arabic.

There are many legal texts from later periods of Egyptian history, including records on papyri of the trial of tomb robbers, but these were written in late Egyptian and Demotic (Allen 2004: 361). The *Karnak Juridical Stella*,⁷⁴ a unique text from the Middle Kingdom

⁷³ It is therefore very difficult to connect the spared and incomplete data (Redford 2001. s.v. *hp*).

⁷⁴ It describes a lawsuit over the right of succession to the mayoralty of the town of el-Kab, south of Thebes. It is erected in the temple of Karnak to publicise and preserve the decision in this case (Allen 2004: 361).

inscribed during the reign of Pharaoh Nebirierau (*circa* 1600 BC), is one of the few records that survived from earlier phases of Egyptian history (Allen 2004: 361).

In a paper read at the annual meeting of the Society of Biblical Literature on 18 November 1995, Lorton mentioned the relatively small quantity of documentation on law that has survived from ancient Egypt. He confirmed that we have a smaller corpus of royal decrees from the old Kingdom through to the New Kingdom,⁷⁵ and said almost all the presented documentation comes from a single site, Deir-el-Medina.

As no written law survived (at least from before the 24th dynasty), scholars traditionally turned to contracts, wills and family archives as sources of ancient Egyptian law (VerSteeg 2002: 10). Other legal sources are decrees, instructions, trial records,⁷⁶ law codes,⁷⁷ lexical texts, transactional records, letters, historical documents, and literature (Westbrook 2003: 6-12).

We can categorise ancient Egyptian texts into Biographies, Economical, Funerary, Hymns, Instructions, Legal, Mythology, Scientific, Tales and Wisdom, etc. According to Allen (2004: 361), the wisdom texts were called *sb3yt*, (instructions) by the ancient Egyptians and they appear to have been the most popular form of literature.⁷⁸ We have only one copy of some texts but most have survived in more than one copy. The best of them date from the Middle Kingdom (Allen 2004: 258).

We have several examples of legal texts, for instance:

- legal documents from the large, late Middle Kingdom town at Lahun (about 1800 BC);
- legal documents and related letters from the work crew of the kings' tomb resident at Deir-el-Medina (about 1200 BC); and
- inscriptions in the tomb chapel of Mes at Saqqara (19th dynasty) recording a long dispute over inheritance of land, with reference to land documents in the central administration document store.⁷⁹

⁷⁵ This Lorton said is confined to a period about two and a half centuries (1995).

⁷⁶ Westbrook (2003: 8) gives the example of the ostraca from the tomb at the workman's village, Deir al Medina.

⁷⁷ The much later Demotic Law Code of Hermopolis in the Hellenistic period (Westbrook 2003: 11).

⁷⁸ More compositions of wisdom texts have come down to us than any other form of ancient Egyptian secular literature (Allen 2004: 258).

⁷⁹ This is the most extensive legal inscription surviving from ancient Egypt (Petrie Museum of Egyptian Archaeology [n.d.]).

These sources enable us to reconstruct an idea of ancient Egyptian law relating to matters such as criminal law, succession, wills, marriage, family law, etc. (VerSteeg 2002: 11).⁸⁰

On balance, the substantive laws appear to have been designed to empower individuals and, to some degree, to promote fairness and equality (VerSteeg 2002: 11).⁸¹

Legal documents consisted of a deposition made by the party before the court or witnesses and written down by a professional scribe (Cerny 1945: 42). It was not the written word alone, but the spoken word subsequently recorded as an actual event on a papyrus or ostrakon, that conferred upon the document its legal validity (Cerny 1945: 42).

Many surviving works of Middle Egyptian fiction promote valuable insight into law. One work of Middle Egyptian fiction in particular, *The Tale of the Eloquent Peasant*, is especially useful in studying the Egyptian view of justice in the abstract and in legal procedure (VerSteeg 2002: 12-13; 17).⁸²

Shupak (1992: 1-2) even argued for the reconceptualisation, based on a literary text such as the *Tale of the Eloquent Peasant*, of important legal institutions and officialdom such as judges, etc., and recommended the Tale's inclusion in the repository of legal sources available for the study of law in Egypt.⁸³

4.6 TERMINOLOGY OF ANCIENT EGYPTIAN LAW

Unlike the Romans, who created specialised legal vocabulary and terminology, the Egyptians generally used ordinary, everyday words and phrases to record, describe, and explain legal matters. They only had a few imprecise technical terms relating to law (VerSteeg 2002: 4).

The phrases used in legal documents were almost all current in everyday speech, and there is no evidence that they acquired a more technical meaning when used in a legal context. (McDowell 1990: 13).

⁸⁰ There is evidence of international law "in about 1270 BC during the reign of Ramesses II, the Egyptians concluded a treaty with the Hittites that provided for non-aggression, a defensive alliance and extradition of political refugees" (VerSteeg 2002: 11).

⁸¹ "[W]hat is striking is the modernity of this law. It gives Egyptian civilization though remote in time, a structure close to that with which we are familiar" (Theodorides 320).

⁸² The Egyptians told stories, like all human cultures, for entertainment and to convey a moral message. The earliest written stories we have date from the Middle Kingdom, although storytelling is as old as the civilization itself (Allen 2004: 280).

⁸³ VerSteeg (1997: 40) also takes a law and literature approach to the study of ancient Egyptian law.

There was therefore no specialised legal vocabulary. Some of the terms they did use, however, are discussed below.

4.6.1 hp and hpw

The Egyptian word generally used for law was *hp* and the term corresponds most closely with our word “law” (VerSteege 2002: 4). It can also mean custom, order, justice or right, according to its usage.⁸⁴

It does not appear clearly before the Middle Kingdom (Lorton 1986: 58) because the texts containing the term from earlier periods, such as the *Maxims of Ptahotep* and the *Admonitions of an Egyptian Sage*, are not known from copies earlier than the Middle Kingdom.⁸⁵ There are very few non-religious texts from the Old Kingdom, so that “the lack of attestation of the noun *hp* in the preserved records could be accidental” (Lorton 1977: 59).

The term *hp* refers to a written legal provision and is attested to by its book roll determinative and also the reference to the “tearing up” of the laws in the *Admonitions of an Egyptian Sage* (Lorton 1977: 60).⁸⁶

Faulkner (1962: 158) translates *hp* to be “law, ordinance” and refers to the *Tale of the Eloquent Peasant* B1, 56, where it is translated as “any proper law”.

However, as Redford (2001: s.v. *hp*) declared, *hp* is used in the same range of translations as *nt* and the underlying idea common to both terms is that of recurrence, personified by the movement of celestial bodies and the behaviour of earthly beings. Both *hp* and *nt* belonged to *ma’at*, according to Redford. He believed that the decrees of the Pharaoh fell into the concept of *hp*, and goes on to say:

I propose to define *hp* – usually translated as “law”, which is certainly too narrow – as every kind of rule, either natural or juridical, general or specific, public or private, written or unwritten. That is, in an administrative or legal context, every source of rights, such as “law”, “decree”, “custom” and even “contract” (Redford 2001: s.v. *hp*).

⁸⁴ “*hp* in Demotic denotes ‘law’ and sometimes ‘custom, order, justice or right’ but is best translated as ‘right’. The phrase ‘to do the *hp*’ means ‘to do right’ or ‘to do justice’” (Nims 1948: 260).

⁸⁵ It also does not mean that the term *hp* did not exist in the Old Kingdom (Lorton 1977: 59).

⁸⁶ Although there is a relationship between *hp* and *wd* (decree), they are not synonymous (Lorton 1977: 60).

A term synonymous with *hp* in the *Tale of the Eloquent Peasant* is *tp hsb*,⁸⁷ denoting order, a norm (B1, 147, 274, 311, B2, 76) (Shupak 1992: 10).⁸⁸

The term appears most frequently in the plural, *hpw* (Nims 1948: 243). Perhaps *hp* was a single written law and a collection of laws was referred to as *hpw* (Lorton 1986: 53).

The laws were to the ancient Egyptians a collection of individual stipulations and thought to be an accumulation for *hpw*. The singular *hp* only appears as an abstract term for law later (in Demotic texts). *Hpw* originated in royal legislation but enforcement involved private individuals as well as the King. Certain expressions were even restricted to non-royals (Lorton 1986: 57).

4.6.2 Other terms relating to *hp/hpw*

Within legal documents, there is a variety of expression. Certain words and phrases recur regularly in legal contexts and assist us in understanding events (McDowell 1990: 13).

Some of the vocabulary of the time relates specifically to *hp/hpw*, and includes the terms *iry-hp*, *smn hpw*, *rdi hpw*, *imy-r3 hp*, *ssm hpw*, *ssm r hpw* and *mtn*. These are discussed below.

iry-hp

Iry-hp is translated as “custodian of laws” by Faulkner (1962: 25). It is also the most common expression for “enforcing laws” in the sense of applying a specific law and is a typical expression in royal decrees (Lorton 1986: 54), such as the *Decree of Horemhab*:

And with regard to any soldier (about whom) it shall be heard “He goes and takes hides”, starting from this day, one shall apply the law to him (*ir.tw hp r.f*) by beating him with 100 blows and 5 open wounds, together with taking the hide Lorton (1986: 54).

Another variation of *iry-hp* is used in the instructions for Merikare: “Magnify your nobles, so that they will carry out your laws (*ir.sn hpw.k*)” (Lorton 1986: 54).

⁸⁷ It appears with the image of scales (B1, 161, 325; B2, 94) and could therefore also mean “fair dealing” and is translated as “fair dealing” by Perry (1986: 525).

⁸⁸ The expression *tp hsb*, denoting order, a norm, is sometimes used in connection with the image of scales (B1, 161, 325 and B2, 94), but it may not be necessarily relate to legal vocabulary (Shupak 1992: 10).

In the reign of Thutmose III, an official says “the overseer of the city and vizier User has done what all the gods love in carrying out the laws and enforcing the instruction(s) (*m irt hpw smnt tp-rd*)” (Lorton 1986: 54).

In another passage from the reign of Thutmose III, which apparently refers to official corruption, the administrator of Thebes and the oases of Antef is described as one:

who caused the one with disturbing intent to carry out the instruction(s) and laws precisely, though he was unwilling (*rdiw ir hnn ib ip-rd hpw mtyw m msdd ib f*) (Lorton 1986: 54).

Iri hp is the technical expression for the application of a law by a court or an official. It is seldom found in connection with the king (Lorton 1986: 54). Yet Tutankhamun is called:

The good god, who administers Thebes, who carries out the stipulations (*ir hpw*) and who enforced *M3't* “ and, “good of laws (*nfr hpw*), who quiets the Two Lands (Lorton 1986: 54).⁸⁹

smn hpw

This is a less frequent expression for enforcing the law (Lorton 1986: 54).

Assuming the restoration is correct, it tells us: “I [enforced] the laws (*[smn].n (.i) hpw*) of old” (Lorton 1986: 54).

A statement from the tomb of Hapdjefi (Middle Kingdom) says:

According to his writing, who did not disturb his decree, who enforced his laws (*smn. hpw.f*) throughout his district (Lorton 1986: 54).⁹⁰

From the New Kingdom is a text referring to the official Antef, who calls himself:

The protection (or prosperity; *wd3*) of the palace, who enforces its laws (Lorton 1986: 55).

An inscription of the 18th dynasty begins with the words:

Live the Horus, strong bull who appears in Truth (*M3't*), Two ladies, who enforces the laws (*smn hpw*) and quiets the Two Lands (Lorton 1986: 55)

⁸⁹ This refers most likely to royal legislation directed at corruption (Lorton 1986: 54).

⁹⁰ *Smn* is the causative of the verb *mn* (to last, endure) and is it clear from the context that “to make the laws endure” means “to enforce” them (Lorton 1986: 54).

rdi hpw

This is a rare expression containing the term *hp* (Lorton 1986: 55). An example is from the *Decree of Horemhab*.

I gave (*rdi hpw*)[them] oral instructions, and laws in [their] books (Lorton 1986: 55).

The term is used again when the vizier of Sesostris I calls himself:

Prophet of *M3't*, who “gives” the laws (*dd hpw*) (Lorton 1986: 55).

It is important to remember, as Lorton (1986: 55) correctly mentions, that viziers did not legislate. The term *rdi hpw* must have a general sense, which we might translate “to transmit laws”.⁹¹

imy-r3 hp

Imy-r3 hp is a title for an individual presiding over a local *knbt* (court) during a specific legal investigation. These titles are difficult to explain but expressions containing the word *hp* only occur in connection with private persons (Lorton 1986: 55–56).⁹²

ssm hpw

This expression, “to carry out the laws”, also refers to private persons (Lorton 1986: 56). A royal messenger of Seti I is described as:

An accurate one of the stall/? [sic] in carrying out the laws of his lord (Lorton 1986: 56)

Very closely related to the previous expression is *ssm r hpw*, which is found earlier in the *Eloquent Peasant*:

He who should administer according to the laws (*ssm r hpw*) is commanding theft (Lorton 1986: 56).⁹³

The application of the law was in the hands of a judge who had to “guide (*ssm*) according to the law (*r hpw*)”. The judge in the *Tale of the Eloquent Peasant* is presented as obeying “the law of the courts” (*hpw nyw 'rryt*) (Shupak 1992: 8-9).

⁹¹ In other words, to make laws known in writing (the case of Horemhab) or by referring to them in court cases (the case of the vizier of Sesostris I) (Lorton 1986: 55).

⁹² This would explain why the word *hp* appears in the singular.

⁹³ The use of the plural is significant (Lorton 1986: 56).

smnh hpw

Lorton (1986: 57) refers to the expression “*smnh hpw*” (making the law more effective), which was used in connection with the king in the *Decree of Horemhab*:

Behold, my Majesty has done this in order to *smnh* the laws of *T3-mri*.

mtn h

This term, literally “way”, is close to that of *hp* and usually appears as *mtn n ‘nh* “a way of life” which is a metaphor for proper conduct or correct behaviour. Unlike *hp*, this term does not denote anything technical and legal, but rather the moral side of life in general and the legal world in particular (Shupak 1992: 10).⁹⁴

The metaphorical use of “way” appears also in the *Tale of the Eloquent Peasant* where Khun-Anup repeatedly says, “my way is good” (*nfr mtn i*), meaning his intentions are pure; he is an honest person (Shupak 1992: 10).

‘rk/‘nh/w3h

The Egyptian word translated “to swear” is *‘rk* and the word translated “oath” was originally the verb, *‘nh*, “to live” (Wilson 1948: 130). The translation, “oath”, derives from the use of this word as the first element in a customary form of the oath: “As truly as lives for me the god (or king) X” (Wilson 1948: 130).

Another word used as the first element of an oath was *w3h* (to endure), but it did not have as long a period of usage in the oath as the word *‘nh* (Wilson 1948: 130).

The verb *‘rk* does not correspond precisely to the noun *‘nh* and most often means “to reject, forswear, or deny upon oath”. The best translation for *‘rk* may therefore be “to repudiate or renounce” (McDowell 1990: 33).

4.6.3 Commonly used legal terminology.

The relatively common legal terminology related to procedural steps or legal relationships included the following:

- *dmw-r* = to hear a deposition;

⁹⁴ The connection between *hp* and “way of life” is well expressed in *The Edict of Horemhab* (Shupak 1992: 9).

- *'nh* = oath, etc.
- *mdw* = dispute;
- *r* =deposition/statement;
- *smi* = to report (to give the official reply);
- *spr* = to approach, to complain, to appeal, to accuse, to petition (a judge, to present one's case);
- *wd'* = to decide (McDowell 1990: 13-38).

4.7 CONCLUSION

The ancient Egyptians used commonplace language in legal documents and they only had a few imprecise technical terms relating to law. The term that corresponds most closely to our word "law" did not appear clearly before the Middle Kingdom. Students today therefore have to deduce the contemporary meaning and application of the terms used.

Although it is clear that the purpose of law was to realise divine order, honesty and justice on earth, Egyptian law was slow to evolve. Legal officials applied the law according to precedents established in previous legal cases, but legislation was solely the prerogative of the king. The kings and/or the goddess Ma'at were responsible for laws because the king's word expressed divine law in harmony with the concept of justice as represented by the goddess.

A collection of laws from Hermopolis, in the 24th dynasty (*circa* 700 BC), represents the first concrete evidence for written laws in ancient Egypt. It is the only extant Egyptian analogue to the great law collections from Mesopotamia.

The surviving legal manuscripts and references in ancient letters indicate that the ancient Egyptians admired rhetorical skill. They also indicate that law and justice were essential for the ancient Egyptians and that they had a coherent working legal system and laws, although they apparently did not progress to an abstract theory of law with specialised legal vocabulary or the development of a legal profession.

The various types of legal sources include contracts, wills, family archives, decrees, instructions, trial records, law codes, lexical texts, transactional records, letters, historical documents and literature. Many surviving works of the latter (specifically Middle Egyptian fiction) promote valuable insight into law. The *Tale of the Eloquent Peasant*, in particular,

adds a great deal to our understanding of justice and law and should be included in the repository of legal sources available for the study of justice and law in Egypt.

CHAPTER 5. THE TALE OF THE ELOQUENT PEASANT

The *Tale of the Eloquent Peasant* offers us a wealth of information on the ancient Egyptian notions of justice and law. It illustrates how the principle of *ma'at* can be properly served. The practice of *ma'at* is defined in legal terms in relation to the rendering of a judgement in the peasant's case. The peasant philosophises on formulating the proper application of *ma'at* to legal proceedings and to encounters between weak and powerful men (Perry 1986: 61). He seeks the answer to one of life's most fundamental problems, the true nature of justice (*ma'at*), and equates the accomplishment of justice with the essence of life itself. The peasant urges the judge to speak and practice *ma'at*, praising *ma'at* as powerful and enduring because to do *ma'at* is the essence of goodness, the road to immortality.

5.1 EGYPTIAN FICTION

Stories and narratives like the *Tale of the Eloquent Peasant*⁹⁵ are perhaps the best way to preserve a culture's history and sociology. Most material regarding the legal aspects of life in ancient Egypt can be found in literary works not directly connected with the legal system, and especially in the genre of Egyptian wisdom literature (Shupak 1992: 1). A wide variety of this type of writing has survived and, thanks to Jean Francois Champollion's deciphering of Egyptian hieroglyphs, we are able to pursue this fascinating source of law of the ancient Egyptians.

Fiction can be evidence of law and legal philosophy. Narratives tell us about broader legal concepts, and the attitudes of the ancient Egyptians towards justice and jurisprudence. However, it is important to remember that the evidence is flawed, as Egyptologists give approximate dates for the writing of the works of fiction, but they remain only approximations. One can also never be sure whether the legal and social landscape they depict reflects the social and legal landscape of the time in which the stories are supposed to have taken place, or the time the works were written. This is a problem inherent in any study of law that relies on historical literature (VerSteeg 1997: 42-43).

Nevertheless, as a fictitious Middle Egyptian legal narrative, the *Tale of the Eloquent Peasant* provides many important constructs, generally not represented or preserved in

⁹⁵ The *Eloquent Peasant* is a tale as well as a wisdom text (Parkinson 1997: 54).

legal texts, that the scholar can examine. By analysing the story and its contents, one can deduce a fairly accurate idea of the legal landscape of ancient Egypt.⁹⁶

The ancient Egyptians were very aware of carefully crafted language such as we use in literature today. This was known as “beautiful speech” and those who could compose it were called *nfr mdw*, “beautiful of speech”.⁹⁷ The possession of this talent was not limited to the upper classes or the educated only (Allen 2004: 241). In the *Tale of the Eloquent Peasant*, Rensi, the high steward, says of the peasant, Khun-Anup, to the king,

My lord, I have found one among those peasants whose speech is truly beautiful.

5.2 THE ELOQUENT PEASANT

The *Tale of the Eloquent Peasant* has a narrative frame and nine poetic speeches. The texts are in two interwoven parts: the petitions, which are subjective, and the narrative, which is written objectively in the third person (Parkinson 1992: 166; Allen 2004: 281).

The mixture of seriousness and irony, the intertwining of a plea for justice with the demonstration of the value of rhetoric, are the very essence of the work. The two themes are connected by means of an ionic device in the narrative frame: After Khun-Anup has been robbed and has laid his claim before Rensi in a stirring plea, the latter is so delighted with this unlearned man’s eloquence that he reports it to the king and, on the king’s orders, Rensi goads the peasant to continue pleading until the poor man is completely exhausted. Only then does he receive justice and ample rewards (Lichtheim 1975: 169).

5.2.1 Manuscript

The *Tale of the Eloquent Peasant* is a long work that comes from four nearly identical, though sometimes fragmentary, papyri from the Middle Kingdom. The appearance of four papyri in four separate Middle Kingdom tombs can probably be attributed to the popularity⁹⁸ of this text during that time (Lichtheim 1975: 169).

Three of the four manuscripts are in the Staatliche Museum in Berlin: Berlin Papyri 3023, 3025 and 10499, known as B1, B2 and R. The fourth manuscript, Papyrus Butler or British

⁹⁶ The *Eloquent Peasant* offers us a wealth of material relating to ancient Egyptian notions of justice and jurisprudence (VerSteeg 2002: 28).

⁹⁷ Similar to the French term *belles lettres* (Allen 2004: 241).

⁹⁸ The Tale must have enjoyed a wide following in the schools and was still quite well known in the later Theban empire (Gardiner 1923: 25).

Museum 10274, is in London.⁹⁹ The bulk of the tale, including the frame story and nine petitions, is included on papyri B1 and B2 (Perry 1986: 2). Manuscript B2 contains the peasant's ninth petition as well as the conclusion (Perry 1986: 3).

5.2.2 Style of the Tale

The *Eloquent Peasant* does not fit within the contours of any single literary style. A blend of narrative, rhetoric, simple folk traditions, it is simply recounted, with eloquent poetic discussions on the concepts of justice and truth (Perry 1986: 22). The fusion of different genres is central to many texts, in particular the *Tale of Sinuhe*. The genres include: pessimistic discourses or laments, teaching, eulogy, lists, folk tales and oral elements (Parkinson 1992: 167-189).

Attention to its literary form is important for a better understanding of texts and to determine the context (Parkinson 1992: 163). Its form is integral to the meaning of the Tale, although it does not in itself constitute that meaning, and we should be careful not to base our expectations of literature solely on the characteristics of our own western tradition (Parkinson 1992: 164).

5.2.3 Themes of the Tale

The two themes of the framing narrative are the need for justice and the utility of fine speech rhetoric (Lichtheim 1975: 169). The nine long speeches or petitions contain the text's true subject: the nature and practice of *ma'at* and illustrate how the principle of *ma'at* can be properly served (Perry 1986: 45).

Throughout the tale, the main character, Khun-Anup, is simply called *shty*. A *shty* (peasant) was someone who lived in that narrow strip of Egyptian land that divided the Arabic soil from the desert (Perry 1986: 101). The symbolic implications of the term *shty* would have been very strong for an ancient Egyptian, for whom the agricultural land, flooded annually by the Nile, meant life and for whom the desert or the "west" was synonymous with death and burial (Perry 1986: 101).

It is through the use of the term "*shty*" that Khun-Anup becomes an incarnation of *ma'at* because *ma'at* is also a concept whose moment of application comes in that timeless zone

⁹⁹ B1 and B2 can be dated to the end of the 12th dynasty, not long after the reign of Sesostri III and Amenemhat III (Parkinson 1991: xxvi). However, B2 might be a little later. Papyrus Butler is most probably of a similar date as B2 and most probably early thirteenth dynasty (Parkinson 1991: xxviii).

between life and death, when the deceased is evaluated and judged against the standard of *ma'at*. We therefore see in the introduction to the Tale the first suggestions of the idea, which develops throughout the nine petitions, of *ma'at* and the straight and narrow path she (Ma'at) calls on him to walk (Perry 1986: 102).

The peasant compares *ma'at* to goodness, *nfrt*, a concept not specifically defined but said to ensure eternity (*nhh*) (Perry 1986: 62).

Be on your guard/ beware: Eternity approaches

Desire to endure, as is said:

“Breath for the nose is the doing/accomplishing of justice” (B1, 145-146) (Perry 1986: 315).

The central theme of the *Eloquent Peasant*, the accomplishing of justice, is equated with the breath of life itself (Perry 1986: 317).

Gardiner (1923: 13) concurs that only the doing of justice can ensure a long life. That it is the realisation of an ideal is quite clear from the petition. Its subject matter, *ma'at* is integral to the Tale (Parkinson 1992: 173).

The abstract term “*nfrt*” (good/goodness) is contrasted with *bint*, which is an abstract term for evil. The practice or implementation of *M3't* (*iri M3't* – the practice of justice) is equated with goodness, but contrasted with the more concrete *iri iyt* (committing a wrong), which literally means “the practice of that which has occurred”, usually interpreted negatively (Perry 1986: 322).

In B1, 320-322, the peasant urges Rensi to speak and practice *ma'at*, praising *ma'at* as powerful (*wr*), great (‘3), and enduring. *Ma'at* is therefore given pride of place on the scale of Egyptian values. To do *ma'at* is the essence of goodness, the road to immortality (Perry 1986: 62).

Khun-Anup describes the practical consequences of adhering to the principle of *ma'at*. In petition 1, (B1, 64-67), the “establisher of *ma'at*” is one who is devoid of greed (‘*wn ib*) and pettiness (*n dyt*). In the final section of petition 1, he defines the practice of *ma'at* in legal

terms as “the rendering of a judgement” in the peasant’s case (B1, 68-71). His descriptions of a voyage on the Lake of Justice are meant to incite Rensi to a merciful judgement:

Do that which is just, o praised one whom the praised ones praise!
Expel my troubles!
Lo, I am burdened,
Examine/judge me
Lo, I am suffering! (Perry 1986: 63).

“To do justice” is, according to Perry (1986: 64), equated with ending the peasant’s tribulations, interpreted in legal language in B1, 70-71 as *ip wi* (examine me – my case). In B1, 159-161 *iri M3’t*, the practice of justice is spelled out in concrete terms. Every couplet begins with a short negative imperative (m+verbal complement), showing the importance of the message. The first two couplets combine the negative imperative with an *iw.k+old* perfective construction; the second two couplets substitute an *ntk+noun* line for the *iw.k+old* perfectives of the first two couplets. The first negative imperative in each set of the two couplets is the same, *m grg*, “do not tell lies) (Perry 1986: 327).

There are numerous statements of the paradoxical relationship between *ma’at* and falsehood (*grg*), for example:

“(Even) when its portion exists, Falsehood [sallies forth (?)],
To face it, Truth turns herself back;
Truth is the goods of Falsehood,
is making it flourish; (yet) it has not been gathered (?)” (B2, 95-9) (Parkinson 1992: 174).

The theme of the practice of *ma’at* being contrasted with the greedy man (*‘wn ib*) is repeated in Petition II, B1 117 and expanded in Petition V111, B1, 290-292:

When one falls to greed – be afar
The rapacious man lacks success
When he does succeed, it is for nought.

Insofar as you are greedy, it (success) is not or you.

Let a man defend his just and true case! (Perry 1986: 64).

It was Perry's view (1986: 67) that, although the peasant compares *ma'at* to truth, goodness and generosity, his real concern is to emphasise the practice of *ma'at*, for *ma'at* is not only a metaphysical ideal, it is an all-encompassing approach to life. For *ma'at* to be brought into being, it must be spoken (*dd*) and enacted (*iri*) (Perry 1986: 67).

You have become one who trespasses/deviates (from moral norms) (B1, 237) (Perry 1986: 425).

In B1, 237, we also see the concept of the unswerving adherence to the straight path as basic to the ancient Egyptian notion of right and wrong, with the meaning "to stray" in the sense of "to transgress" (standards), "to disobey" (Perry 1986: 427).

There is not a sufferer who can live while he is robbed and justice (*ma'at*) does not respond to him (B1, 274-275) (Perry 1986: 472)

The above is a reference to the reaction (or lack thereof) of the law or administration to the injustice suffered by the peasant (Perry 1986: 474–475).

Do justice (*ma'at*) for the Lord of Justice¹⁰⁰
Whose justice is always true
Pen, papyrus, palette of Thoth,
May you be far from creating disaster
O every good one, may you be good,
For goodness is indeed good.
As *ma'at* is forever
It goes down with its performer into the Necropolis
When he is buried and interred,

¹⁰⁰ The sun god Re is most probably meant as he who "lives by justice" and also he to whom the scales belong in which justice is weighed. One must keep in mind, though, that other gods also own the title (Gardiner 1923: 19).

His name is not eradicated on earth,
But he is remembered for goodness (B1, 303-311) (Perry 1986: 506-507).

The above again reflects the importance of *ma'at*. As Perry (1986: 507) mentions, the *nb-M3't* refers most probably to Re, father and therefore creator of Ma'at. The above lines end with a statement of the Egyptian belief that we are remembered for our acts (Perry 1986: 509).

(Namely) Speak justice (*ma'at*)
Practice justice (B1, 320)

May you do that which is justice (B2, 85) (Perry 1986: 514).

The above two moral imperatives, *dd M3't* and *iri M3't*, are an allusion to phrases from Old and Middle Kingdom autobiographical literature, which have been preserved in much later works (Perry 1986: 517).

For it (*ma'at*) is powerful, it is great, it endures!
its worth has been proven
as it leads to veneration (B1, 320-322) (Perry 1986: 515).

The importance of *ma'at* is again quite clear from the above. *Ma'at* leads to (*swb*) veneration (*im 3h*). The notion is tied to the concept of doing *ma'at* and that man will be remembered for his deeds after his death (Perry 1986: 517).

The *Tale of the Eloquent Peasant* gives us the clear argument that *ma'at* (justice) was not a neutral maintenance of past order or a negative repair of breaches of order but a positive search for new good (Wilson 1951: 121).¹⁰¹ In the middle Kingdom (*circa* 2040-1674 BC):

[I]t was...not only religious belief and social axiom, but also formally announced royal policy, that before the bar of justice the great and the powerful must expect the same treatment and the same verdict accorded to the poor and the friendless (Breasted 1909: 252).¹⁰²

¹⁰¹ "Ma'at here (in Middle Kingdom texts) was the positive force of social justice, of man's humanity to man. The emphasis was not upon the rights of the ruler, but upon the rights of the 'ruled'" (Wilson 1951: 122).

¹⁰² It will not be the man of power and wealth but the man of justice and righteousness that will be acceptable before the great god (Breasted 1909: 252).

5.2.4 Background to the Tale

The peasant, Khun-Anup leaves his home at the oasis, Wadi Natrun,¹⁰³ and heads for Herakleopolis, taking with him his donkeys and a variety of goods to trade.¹⁰⁴

Khun-Anup means “the one protected by Anubis”. The name was common in the Old and Middle Kingdom. The name Khun-Anup is in itself a reference to the judgement of the deceased (Perry 1986; 99).

On his way, he passes the land of a tenant farmer, Nemty-Nakht, a tenant of Rensi (the High Steward), who spreads a piece of narrow cloth on the road so that it overlaps the river or canal on the one side and his field of barley on the other.

Khun-Anup is therefore forced to either go into the river/canal, onto the cloth, or into the field of barley. As Khun-Anup is appealing to Nemty-Nakht’s sense of reason, one of his animals takes a bite of the barley. The two argue over the appropriate remedy and, despite Khun-Anup’s pleas, Nemty-Nakht invokes the imprimatur of his landlord, beats Khun-Anup and takes his donkeys (VerSteeg 2002: 16).¹⁰⁵

Khun-Anup argues for ten days¹⁰⁶ with Nemty-Nakht, but to no avail. Khun-Anup then takes his case to the High Steward. Rensi confers with the King,¹⁰⁷ who instructs him to have Khun-Anup’s arguments transcribed by scribes.

And then he caused that/one write(?) them/on a new papyrus roll, each petition in its turn (literally: “according to its day”) (B2, 128-129) (Perry 1986: 542).¹⁰⁸

The central portion of the tale is made up of the nine petitions of Khun-Anup. Each of Khun-Anup’s petitions is a literary discourse on the nature of *ma’at* (Allen 2004: 282).

¹⁰³ North West of modern Cairo (Allen 2004: 282). *Sht hm3t* is usually translated as the Wadi Natron, but as Perry (1986: 102-103) postulates, the Wadi Natron is too far away and is a location suggested by her, somewhere in the marshes of the Fayyum area.

¹⁰⁴ “So the peasant went to Egypt and he loaded his asses with needs, redemet-plants, natron, salt and wood from the (Hes) tin country, wand of aent-wood from the Farafra Oasis/panther skins, jackal hides, nesha plants, khenerur-plants/sahut, saksut-pellets, misut-plants, senet-stones, abu-stones/ibsa-plants, inbi-plants, pigeons naru birds, neges-birds/weben plants, tebes-plants, gegenet-pellets, hair fruit, and inset pellets/being full measure of all goodly products of the Wadi Natrun” (Simpson 1972: 31-32).

¹⁰⁵ This is excused by the farmer as “payment” for transgression (Allen 2004: 282).

¹⁰⁶ The Egyptian week was a ten-day week, of which nine days were set aside as working days and the tenth as a day of rest (Perry 1986: 152).

¹⁰⁷ The king is so impressed that he orders Rensi not to reply to the complaint immediately so that the peasant must continue his eloquent petitions (Allen 2004: 282).

¹⁰⁸ A literal interpretation of the above might mean that each petition was given on a different day (Perry 1986: 544).

When Rensi, the High Steward finally gives his judgement, he gives Khun-Anup all of Nemty-Nakht's possessions, including his house, as damages (VerSteeg 2002: 17).

5.3 MA'AT, JUSTICE AND LAW IN THE ELOQUENT PEASANT

The jurisprudential principles in the tale stand out from the rest (VerSteeg 2002: 28). Firstly, justice should be available to the poor and disadvantaged on the same basis as for the rich. Secondly, the tale implies that law is fundamentally a natural force, like the current in the Nile. Thirdly, it implies that a judge's *wd' rwt* (primary duty) was to control the natural force of law.

Examining these specific themes and concrete images carefully in the peasant's rhetoric helps one to appreciate the sophistication and subtleties of his opinions of justice and legal philosophy (VerSteeg 2002: 28).

It is important to remember that the essence of *ma'at* (in the human sphere) was not perfect social and economic equality, but rather the harmonious coexistence of the different levels of society. *Ma'at* did not mean that the poor should be equal to the rich, but rather that the rich and powerful should not use their advantages to exploit the less fortunate (Allen 2004: 116).¹⁰⁹

When reading the nine speeches, one must appreciate the verve, skill and poetic imagery with which changes are rung on the basic two-faceted thought: People live by *ma'at* – right, truth and justice – as much as by the air they breathe; and dispensing *ma'at* is the foremost duty of the magistrate:

Speak *ma'at*, do *ma'at* for it is mightly,
it is great, it endures, its worth is tried,
it leads one to reveredness (Lichtheim 1992: 42).

According to Martin Marks (n.d.), the texts reveal the three legal authorities forming the basis of ancient Egyptian law:

- The pharaoh was head of the judicial system and free to create new laws and decrees, as well as to oversee the entire judicial mechanisms.
- Under the pharaoh were the two viziers, the supreme legal authority after the king and heads of the six major courts of Egypt. Scribes and all other judicial and policing

¹⁰⁹ They should rather help the less fortunate (Allen 2004: 116).

bodies fell under the control of the viziers, who emerge with a tripartite role in the judiciary: as an adjudicating body, a prosecuting body and a policing body.

- The third legal body, according to Martin Marks (n.d.), was made up of the advisors (*srw*) to the high steward.¹¹⁰

In analysing the peasant's use of themes, images and certain words, we can distinguish certain metaphors and legal aspects.

5.3.1 Metaphors

Metaphors from religion and myth have strayed into the legal sphere. The judge is, for instance, compared to a pair of scales and their various parts, as well as to a sailor sailing on the lake of truth (*ma'at*) (Shupak 1992: 16).

The imagery is prominent and implicit in the metaphors and figurative language. The imagery reflects, not the character of the speaker, but the subject matter. Some are drawn from basic life situations; others embrace the divine and the cosmic (Parkinson 1992: 172). The main metaphors are of judges and decision making, nature, gods, humans, boating and rhetoric.

Judges and decision making

Long passages throughout the peasant's speeches are devoted to instructions to judges on how and how not to carry out *ma'at*. Petition II, for instance, begins with an announcement that *ma'at* is fleeing from her rightful place. The reasons for this are stated in eight different ways, which are all varieties of judicial misconduct (Perry 1986: 66).

Among these, *iri iyt* (committing a wrong) is mentioned twice, first in connection with the magistrate or officials (*srw*), then in relation to the *hsfw*, the one who should punish (evil). The investigators (*sdmw*) are accused of "snatching" illegally, and the arbitrator (*pssw*) is said to be a robber (*'wnw*). It is implied that the verdicts of some judges are not harsh enough, even when they know justice is being perverted (Perry 1986: 66).

¹¹⁰ Shupak (1992: 5) supports the three representatives of the judicial hierarchy mentioned supra and is of the view that it is not clear whether the central legal authority in this tale, the steward, is the vizier.

This catalogue of judges' errors, representing the miscarriage of justice or *ma'at*, is a theme taken up more positively elsewhere in the petitions, where judges are instructed on proper conduct, in compliance with *ma'at* (Perry1986: 66).

In the first petition to Rensi, Khun-Anup says:

Destroyer of falsehood,
Creator of rightness,
Do Justice, O Praised one (Lichtheim 1975: 172).

In the fourth petition, regarding a judge's case load, he says:

Pass over a case, and it will become two (Simpson 1972: 42).¹¹¹

And in petition VI, regarding the good judge, he says:

(He will) lighten (the weight of) falsehood, foster truth, foster all good and destroy evil...
(Simpson 1972: 43).

As VerSteeg (2002: 30) states, Khun-Anup characterises justice as a universal concept, not confined to life on earth:

But justice is for eternity, and it goes down with him who does it into the realm of the dead ...
his name is not obliterated on earth and he is remembered for goodness, such is the
standard of the word of god (Simpson 1972: 46-47).

In the ninth petition, Khun-Anup is of the view that punishment might be appropriate in certain cases:

Deal punishment to him who ought to be punished, and none shall resemble your rectitude
(Simpson 1972: 47).

According to VerSteeg (2002: 30), the above suggests that judges were supposed to determine guilt and to hand out punishments.

It was the ancient Egyptians' view that justice should be publicly proclaimed and that justice should not only be done, but be seen to be done:

Be not slack (*wsf*) in speaking out (*smit*) your words (*ts.k*) (Shupak 1992: 13).

¹¹¹ This means a problem shelved will become twice as difficult (Simpson 1972: 42).

The Egyptian wisdom instructions determined the ideal behavioural norm and referred to people in general. However, the judges, who were responsible for upholding justice, had to maintain stricter standards. The judge's basic duty to listen to the complaint is clear from the *Installation of the Vizier Rekhmere*:

Do not pass over a petitioner (*sprw*) before hearing his complaint (*mdt*). If a petitioner (*sprw*) has approached, you do not reject (*ni*) him (?) [sic] Do not send him away before explaining to him why you sent him away for people say: "The petitioner (*sprw*) prefers that his words (*ts.f*) be given attention to the investigating (*r sdm*) of that for which he has come" (Shupak 1992: 13-14).

This explains why, in their autobiographical inscriptions, the men at the top of the judicial hierarchy claimed that they had done their duty in this connection. Rensi, the high steward therefore acts contrary to the recommendations, for he ignores the peasant's request, chastises him and has him beaten to make him pour out his complaints:

Do not answer with the answer of silence
Be patient as he calls to you about the just one
Do not reject the plaintiff.

Rensi therefore becomes a model of a poor judge (Shupak 1992: 14).

The judge in ancient Egypt, and in the rest of the ancient Near East, was considered the protector of the poor and the oppressed, the patron of the widows and orphans. The writer of the tale speaks "the language of the poor" and sides with the unfortunate. The peasant accuses judges and state officials of ignoring this task:

If law is laid waste, and order destroyed no poor man can survive,
when he is robbed, justice (*M3't*) does not call him (Shupak 1992: 14-15).

Speak not falsely – you are great,
Act not lightly – you are weighty;
Speak not falsely – you are the balance (B1, 159-161) (Lichtheim 1975:176)

You are as one person with the hand balance (*iwsu*).
If it tilts, then you tilt (show partiality)

(So); do not swerve
When you take charge
But pull upon the tiller-rope;

Do not steal
When you act against the stealer.
Not is it a great one who is great in avarice. (165)
Your tongue is the plummet¹¹²
Your heart is the weight
Your two lips are its arms (B1, 161-169) (Perry 1986: 328-329).

B1, 161-163 serves as a bridge between B1, 159-161 and another tightly constructed section, B1, 164-166, confirming the identify of the judge as the *iwsu*, the symbol of justice (Perry 1986: 329). This is developed further and expressed in corporal terms in B1, 165-166 (Perry 1986: 329).¹¹³ The author identifies Rensi, as a representative of all Egyptian magistrates, with the parts of the balancing scale, an expansion of B1, 161-162, where Rensi is called *tp-w' hn' iwsu* (balance).

The reference to Rensi's body is significant, and specifically the reference to Rensi's tongue, heart and his two lips. By *ib*, "heart" is meant "understanding (of the case)" and, in choosing the tongue and lips, the author of the Tale puts a heavy emphasis on the importance of Rensi's verbal participation in the legal process, pronouncing the verdict and hence bringing the case to its conclusion. The author's point is that the balance does not function if any of its elements, such as the *th* (the plummet of a balance) or the *dbn* (the weight used in the scale pans of a balance), are missing (Perry 1986: 332-333).

Nature

The administration of justice is frequently compared with the action of a balance in the *Tale of the Eloquent Peasant* (Gardiner 1923: 10).

Khun-Anup addresses the judge, Rensi, in his second speech and calls him the:

¹¹² This is the most daring identification of Rensi with the scales, an image of the ideal greatness. Here it is Rensi's failure to act according to the ideal (Parkinson 1997: 81).

¹¹³ It is interesting to note that the term *iwsu* has a strong resemblance to the Latin term *ius*, indicating law.

Steering oar of heaven, beam of earth, plumb line which carries the weight!¹¹⁴ O Steering oar, do not diverge; O Beam, do not tilt; O plumb line, do not swing awry (B1, 90) (Simpson 1972: 36).

These metaphors (an oar, a beam and a plumb line) are man-made, physical devices used by humans to control or measure natural forces. With an oar, one can direct one's path in the water; with a wooden architectural beam, the force of gravity is contained;¹¹⁵ and a plumb line uses gravity as a means to achieve or test verticality (VerSteeg 2002: 31). Similarly, a judge is one who controls the law and these metaphors suggest that Rensi, like the oar, beam, and plumb line, is in a position to control a natural force, namely law, (VerSteeg 2002: 31).

The word *s3w* (beam) is sometimes associated with roof supports. The *s3w* designates a horizontal support and often seems to have a cosmic significance with the Egyptian ideas of creation. It is said to support the earth, while the roof, i.e., the sky, is described as resting on columns or pillars. The description of Rensi as a *s3w n t3* shows the fundamental importance accorded to that role in ancient Egypt. The magistrates, as upholders of justice, were considered to be the very basis upon which society (*t3*) was built (Perry 1986: 255-266).

The addition of another metaphor, *h3j*, (plumb line¹¹⁶/measuring tape) underlines the importance of scrupulously fair judgements. The *h3j* is the test or measure of rectilinearity, which for the ancient Egyptians symbolised moral rectitude.¹¹⁷ To call Rensi "the *h3j*" is to describe him as one who is morally upright (Perry 1986: 256-257).

These images imply that Khun-Anup might have viewed law as a universal constant, in other words, a natural law (VerSteeg 2002: 31). The ancient Egyptians probably perceived law as a natural Egyptian phenomenon because the regularity of the Nile's annual inundation must have instilled in their minds a confidence in the natural order of the universe (VerSteeg 2002: 31).

¹¹⁴ This is the plumb line of the balance (Simpson 1972: 36).

¹¹⁵ An interesting observation is that the "beam" could be the central piece of a scale (VerSteeg 2002: 31).

¹¹⁶ This idea has survived in the Western culture in expressions such as "keep to the straight and narrow", "to go straight (after committing a crime)" (Perry 1986: 257).

¹¹⁷ *H3y* is the plumb line suspended just behind the tongue of the balance and serving to control the straightness (Gardiner 1923: 10). The western world owes this simile of the balance of justice to Egypt.

In the third petition, Khun-Anup again portrays justice as a physical device used to control or measure the natural order, like scales, which are controlled by the force of gravity, (VerSteeg 2002: 31):

Will the balance deflect? Will the stand-balance incline to one side? (Simpson 1972: 39).

In addition, in the third petition, the peasant asserts:

The true balancing of the land is the doing of justice; do not speak falsehood, for you are great;/do not be light, for you are weighty, do not speak falsehood, for you are the balance, do not swerve, for you are the rectitude. See, you are the one on one level with the balance; if it tilts, then you may tilt (Simpson 1972: 40).

If it is a hand balance,

It cannot tilt.

If it is a stand balance,

It can not tip to one side (i.e., be partial) (B1, 311-313) (Perry 1986: 509).

Here the peasant returns to the metaphor of the balance as symbolic of true justice, where the real/true balance cannot malfunction. If justice functions properly, there will be no partiality, no deviance from the norm (Perry 1986: 510).

In the same third petition, he tells Rensi:

Your tongue is the plummet,¹¹⁸ your heart is the weight,¹¹⁹ your lips are its arm (Simpson 1972: 40).

Khun-Anup again uses scale imagery to describe the judiciary:

Is he a balance? It does not tilt. Is he a stand-balance? It does not incline to one side...

Does a balance tilt? It is its scale pans, which weigh things (Simpson 1972: 47).

Again in the ninth petition:

Their tongue is men's stand balance, and it is the balance, which searches our deficiencies (Simpson 1972: 47).

The stand balance of man is their tongue.

It is the hand balance which establishes the rest (B2, 92-94) (Perry 1986: 523).

¹¹⁸ Plummet of the balance (Simpson 1972: 40).

¹¹⁹ VerSteeg (2002: 31) suggest this is Ma'at personified.

iwsw is used as a symbol of *ma'at* (justice), but in B2, 92-94 the imagery changes as *mh3t* is called men's "tongue", while the *iwsw* is said to "establish what is left over (*d3t*)". These references to *mh3t* and *ns* (tongue) possibly constitute a pun on the juridical use of *ns* (verdict) (Perry 1986: 524).

There is a striking prevalence of imagery representing man-made objects that are used to control and harness nature (VerSteeg 2002: 32). The images imply that the ancient Egyptians considered law a natural force and that a judge's task was to manage and direct that natural force (VerSteeg 2002: 32).

The hand-balance cannot tilt

(Rather) it is its pans which carry the matter (B1, 322-323) (Perry 1986: 518).

It is clear from the above passage that the *iwsw*, the essential part of the *mh3t* (balance), cannot err, as it is almost synonymous with *ma'at* itself. But those in charge of carrying out *ma'at*, the "pans", can go astray, *gs3* (tilt) (Perry 1986: 519).

Khun-Anup perceives justice as a natural function like breathing, shelter, food and a flooding river:

The doing of justice is breath to the nose,

Shade, do not act as the sun-heat;

Shelter do not let the crocodile take (VerSteeg 2002: 32).

The statement "his possessions are (the very) breath to a poor man, and to take them away is to stop up his nose" is a reminder of the earlier references to those who provide support for children, wives and other dependants (VerSteeg 2002: 32).

Khun-Anup characterises good judges in the eight petition as "shelter from the aggressive" (Simpson 1972: 46) and, in the third petition, he argues that Rensi must:

[r]estrain the robber, take control for the poor man... [and that he must] ...not become an inundation against the petitioner (Simpson 1972: 39).

This motif is continued in the sixth petition, where a good judge is described as clothing for nakedness and a fire to cook raw food (VerSteeg 2002: 32).

It is alleged in the fifth petition that Rensi is failing to do his duty as judge:

You were appointed to hear pleas/to judge between suitors and to repress the robber, but see, what you do is to support the thief! Men trust in you, and you have become a transgressor. You were appointed to be a dam for the poor man; beware lest he drown, for see, you are a swift current to him (Simpson 1972: 43).¹²⁰

Gods

References to the divine and the cosmic emphasise the universal importance of the subject matter (Parkinson 1992: 172).

The third petition is opened by Khun-Anup's invoking Rensi as both the Nile god, Hapy, and as the sun god Re.¹²¹

The Pyramid Texts of the Old Kingdom indicate that there was a strong connection between the sun god Re, and justice and "it was the Sun-god... who was the earliest champion of moral worthiness and the great judge in the hereafter" (Breasted 1909: 176). The Pyramid Texts also make clear the nexus between a person's moral conduct on earth and prosperity in the hereafter (Breasted: 176-98).

Consequently, Khun-Anup equates the judge with the gods who represent tremendous natural forces: the sun which brings light, and the Nile at the time that it brings rich soil to fertilise the valley (VerSteeg 2002: 23).

Khun-Anup evokes the god Thoth in the seventh and eight petitions, in telling Rensi:

You are the champion of Thoth, who judges without showing partiality.

You pen, papyrus, and palette of Thoth, beware of making trouble (Simpson 1972 45-46).¹²²

Humans

Khun-Anup uses a series of human metaphors in the first petition to flatter Rensi but, to the extent that a judge personifies justice, these metaphors also reflect what the author of this tale thought about law and justice (VerSteeg 2002: 34).

¹²⁰ Khun-Anup has defined here what he perceives the judge's role should be, and has used another image of the river (VerSteeg 2002: 33).

¹²¹ The god Hapy represented the river Nile during its inundation phase (VerSteeg 2002: 33).

¹²² Thoth, in the judgement scene of the Coffin Texts of the Middle Kingdom, appears "as an advocate of the accused...before the Sun-god" (Breasted 1909: 254-550). Thoth was, according to the Solar myth, the vizier of the Sun-god (Breasted 1909: 255).

Khun-Anup calls Rensi “a father to the orphan, a husband to the widow, a brother to her who is divorced, a garment to the motherless” (Simpson 1972: 35). A father, husband or brother renders assistance to a dependant who has lost something; and, similarly, the garment serves as a substitute for the warmth and protection of a child’s mother (VerSteeg 2002: 34).

Khun-Anup has lost his possessions, which he wanted to use to support himself and his family, and he sees justice as the instrument for those who have been deprived of their means of support (VerSteeg 2002: 34-35).

At the close of the first petition, Khun-Anup says to Rensi:¹²³

I speak that you may hear:

Do justice, O praised one whom the praised ones praise; do away with/my needs, for see, I am heavy laden, examine me, for see, I am in a loss (Simpson 1972: 35).

Boating

Because of the importance of boats travelling on the Nile for the ancient Egyptians, it is only logical that they would have used boating imagery to convey ideals of law (VerSteeg 2002: 35). Indeed, in the second petition, a great deal of piloting and boating imagery is used to describe the proper role of judges:

The face of the helmsman should look forward, but the ship diverges as it will; the King is indoors and the steering oar is [in] your hand...

Act as a shelter, that your coast may be clear; see, your abode is infested with crocodiles.¹²⁴

Bringer to shore of all who are drowning, save one who is shipwrecked – rescue me from...

Steer according to the bunt (of the sail);¹²⁵ stave off the inundation so as to do justice; beware lest you run aground because of the tiller rope...Do not diverge, but steer (aright), pull upon the tiller pole.

The sounding pole is in your hand like a “free” pole when [deep water has been found].

¹²³ Correlating his misfortune to that of the orphan, widow, divorcee and motherless child (VerSteeg 2002: 35).

¹²⁴ The judge is compared to a safe harbour for boats (VerSteeg 2002: 35).

¹²⁵ Steer a true course (Simpson 1972: 40).

You are the steering oar of the entire land, and the land sails in accordance with your command (Simpson 1972: 38-45).

The navigational imagery used throughout the text as metaphors for moral conduct, particularly the conduct of those in power or “at the helm”, is manifestly a plea to Rensi to keep the administration of justice firmly under control (Perry 1986: 332).

If a judge neglects his duty, he is “like a ship in which there is no captain” (Simpson 1972: 41).

The face of the oarsman is to the front,
Yet the boat drifts as it pleases (B1, 126) (Perry 1986: 304).

The oarsman must have his face to the front of the boat while steering, but appearances are deceiving: On the surface, everything appears to be in order, but the boat is drifting – the machinery of Egypt’s judiciary is malfunctioning (Perry 1986: 305-306).

Provide a shelter,
So that your share might be safe, secure
For, look your harbour is
Infested with crocodiles (B1, 129) (Perry 1986: 307).

Here we see the development of the theme of the magistrate as protector of rich and poor in the reference to Rensi as a shelter (Perry 1986: 309).¹²⁶

Remove the floodwater against the doing of justice (B1, 157) (Perry 1986: 325).

The above is a return to the metaphor of the *wdnw* (wave), which destroys justice (Perry 1986: 326).

If the ferry has been brought in,
Wherewith can one ferry across?
Can one cross it when a case of unwillingness occurs? (B1, 198-199) (Perry 1986: 365).

¹²⁶ The river bank was infested with crocodiles against which a “booth” called *ibw* might serve as a refuge. The impartial judge is a refuge, whilst the greedy judge a voracious crocodile (Gardiner 1923: 13).

The metaphor “ferrying across” stands, according to Perry (1986: 368) for the completion of the judicial process, an impossible task if the ferry has been “brought in”, i.e., if Rensi refuses to leave harbour.

When a boat comes in and one unloads it

Its cargo for the land can still spoil on any bank (B1, 259-260) (Perry 1986: 442).

According to Perry (1986: 451), the *dpt* (boat) mentioned most likely refers back to Rensi’s saying, at the beginning of the first petition, that he was to sail on the “sea of *ma’at*”. *Dpt* therefore symbolises the official’s search for *ma’at*. The peasant in the above lines accuses Rensi of bringing the boat to land and spoiling its cargo (Perry 1986: 451). Perry (1986: 451) interprets the saying in B1, 259-260 to mean that the ship of justice has docked, meaning that the process of seeking justice has commenced, but that there are still many opportunities for things to go wrong or “spoil”, for the peasant.

A bad case cannot reach the goal.

(Only) “an upright man”¹²⁷ will accomplish a task (B1, 325-326) (Perry 1986: 518).

Here *sp* is used as “case” and the expression (*spr*) *r dmi* (reach the goal) should be interpreted as synonymous with *s3h t3* (accomplish a task) of the following sentence (Perry 1986: 520). From the literal meaning of *s3h t3*, ‘to land’ (a ship), we can derive a more abstract ‘to reach a goal, accomplish an objective’ and *spr r dmi* would have the same meaning, based on the safe arrival of a landlocked man at the harbour (*dmi*) (Perry 1986: 520).

Both the above metaphors convey the successful completion of a journey, the one by land and the other by sea, thus referring indirectly to the peasant’s desire to complete his own journey, and to the metaphor of the ferry making a successful crossing as a symbol of justice being done (Perry 1986: 520).¹²⁸

He cannot cross over in the ferry without going aground (B2, 99) (Perry 1986: 526).

¹²⁷ Perry (1986: 521) translates *hry-s3* as “an upright man” and says *hry-s3* is unknown outside the *Eloquent Peasant*. Literally it means “one who is under”, hence “one who owns” a *s3*, “a back” and, in light of the context, a positive term is needed, therefore the suggestion of a “an upright man” or “someone with backbone” (Perry 1986: 521).

¹²⁸ As seen in B17, 198-200 and in B2 102-103 where *s3h t3* is paralleled to *mn r dmi* (Perry 1986: 520-521).

The above means that, even if the liar, emerging victorious from court, tries to change, he cannot; his unwarranted legal victory does not help him (Perry 1986: 528). Lichtheim (1975: 181) translates this as “it does not cross in the ferry; it does not progress”.

Rhetoric

Khun-Anup offers an interesting observation, in the second petition, about the plasticity of rhetoric when he says:

It means that a twister of speech from its exact sense/makes a travesty of it (VerSteeg 2002: 30).

The importance of oral advocacy for Khun-Anup is clear, and it is his skill in rhetoric that is respected and admired by Rensi and the king¹²⁹ (VerSteeg 2002: 30).

The peasant represents the ideals of oral literary texts of the Middle Kingdom. Word play in the tale is extensive, as well as conventions like repetition and partition, imagery, anti-thesis and irony (Parkinson 1992: 170).

5.3.2 Legal aspects

The *Tale of the Eloquent Peasant* has several legal features, besides the complaint: the legal claim, legal authority, the symbolic legal act, a pledge as surety for payment of a debt, the law, the judicial process, the judge’s duties, principles of just administration of a legal enquiry, and the place of the trial (Shupak 1992: 4-18).

Justice, judges, legal cases, cries/calls/pleas (complaints), criminal acts, ownership, replies/verdicts, the place of the trial, and judicial processes/procedures are discussed below:

Justice

Khun-Anup argues that the judge, Rensi, should act justly and so reflect ancient Egyptian philosophy, in accordance with the law.¹³⁰ He must not be tempted by bribes and he must ignore class distinctions in decision-making. The judge should rather concentrate on what is right (VerSteeg 2002: 28-29).

¹²⁹ Khun-Anup’s rhetorical ability calls to mind other references to speech and its importance in other Middle Egyptian texts (VerSteeg 2002: 30).

¹³⁰ The arguments have nothing to do with the merits of Khan-Anup’s case against Nemty-Nakht.

Justice should not only be done, but also be seen to be done. The peasant says: “be not slack (*wsf*) in speaking out (*smit*) your words (*ts.k*)” (B2, 107) (Shupak 1992: 13).

The judge’s duty was to listen to the complaint or in the peasant’s words “to come at the voice of the caller” (B1, 67-68). By rejecting the plaintiff and by being impatient, Rensi is becoming an example of a poor judge.

And then, this peasant spent a period of ten days petitioning to Nemty-Nakht, who did not pay attention to it. This peasant went (R82: sailing south) to Heracleopolis in order to petition the High Steward, Rensi, son of Meru (B1, 31-33) (Perry 1986: 151).

The expression *rdi m3' r*, literally meaning “to put the temple to” is an idiom meaning ‘to pay attention’, but was most probably used here to underline the idea of giving justice/*ma'at* (Shupak 1986: 153).

What profits it thee that the secret of truth be found, and the back of falsehood be laid to the ground?

(but) prepare not tomorrow, ere it be come; none knows the trouble (that will be) in it. (B1, 181) (Gardiner 1923: 14).

It is Gardiner’s view (1923: 14) that *M3't* stands here so opposed to falsehood that the rendering “truth” is imperative. In the Ancient Egyptians’ minds, the two notions of “truth” and “justice” were inseparable. The peasant warns Rensi against over-confidence, for who knows what might happen because of his injustice (Gardiner 1923: 14).¹³¹

There is no fast-talker who is free of distorting the truth (B1, 208) (Shupak 1986: 384).

The expression *sw m w'r / w'rw* can be identified as a technical term used in the courts to mean someone who does not wilfully distort the truth, literally someone free from “fleeing” or “rushing”, i.e., someone who gives evidence too quickly without including all relevant details and hence gives an incomplete or distorted picture of the whole. The notion of partialness, not giving the whole truth, also comes from the use of *w'r/w'rt* to mean a part of a whole (Perry 1986: 386).¹³²

¹³¹ This is a recurrent theme in Egyptian wisdom literature, for example Ptahotep 343, wisdom of Ani, 8, etc. (Perry 1986: 348).

¹³² Rensi is in such a hurry that he is unjust (Gardiner 1923: 16).

Behold, the *ma'at* weight – she is fleeing from you – having been chased from her rightful place,

When magistrates commit wrong, when he who is in charge of examining a plea shows partiality (B1, 97-98) (Perry 1986: 271).

Hsb must mean “to examine (with court room connotations)” and would the *tpy hsb n mdt* be the chief examiner of the case (*mdt*) or the plea (Perry 1986: 274). *Tp hsb* is the “standard” or “norm” in speaking, writing, or calculation (Gardiner 1923: 11). *Rdi hr gs* is translated to mean “to show partiality” of a judge (Perry 1986: 274). It can also be translated as “to put one self on one’s side”, or “incline to one side of a balance” (Faulkner 1962: 291).

The peasant argues that a single crime can undermine the whole standard of justice and a judge’s prevarication in speech affects justice and is therefore as bad as the robber’s crime (Parkinson 1997: 78).

One who should hear, deaf (B1-114) (Perry1986: 291).

The *sdmw*, literally the “listener” is an indirect reference to Rensi as the one who should be listening to the peasant’s complaints, but is also a punning reference to Rensi’s role as *sdmw*, the judge or investigator (Perry 1986: 293).

It is the *spw* of the three to make him work (B1, 155-156) (Perry 1986: 321).

The above contains a reference to the *sp* of the three (the *iws* balance, the *mh3t* balance and Thoth) to “make him do/work”. For justice to work, or to be successful, the judge, the *dmi n hnms*,¹³³ must act (Perry 1986: 324).

Exercise clemency! (B1, 209) (Perry 1986: 384).

In a reference to B1, 209, *w3h-ib* can be translated to be the virtue of being “patient” and to “be kindly” (Faulkner 1962: 54). B1, 209 can then also be translated as “be patient that

¹³³ This is the one reaching towards friendship, *dmi*, “to touch” and therefore the rendering “inclined to be friendly” (Perry 1986: 324).

thou mayst discover justice". Rensi is unjust because he is in such a hurry Gardiner (1923: 16).

However, it seems to have had a more technical usage when applied to ancient Egyptian legal procedures. The term is repeatedly used of a leader who is said to be *w3h ib sdm s*, (patient in judging a man) or *w3h ib sdm sprw* (patient in judging/investigating petitions). Patience in a specifically judiciary context may have meant either "clemency" or "attentiveness", or simply "fairness in hearing out the complaint of any petitioner to the end" (Perry 1986: 388-389).

He who passes over one case is bound for a second (or passing over a case leads to another) (B1, 215) (Perry 1986: 391).

Sw3 hr can mean either to "pass over" or "by" someone or something or "to escape from" something. If Rensi tries to escape this "matter" or "case" (*sp*) things will only get worse.¹³⁴ A pun might also be intended since *sw3 hr* in a legal context can mean "to transgress – a law". This is suggested because of the juxtaposition of *sw3 hr* and *sp* in the case or "cause" presented before the authorities (Perry 1986: 396).

The one who should make complete, is one who causes pain (B1, 250) (Perry 1986: 435).

It is difficult to find the precise meaning for *stwt*. It is the s-causative form of *twt* "to be complete". B1, 250 may be a very general reference to the anxiety the peasant is experiencing while awaiting Rensi's decision. The verbs *hmw* and *twt* in B1, 260-261, are made parallel to *sb3* in a passage describing Rensi, a grouping that suggests official training (*sb3*) and legal "craftsmanship" (*hmw*) and "completeness". It is a term, although vague to use in translation, which might have had within a given context (here juridical-administrative) a much more precise meaning that can be determined from this passage alone (Perry 1986: 438).

¹³⁴ It will be twice as difficult (Gardiner 1923: 16).

You are instructed/erudite

You are skilled

You are complete

You are a model, but not for plundering (B1, 260) (Perry 1986: 452).

The peasant is pointing out here (Perry 1986: 454-455) that the magistrate is well schooled in the traditions of fairness to all, regardless of social status, as is embodied in Egyptian wisdom literature.¹³⁵

Sb3 is translated as “teach, teaching” by Faulkner (1962: 219) and refers to formal schooling. Rensi is supposed to be more educated than others. By putting himself on the same level as everyone else, everything goes wrong (Gardiner 1923: 17).

There is no silent man who you have caused to speak (B1, 285) (Perry 1986: 486).

Here the peasant restates Rensi’s failure to pursue his judicial duties actively (Perry 1986: 487).

Punish the one to whom punishment is due

And fair-dealing shall be equated with you (B2, 94) (Perry 1986: 523).

Tp hsb is translated here by Perry (1986: 525) to be “fair-dealing”.¹³⁶

As for the rich one who falls

He has no children

He has no heirs on earth (B2, 100-101) (Perry 1986: 526).

The *hwd* (rich one) who falls (*hr.f*) is a reference to Rensi as the rich man who “falls” i.e., does not pursue *ma’at* (Perry 1986: 528-529).

¹³⁵ Merikare 61-62 “Do not favour the well born over the commoner” (Perry 1986: 455).

¹³⁶ See B1, 98 above also in this regard.

And he was brought and a report/ of all his property?/ was made...his/ servants/, six persons with the exception of ... including his barley, his emmer,/his/asses... his pigs, his/ goats and sheep/.../of/ this Nemty-Nakht/was given/ to this peasant...all of his/?/ [sic] itself... this/Nemty-Nakht...it is finished ... (B2, 135-140) (Perry 1986: 546).

The list has been largely destroyed but is complete enough, according to Perry (1986: 547), to reflect that the peasant does not receive his own goods back but those of his adversary. By awarding the peasant what he originally set out to obtain, Rensi has restored justice (Perry 1986: 547).

Judge

The legal authority in the Tale can be found in the terms *wd' rwt* (judge) and *sdmyn* (judges) (Shupak 1992: 5).¹³⁷

He said "O high Steward my lord, Greatest of the Great, Leader of all that is an all that is not!" (B1, 53-54) (Perry 1986: 166).

The word *s smw* is not a definite title but a term of respect used by a subordinate. The *s smw* is one who conducts, guides or leads (Perry 1986: 169-170). It is also translated as to "lead" or "guide" (Faulkner 1962: 247), and also as "ruler"¹³⁸ (Gardiner 1923: 9), although to translate it as "ruler" might be misleading. In Rensi's case, the expression *s smw* refers to someone with juridical and political powers (Perry 1986: 170).

Three representatives of the judicial hierarchy appear in the Tale": the king, the high steward (*imy-r hp*) and the *srw* (magistrate/official) (Shupak 1992: 5). The king was the highest legal authority. He had the right to make legal decisions but, in general, this right was delegated to a lower authority (Shupak 1992: 5).¹³⁹ In the *Eloquent Peasant*, the king delegates this right to the high steward (Rensi) but Rensi refers it to the king.

Perhaps Rensi wants to avoid the obligation of trying a case in which the defendant, Nemty-Nakht, is a subordinate official and one of his servants. From the *Duties of a Vizier*, we know that subordinate officials who were accused in any way were not to be tried by their direct supervisor (Shupak 1992: 5). We can compare the above with our modern

¹³⁷ See my discussion of Gate in Chapter 2: The judgement.

¹³⁸ Gardiner (1923: 9) translates this as ruler rather than leader and says that this was a common rhetorical phrase for "everything".

¹³⁹ See my discussion under "C.1 King" in Chapter 3: Nexus between Ma'at, the king and law.

legal term “recuse”: If there is any relationship or other fact that might influence the judge or magistrate in his objectivity, he will recuse himself from the case.

It is clear, however, that the king, in the *Eloquent Peasant*, acts as supreme judge and delegates the authority of the verdict to the high steward, who was lower in the legal hierarchy (B2, 132-133) (Shupak 1992: 5).

It is not clear from the *Eloquent Peasant* whether Rensi, the high steward (*imy-r hp*), is the vizier or the regional governor (the supreme legal authority in the provinces). The idea that Rensi was a vizier is supported by the following facts:

- The peasant went in the direction of Heracleopolis to meet him. This was the capital and the vizier also functioned as the head of the capital from the beginning of the Old Kingdom.
- The vizier was the director of the *'rryt* (court of justice),
- One of the vizier’s tasks was to deal with petitions/complaints about alleged criminal acts by officials (Shupak 1992: 5).

There are however also indications that Rensi was the regional governor, “lord of the domain” as the term “*srw*” appears beside him (Shupak 1992: 6). *Srw* were officials of the king and enjoyed legal autonomy. They acted as advisors to the regional governor in the local courts but Rensi still had the final say. The dual function of the *srw* is reflected in the Tale: 1) the duty to suppress crime, combat falsehood and banish evil (B1, 28) i.e., duties inherent to their function as judges; and 2) the peasant accused them of oppressing the lower classes (B, 301-302) by abusing their powers (Shupak 1992: 6).

Behold, the *ma’at* weight – she is fleeing from you – having been chased from her rightful place,

When magistrates commit wrong, when he who is in charge of examining a plea shows partiality (B1, 97-98) (Perry 1986: 271).

It is difficult to find an English word that conveys the precise meaning of the word *sr* (magistrate) (Perry 1986: 273). The frequent translation as “official” lacks the judicial implications of the Egyptian expression. The *sr* was an official in the vizier’s office who had judicial functions. The assembly of *srw* appears to have had the power to deliberate and to make considerations. The rendering “magistrate” could lead to confusion with the

“judges” and *sr* should rather be understood to be the designation of a function rather than a title (Perry 1986: 273-274).

Only the sleeper can see dreams, so the one investigating in the gate about the one brought to him – he shall be a model for the evil doer (B1, 216-218) (Perry 1986: 397).

Here again the emphasis is on being given the opportunity to act. Inasmuch as dreams were thought to have meaning in ancient Egypt, Rensi’s attention is again drawn to the fact that he must initiate action, i.e., legal proceedings.

Wd’ rwt is a compound term meaning “to judge, decide, to conduct a pre-trial investigation” (Perry 1986: 398-399). The fact that this man is vested with authority yet acts like a criminal makes him, in the mind of the Eloquent Peasant, an excellent model for a criminal (Van den Boorn 1985: 15). *Wd’ rwt* might retain here something of its original meaning “he, who opens the portico (as a juridical entity)”, since the terms appears to be used as a sort of functional title (Van den Boorn 1985: 15).

You are appointed to hear cases to investigate contenders to repent the violent.
(Yet) Lo, supporting for the snatcher/thief is what you do (B1, 234-236) (Perry 1986: 424-425).

The *sn.w(y)* are the two contenders in a court case (Perry 1986: 426) or “suitors” (Gardiner 1923: 16).

Legal case

It is interesting that the peasant does not refer to the injustice done him personally. His complaint is directed rather at the entire corrupt bureaucracy of Egypt. His personal injustice suffered serves as an excuse for attacking the administrative establishment (Shupak 1992: 4).

Some concepts relating to the legal claim as they appear in the Tale will now be discussed.

Spr

The meaning of the verb *spr* is “to complain, to appeal, to accuse”, with the commonest verb in this context “to appeal” or *ij-*iw* r spr*, “to approach with an appeal” (Shupak 1992: 10). It appears at the beginning of each new complaint/petition.

And then this peasant spent a period of ten days petitioning to Nemty-Nakht, who did not pay attention to it This peasant went (R82: sailing south) to Heracleopolis in order to petition the High Steward, Rensi, son of Meru (B1, 31-33) (Perry 1986: 151).

We can translate *sprw* to be “petitioner”, *sprt* as “an official request presented before a judge” and *spr* as “to petition (a judge)/to present one’s case” (Perry 1986: 154).

Then this peasant came to petition for the first time the High Steward Rensi, son of Meru (B1, 52-53) (Perry 1986: 166).

Both the verb *spr* and the derived substantive *sprt* should be understood as references to formal requests for decisions, oral or written, to be handed down by judicial or administrative authorities (*spr...n*, to appeal to someone/ to petition) (Perry 1986: 167).

Spr is translated by Faulkner (1962: 223) as “appeal to”, “petition”, “make petition” and *sprt* as “petition”.

When the determinative is a man with a hand to his mouth, *spr* means petition but, when it is determined by the walking legs, it means “to approach”. However, since the purpose of approaching the court is to make a petition, the effect is the same. *Spr* takes the preposition *r*, whether the approached is the court or a person (McDowell 1990: 15).

Spr is a legal term and the root appears frequently in the *Inscription of Rekmere* as a verb and as a qualifier, to denote complaining, accusing (*sprw*, *spr*). It also appears as a legal claim in the Stelae of Karnak (Shupak 1992: 11).

hn

Hn has the basic meaning of “speech”, but there are examples where it means complaint/petition (Shupak 1992: 12). Then this peasant said:

Would that one might allow me to inform you concerning this complaint! A case is it (B1, 36-37) (Perry 1986: 151).

Both *ts* of R86 and *hn* of B1, 37 literally mean “speech” or “utterance”. Both *ts n mdt* and *hn n mdt* mean literally “the utterance of that which is/was said” (Perry 1986: 157). Gardiner (1923: 8-9) translate it as “narration”. From the context of B1, 37 and R86 it is obvious that something like a “complaint” or “accusation” is meant (Perry 1986: 157).

mdt / mdw

This is the usual term for a legal claim, literally meaning “words, matter”. The complaint, (the claim, plea – *mdt*) should be heard (*sdm*)¹⁴⁰ by the vizier and he should adjudicate (*wd*) between the litigants (B1, 234) (Shupak 1992: 12). The noun, *mdt*, is literally translated as “matter” or “affair”, but can have a stronger meaning of “charge or blame” (McDowell 1990: 20).

In the *Inscription of Rekmere*, the Vizier is also warned not to “pass over the plaintiff (*sprw*) before hearing his complaints (*mdw.f*)” (Shupak 1992: 12). The vizier also, according to ancient Egyptian custom, received reports of all the *mdt* submitted in the state (Shupak 1992: 12).

Now this peasant made this speech in the reign of his Majesty, King of Upper and Lower Egypt (B1, 71-72) (Perry 1986: 230).

The word *mdt* in the sentence *dd mdt* (to speak a speech) may also be intended in its more technical legal sense as “plea” (Perry 1986: 232).

The verb *mdw* is almost exclusively used to indicate “dispute or contest” (McDowell 1990: 20). It is seldom used absolutely, except in the expression *pn' r mdt* (to reverse one self so as to contest) (McDowell 1990: 20). The litigant uses this when, at the end of a trial, he swears not to reopen the case that has just been settled (McDowell 1990: 20).

Mdw im or *m* is a very common expression for “dispute about” or “litigate about” a thing. As the verb *mdw* in the majority of cases means to dispute with someone at law, we may translate it with “to litigate against” (McDowell 1990: 20-21).

¹⁴⁰ Also “to investigate (in legal context), to judge, to adjudicate”

srh

As a verb, *srh* means “to accuse” and as a noun “an accusation/a complaint”. Its relation to legal terminology is obvious. It is often repeated in the literature in the declaration of the deceased who desired to win in the Judgement of the Dead (Shupak 1992: 11).

The admonition to Rensi is called *srh*, “accusation” (B1, 255) while Rensi “accuses” (*srh*) Nemty-Nakht before the advisory council, the *srw* (B1, 42) (Shupak 1992: 11).

And then the High Steward Rensi, son of Meru accused this...(B1, 42) (Perry 1986: 160).

The *shrt* of B1, 42/R89 is the formal accusation (of Nemty-Nakht) by Rensi (Perry 1986: 161).

You idiot, you are accused (B1, 219) (Perry 1986: 400).

The *hm htw* – one who lacks knowledge (of legal proceedings)] lacks certain empirically gained knowledge. The opposite is *rh ht(w)* (one who has acquired knowledge [of legal proceedings]). The context of B1, 219 *supra* can be established as juridical due to the presence of the word *wsd* (a legal inquiry). The peasant laments that he, as one completely untutored in legal proceedings, finds himself embroiled in a court inquiry. He is the subject of the judicial inquiry, *wsd*, and “accused one” (Perry 1986: 405).

Or the accused one will bring distance – (between himself and his deed) (B1, 255-256) (Perry 1986: 441).

Srhy “the accused” is literally “the one who was made known”. The pairing of *srhy* and *3hw* suggests a technical juridical usage for *3hw* (Perry 1986: 446). The above is translated as “...leads to separation, my accusation bringeth departure!” (Gardiner 1923: 17).

You should greet as an answering one
(And) do not curse the silent man,
Or attack the one who cannot attack ! (B1, 314-316) (Perry 1986: 511).

Wsd (greeting) refers to opening a legal enquiry.¹⁴¹ *Grw*, “the silent man”, is a reference to the petitioner.¹⁴² The petitioner’s vulnerability is touched on when he is called “the one who cannot attack”, in other words, the one at a disadvantage in the legal process (Perry 1986: 513).

Cry, call, plea, etc.

Come on behalf of the call which my mouth gives (B1, 67) (Perry 1986: 209).

The verb *nis* literally means “to cry, to call” and, when it is used with the object *r sp wn m3*, it assumes a meaning closer to *spr* (to submit a complaint, to apply – in connection with a legal matter) (B1 269-270, B2, 108-109) (Shupak 1992: 11).

From the root *nhi* we derive *nhw* (the plaintiff) (B1, 204) and *nhwt*, (complaint) (B1, 29) (Shupak 1992: 11).

Tw3 as a verb means “to present a claim”, “to appeal to” (B1, 299) (B2, 106) and, as a noun, in the sense of a citizen, “a man of low class” (B1, 94-95, B1, 170-171) (Shupak 1992: 11).

A more technical legal meaning of *hrw* (call) might be applicable for example “plea” (Perry 1986: 210). *Ddi r3* has the probable juridical meaning, in the context, of “the pleader” (Perry 1986: 210).

Lo, I am the burdened,
Lo, I am burdened with sorrow,
Lo, I am weak on account of it,
Examine me!
Lo, I am suffering (B1, 70-71) (Perry 1986: 213).

The peasant says he is burdened (*3tp*) with (his) sorrow (*i'nw*). The word *i'nw* may mean “care”, in the sense of woe or pain, or “care” with the implication of a duty: to leave a matter in somebody’s care. But an *i'nw* may also be a formal plea or appeal. The

¹⁴¹ See also B1, 215-216 for the phonetic similarities between *wsd* and *wsb*.

¹⁴² In B1, 298-299 *grw* is defined as the one who makes an official complaint (Perry 1986: 513).

peasant's distress in his present situation is given a concrete form in his plea, *i'nw* to Rensi (Perry 1986: 214).

A silent one who turns himself around from making complaints to you (B1, 298-299) (Perry 1986: 496).

Iri tst means "to make/register a complaint" (Perry 1986: 500). With reference to B1, 299 above, *tst* is translated as "complaint" (Faulkner 1962: 308) or as "reproaches" (Gardiner 1923: 19).

It is clear from the above that the complaint/legal claim is close to the semantic field of "cry" or "call" (Shupak 1992: 11).

Keep your choice under control

Until "the one who is brought in silently" is happy (B1, 210-211) (Perry 1986: 388-389).

The words *bss* and *grw* are meant as a compound term (Perry 1986: 390) as evidenced by the placement of the determinative after *grw*. The use of *bss*, the imperfective participle, necessitates a rendering of "the one who is always brought in quietly" or "the one who is always/repeatedly brought in, the silent one". It would appear in both the above that, within the framework of the juridical proceedings, the one upon whom silence was imposed was the accused (Perry 1986: 390).

Criminal act

When the rich lord, (Nemty-Nakht) takes possession of nothingness (a trifle), And its possessor (the peasant) is robbed for one thing (B1, 92-93) (Perry 1986: 262)

The basic meaning of *iti* is "to seize forcefully" (Perry 1986: 264).¹⁴³ In B1, 93, *iti* is translated as "to take possession" and Faulkner gives the following alternative translations: "take, take away, carry off, rob, etc" (1962: 34).

¹⁴³ As in the Old Kingdom, the word *iti* in B2, 67-68 means, "to confiscate goods outside of legal action" and is it also paired with being a *w3.y*, a robber (*h'd3* – to rob or plunder) (Perry 1986: 264).

If he who should govern according to law is ordering theft, who; then, will punish wrongdoing? (B1, 105-106) (Perry 1986: 281).

The *hwrw* was the criminal and the *bw hwrw* is the abstract noun denoting criminal action or wrongdoing (Perry 1986: 283).

The possessor of goods, the rich one, should be kind/merciful after the criminal was forceful.
Taking is suitable (only) for him who has nothing
Snatching something by a criminal is an evil affair (B1, 121-123) (Perry 1986: 301-302).

Intent is important, because, in the author's view, the presence of criminal intent denoted a criminal act, which for the ancient Egyptians was "an evil affair". The lack of intent or rather the taking from someone who has nothing appears to be justifiable.

The deprived can justifiably take, but the rich man without want is at fault to behave likewise and should be merciful (Parkinson 1997: 79).

One can be a crook of a dyer greedy for destroying a friend (B1, 168-171) (Perry 1986: 335).

Gardiner (1923: 14) translates the above "thou art a wretch of a washerman, one rapacious to damage a companion". The legal implications of the term *hdi*, "destroy" or "to infringe" is clear, i.e., "as in breaking laws". The land perishes as laws (*hpw*) are decreed for it, which are annulled (*hdi*) by crimes (*iry t*) (Perry 1986: 337).

Ownership

Nemty-Nakht was indicating to the peasant, by spreading his garment that the section of road was private property and nobody could trespass. The peasant understood the significance by neither touching nor stepping onto the garment (Shupak 1992: 8).

The spreading of the garment was a symbolic legal act with magical properties because it contained its owner's identity and symbolised it. The spreading of a garment over an object symbolised ownership¹⁴⁴ (Shupak 1992: 6-7). Damaging, grasping or rearing a man's garment was considered shameful.

¹⁴⁴ Shupak (1992: 7) makes these references to the Bible: "I am Ruth, your handmaid, spread therefore your skirt over your handmaid, for you are near a kinsman" (Ruth 3: 9) "and I spread my skirt over you and covered your nakedness" (Ezek 16: 8).

Strikingly similar to the act of Nemty-Nakht is the German custom of covering a piece of land with an animal skin, declaring possession (Shupak 1992: 7).

Reply/verdict

The duties of the judge included investigation and to adjudication. This is evident from the verbs *sdm* and *wd'* or *wd' mdw*.

The peasant says to Rensi: "you were appointed (*to m r pr*) in order to *sdm mdt* and to *wd' snwj*" (investigate and judge) (B1, 234) (Shupak 1992: 12)

The literal meaning of *sdm* is "to hear, to listen" but appearing in a legal context *sdm* means "to investigate" (Shupak 1992: 12).

Wd' can best be translated "decide" and *wd' mdw* was a common expression for "to judge" (McDowell 1990: 23). The literal meaning of *wd'* is "to cut, separate". In a legal context, *wd'* would then mean "to separate (the two litigants)", "to pass judgement" (Shupak 1992: 12-13).

I am speaking so that you might adjudicate!
Do that which is just (*ma'at*), o praised one, who the praised ones praise!
Expel my troubles! (B1, 68-70) (Perry 1986: 209).

The words *s3 ir* and *s3 ir j* occur as technical legal terms, much more restricted in meaning than the usual translations of "need" and "the needy one". The "accused" in B1, 69-70, the peasant, is pleading to be acquitted of the charges brought against him (Perry 1986: 211-212).

O investigator, you have not investigated!
But, why do you not proceed with the investigation? (B1, 180) (Perry 1986: 342).

The peasant has a growing sense that Rensi is not going to do anything at all about his case. The *km* is the completion of the juridical process, which the peasant has started by filing an official protest. By failing to reply (*wsb*) to the peasant's claims, Rensi is not playing his proper part in Egyptian judicial procedures in which every plaintiff has the right

to a response. *Sdm* is used here in its technical legal sense of “to investigate” (Perry 1986: 346).

He did not give an official reply to the peasant (B1, 51) (Perry 1986: 160).

Perry (1986: 164) is of the opinion that *wsb* means more than “to reply.” In the Peasant, it means, “to give an official, legally binding reply” (Perry 1986: 164). Gardiner (1923: 9) translate the above as “...neither did he answer this peasant”.

(For) Only the eater can taste so the inquirer shall answer (B1, 215-216) (Perry 1986: 397).

In the above, a contrast is made between two legal terms, *wsb* and *wsd*. *Wsb* means “to answer” in a legal context or “to rebuke”. *Wsd* refers to a legal enquiry. The peasant complains that he cannot rebuke (*wsb*) the charges against him if he is not told what they are, if a proper legal enquiry (*wsdw*) is not opened. The emphasis in the above lines is on the importance of being given the opportunity to act, to reply to certain charges. The complaint is set forth in explicit legal language in B1, 216 (Perry 1986: 398).

With reference to B1, 216, *wsb* means “answer”, but can also mean “answer for” (Faulkner 1962: 70).

If you bring (the verdict): “Give to your opponent”,
Then the decision will be devoid of accuracy! (B1, 252-253) (Perry 1986: 441).

The usual rendering for B1, 252 *supra* is “if you acquire/take away/give to your fellow...” In this line, the peasant continues to talk about his case and the consequences if Rensi renders a judgement against him. *Ini*, a transitive verb, is used in its technical legal meaning of “to bring (a verdict)” (Perry 1986: 442-443) and the quote *imi r snw.k* supplies the object for *ini*. *Snw* is used juridically “contender in court” (Perry 1986: 443).

You should greet as an answering one
(And) do not curse the silent man,
Or attack the one who cannot attack ! (B1, 314-316) (Perry 1986: 511).

The peasant urges Rensi to “greet” (*wsd*) the petitioners (“those who come” before him) as a *wsb*, one who gives an official reply when a formal protest is lodged. This is a reference to the end of the frame story, introduction, where Rensi gives an answer to the peasant or to the jurors after hearing the facts of the peasant’s case. By Egyptian custom, the magistrate was supposed to extend to any petitioner the courtesy of a reply (Perry 1986: 512-513).

But do not delay! Act to announce your decision (B1, 257) (Perry 1986: 441).

Smi is a technical term and means “to give the official reply” (Perry 1986: 448). The use of *smi* is either a verb or a noun. The peasant is asking Rensi to issue an official response to his pleadings and not merely to pay more attention.

Fdk (your decision, literally “your sundering”) is used as a specifically juridical term (Perry 1986: 449). *Fdk* used in a legal context would then mean “to deliver a decision” or “to pass judgement” (Perry 1986: 449).¹⁴⁵ *Fdk* is therefore an officially acknowledged act of closure (Perry 1986: 450).

Or that his brother be brought into court against you from the village (B1, 300) (Perry 1986: 497).

The verb *ini...r.k* (to bring) means “to bring into court (against you)”. Perry (1986: 501-502) referred to B2, 134 and 135 and said it applied to escorting Nemty-Nakht into court to hear Rensi read out his decision. A technical use for the verb is thus possibly “to be escorted into court/before the magistrate” (Perry 1986: 501).

When he who should give respite because of need (*g3w*)

– on account of the land being parched -, causes that one part (B1, 100-101) (Perry 1986: 272).

¹⁴⁵ Similar to the verb *wp* and *wd'*, the root meaning of both of which denote “to cut, to divide” are used in juridical context with the meaning of “to judge” (Perry 1986: 449). With reference to the juridical Stele of Karnak, the word *fkd* is used in relation to a will describing the “sundering” of inheritance rights (Perry 1986: 449-450).

The phrase *rdi t3w* of B1, 100 is usually translated in a juridical context as “to set at liberty”. It is suggested that someone who is “given a breath”¹⁴⁶ is most probably not the accused, but a witness who is allowed to return to his daily life (Perry 1986: 275).

If he who should govern according to law is ordering theft, who; then, will punish wrongdoing? (B1, 105-106) (Perry 1986: 281).

The *hrw* was the criminal and the *bw hwrw* is the abstract noun denoting criminal action or wrongdoing (Perry 1986: 283-284).

O, he who knows the affairs of all men,
Are you ignorant of my situation?
O, he who drives off all water problems,
I am carrying (the burden of the verdict)
“My course (*mtn*) is evil” (B1, 134-136) (Perry 1986: 308).

One must note the judicial use of *mk wi hr*, where *hr* implies being under the burden of a verdict or accusation (Perry 1986: 311).

The term *wgyt*, “jaw” seems to mean, “that which is jawed/chewed over, i.e., reflected upon” (Perry 1986: 444) and is used to denote the magistrate’s official opinion or decision in the case. Some assume that the *wgyt* is a person, but Perry (1986: 444) maintains that, in the absence of a human determinative following *wgyt*, this rather refers to an abstract term.

Place of the trial¹⁴⁷

He found him (Rensi) there coming out of the door of his house, in order to go down to his *k3k3w*-boat to the court (B1, 34-36) (Perry 1986: 151).

It is clear that we are dealing with some organisation or institution involved with legal procedure, and with the structure of the gate. The confrontation between Rensi and the

¹⁴⁶ See also Lorton (1974: 136-138).

¹⁴⁷ See my discussion in Chapter 2.3.2; Gate.

peasant had a legal nature. In this context, therefore, *'rryt* must involve the legal sphere (Shupak 1992: 17).

The word *'rryt* (*'r'yt*, *'ryt*) has been translated by Perry (1986: 155) as: 1) a lintel place or a half a door lintel, 2) a (full) lintel, 3) a doorway, 4) a court of justice, and 5) the gate just outside the palace where a public court was held.

The *'rryt*/*'rrwt* was where royal decrees were attached to the back of the door and to the walls and its association with the king and administration lead to the use of the term to mean “department” of an institution (Perry 1986: 155-156).

The phrase *k3k3w n 'rryt* is translated as a “court house barge, state barge” and “his barge belonging to the judgement hall” (Perry 1986: 154). Lichtheim (1975: 171) translates it to be “court house barge” and Gardiner (1923: 8) as “his barge belonging to the judgement hall” or “the official boat of the court-house”. It refers to a boat made available for the administration, with Rensi leaving his house to board the boat. It is possible that some sort of peripatetic legal services were available in ancient Egypt. Circuit judges possibly held hearings and travelled from one village to another in their judicial district by official boat (Perry 1986: 156).

The efficient judicial system of Egypt included mobile courts located on boats (Shupak 1992: 17-18).

Judicial process/procedure

The legal procedure in Egypt and in the *Tale of the Eloquent Peasant* opens with the presentation of the complaint (*mdw*). The complaint or legal claim is close to the semantic field of “cry” or “call” (*nis*). The “cry” or “call, complaint” is addressed to the judge charged with defending justice.¹⁴⁸ Then the judge investigates and adjudicates. The peasant says: “you were appointed (to *m r pr*) in order to *sdm*¹⁴⁹ *mdt* and to *wd snwj*” (Shupak 1992: 12).

¹⁴⁸ The call was the legal resort of the poor in Egypt and probably throughout the ancient world (Shupak 1992: 11).

¹⁴⁹ In legal context, *sdm* means “to investigate” (Shupak 1992: 12).

Here *wd* means “to separate” (the two litigants) or “to pass judgement”. The sentence above therefore means “You were appointed to conduct an investigation and pass judgement”. The legal procedure consisted, it appears, of two phases: the first phase was the hearing of both litigants¹⁵⁰ and their investigation, and the second phase was the verdict (Shupak 1992: 12-13).

When one informs you (file a case in written form) (B1, 213) (Perry 1986: 391).

Rensi is asked by the peasant to listen carefully to his case and to write up what he understands. Gardiner (1923: 16) translates this as “inform thou by heart”. The logical consequence of Rensi’s “understanding” is to inform the heart and this rather poetic expression was an idiom for issuing a written communication. This is a valuable indication of court procedure in ancient Egypt (Perry 1986: 394).

Once the water has opened, the occurrence of the wave has happened (B1, 258) (Perry 1986: 442).

The peasant here implies that, once the judicial process has started, there is no going back (Perry 1986: 450-451). Rensi, after listening to the peasant’s petition, has committed himself to going through with the court proceedings. There is no going back from there; he must act (Perry 1986: 451).

Let a man defend his just and true case (B1, 293) (Perry 1986: 492).¹⁵¹

The term *h* (“to stand up” – translated here as “defend”) may be an accurate reflection of court procedure, to wit, that the plaintiff/accused stood up to present his case (Perry 1986: 494).

Listen ! When I come,
(Or) another man comes (B1, 313-314) (Perry 1986: 511).

¹⁵⁰ Appears similar to our *audi alteram partem*.

¹⁵¹ This is a repetition of B1, 202 (Perry 1986: 494).

li/lw is used here in its technical legal sense: “to come (before a magistrate)” (Perry 1986: 512).

And then the High Steward Rensi, son of Meru, caused two guards to go in order to bring him (the peasant) back (B2, 115-116) (Perry 1986: 539).

The above may reflect actual Egyptian juridical procedure in that plaintiffs were perhaps always escorted by two guards (Perry 1986: 540).

And then the High Steward, Rensi, son of Meru said “Just stay here so that you can hear your petitions” (B2, 126-128) (Perry 1986: 542).

Here we find an interesting glimpse into court procedure, where the written transcript of the hearing (the peasant’s testimony here) was read out before a judgement was given (Perry 1986: 544).

And then/ His Majesty /said, “may you yourself judge, son of Meru!” (B2, 133) (Perry 1986: 546).

Here we find another glimpse of juridical practice in that the King apparently presided as official judge over the court but could delegate his powers to a subordinate (Perry 1986: 546).

5.3.3 Miscellaneous

For you are the father of the orphan (B1, 62) (Perry 1986: 196).

The *nmh* (orphan) in the above line is someone who comes under the protection of the guardian (*it*), one who has been deprived of his father and is therefore in need of a legal protector (Perry 1986: 199).

Nmh later developed as “freeman” (Lorton 1974: 153).

Do not put one thing in the place of another (B1, 152) (Perry 1986: 321).

The word *st* (“place” or “seat”) denotes an appropriate or lawfully held position (Perry 1986: 322).

The stand balance of man is their tongue.

It is the hand balance which establishes the rest (B2, 92-94) (Perry 1986: 523).

iws (the hand balance – the symbol of justice) is associated with the verb *d'r*, “to seek, investigate” (Perry 1986: 524) and thus, in this passage, the *iws* stands for seeking out the *d3t* (rest), which appears to be anything left over after the verdict is pronounced. The essential idea is that *iws* symbolises (active) judicial investigation (Perry 1986: 524).

(When) a liar succeeds

And his affairs prevail

ma'at will turn itself around until he (the *grg*, liar) is “right”

The stuff of a liar is it (B2, 95-97) (Perry 1986: 525).

Ir sm grg is translated as “when/if a liar (or falsehood) goes forth (victorious from court)” (Perry 1986: 526). The legal connotation given here to *sm* (goes forth) is corroborated by the use of *'nn* (prevail) in B2, 96-97¹⁵² and, in B2, 95, the term seems to be used ironically (Perry 1986: 527).

The above passage speaks of a miscarriage of justice in which the *grg* manages to get himself declared innocent (Perry 1986: 527). The peasant in B2, 96-97 says this is typical of a liar *ht pw nt grg*, “the very stuff of a liar is it” (Perry 1986: 527).

5.4 CONCLUSION

Careful examination of the specific themes and concrete images in the *Tale of the Eloquent Peasant* allows readers to appreciate the sophistication and subtleties of the peasant’s opinion of justice and legal philosophy.

¹⁵² See Petition Vii, B1, 299 (Perry 1986: 527).

It is evident from the tale that certain words obtained a certain legal meaning from the context. This is important, as the ancient Egyptians did not have specialised legal vocabulary.

It is clear that the *Tale of the Eloquent Peasant* is an important source of information about ancient Egyptian notions of justice and law. This work should therefore be added to the body of sources, which can benefit from additional information about the law of ancient Egypt (Shupak 1992: 1).

CHAPTER 6. CONCLUSION

6.1 WHAT DID THE ANCIENT EGYPTIANS UNDERSTAND BY THE CONCEPT OF “JUSTICE”?

From the relics and records of ancient Egyptian civilisation, we understand that the Egyptian's whole life was governed by *ma'at* (justice), that their law was justice in action, and that the goddess Ma'at was the personification of physical and moral laws, order, truth, and justice.

The state derived authority and stability from the concept of *ma'at*; good rule and sound administration were forever imbued with *ma'at*. The true meaning of *ma'at* was never explained properly, but was always achieved through the medium of the king, who was the interpreter of *ma'at*. Suffused with the benefits of *ma'at*, the divine office of the king served as a basic unifying element for the ancient Egyptian state.

Many surviving works of ancient Egyptian literature (specifically Middle Egyptian fiction) promote valuable insight into *ma'at* and law in Egypt. The *Tale of the Eloquent Peasant*, in particular, adds a great deal to our understanding of these concepts and must be included in the repository of legal sources available for the study of *ma'at* and law in Egypt.

Long passages throughout the peasant's speeches in the *Tale of the Eloquent Peasant* demonstrate this, being devoted to instructions to judges on how and how not to carry out *ma'at*. We see from the Tale that the verdicts of some judges were not harsh enough, even when they knew justice was being perverted. Khun-Anup catalogues the miscarriage of justice, or *ma'at*, caused by judges' errors, and instructs them on proper conduct, in compliance with *ma'at*.

6.2 HOW DID THIS CONCEPT MANIFEST ITSELF IN THEIR LAW AND THE LEGAL SYSTEM?

In ancient Egypt, the law was not just *hprw* but also the divine law (*M3't*). The purpose of law was to realise *ma'at* (*M3't*) on earth.

The Judgement of the Dead, or the weighing of the heart on balancing scales¹⁵³, showed *ma'at* in action, probably in a law court, and has been conveyed mainly through the funeral literature as it appears in the ancient Egyptian *Book of the Dead*. Metaphors in the *Tale of the Eloquent Peasant* are based on parts of the balancing scales, like the oar, beam, and plumb line, from which we infer that the comparison of balancing scales to justice and law was a common one. If justice functions properly, there can be no imbalance, no partiality, no deviance from the norm.

Law was essential for the realisation of justice on earth for the ancient Egyptians. Their application of law was coherent and they had a working legal system and laws, although they apparently did not progress to an abstract theory of law, since they had no specialised legal vocabulary and developed no legal profession.

In the formative period, it is unlikely that there were any written laws because the king's decrees expressed divine law that was in harmony with the concept *ma'at*. However, although the early kings represented a source of law, they delegated their authority regarding the preservation of *ma'at* to officials who actually performed the king's duties in defending *ma'at*. Thus legal officials applied the law.

The surviving legal manuscripts and references in ancient letters indicate that the ancient Egyptian society operated according to decrees of the king, which had the force of law, together with the precedents established in previous legal cases. Records were kept by judges of their legal decisions in the viziers' archives for future reference and precedent.

Careful study of the *Tale of the Eloquent Peasant* gives us a clearer understanding of the concepts/principles of law and justice in ancient Egypt. For instance, it graphically portrays how much the ancient Egyptians admired rhetorical skill in the place of judgement at the gates/portico of temples/palaces, where the judges listened and enforced the laws. By castigating the unjust judge, the peasant Khun-Anup shows that judges were expected to be just.

¹⁵³ See Chapter 2 for discussion and Appendix C for an illustration.

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APPENDIX A. TERMINOLOGY LIST

<i>'3</i>	great
<i>'ity</i>	sovereign
<i>'nh n nb</i>	Oath of the Lord
<i>'nh</i>	oath. Originally 'to live'
<i>'rk</i>	to swear
<i>'rryt</i>	lintel (half or full), doorway, gate outside the palace where a public court was held, department
<i>'ryt</i>	gate
<i>'wn ib</i>	greed, greedy man
<i>'wnw</i>	robber
<i>3tp</i>	burdened
<i>ba</i>	soul
<i>bint</i>	evil
<i>bw hwrw</i>	criminal action or wrongdoing
<i>d'r</i>	to seek, investigate
<i>d3t</i>	appears to be anything left over after the verdict is pronounced
<i>dbn</i>	the weight used in the scale pans of a balance
<i>dd</i>	gives, speaks (<i>hp</i>)gives
<i>ddi r3</i>	pleader
<i>dmi n hnms</i>	inclined to be friendly
<i>dmi</i>	to touch, harbour
<i>dmw-r</i>	hear a deposition
<i>dpt</i>	sea
<i>fdk</i>	to deliver a decision, to pass judgement, an officially acknowledged act of closure
<i>fkd</i>	sundering of inheritance rights

<i>g3w</i>	need
<i>grg</i>	falsehood
<i>grw</i>	the one who makes an official complaint
<i>gs3</i>	tilt
<i>h</i>	to stand up
<i>h'd3</i>	to rob or plunder
<i>h3j</i>	plumb line / measuring tape
<i>hdi</i>	destroy / infringe, break laws, annul
<i>hm ht w</i>	one who lacks knowledge (of legal proceedings)
<i>hmw</i>	craftsmanship
<i>hn n mdt</i>	the utterance of that which is/was said, complaint, accusation, plea
<i>hn</i>	speech, complaint, petition
<i>hp / hpw</i>	law, custom, order, justice or right / laws, a code of law or a collection of laws
<i>hpw nyw 'rryt</i>	the law of the courts
<i>hr</i>	under the burden of a verdict or accusation
<i>hr.f</i>	falls
<i>hrw</i>	call / plea
<i>hsb</i>	to examine (with court room connotations)
<i>hsfw</i>	the one who should punish (evil)
<i>ht pw nt grg</i>	the very stuff of a liar is it
<i>hwd</i>	rich one
<i>hwrw</i>	the criminal
<i>i'nw</i>	care, formal plea, appeal
<i>ib</i>	heart
<i>ibw</i>	booth that served as a refuge from crocodiles
<i>ii/iw</i>	to come (before a magistrate)

<i>ij-iw r spr</i>	to approach with an appeal
<i>im 3h</i>	veneration
<i>imy-r hp</i>	overseer of law
<i>imy-r3 hp</i>	a title for an individual presiding over a local <i>knbt</i> (court) during a specific legal investigation
<i>imy-r-pr</i>	the high steward
<i>ini</i>	to bring (a verdict)
<i>ini...r.k</i>	to bring into court (against you), to be escorted into court (before the magistrate)
<i>ip wi</i>	examine me – my case
<i>ir</i>	does [<i>ma'af</i>]
<i>ir hpw</i>	stipulations
<i>ir sm grg</i>	when/if a liar (or falsehood) goes forth (victorious from court)
<i>ir.sn hpw.k</i>	carry out your laws
<i>ir.tw hp r.f</i>	one shall apply the law to him
<i>iri</i>	to bring (a verdict), enact
<i>iri hp</i>	the application of a law by a court or an official
<i>iri iyt</i>	committing a wrong; literally, the practice of that which has occurred, usually interpreted negatively
<i>iri M3't</i>	the practice of justice
<i>iri tst</i>	to make/register a complaint
<i>iry t</i>	crimes
<i>iry-hp</i>	one who pertains to the law, the application of a law by a court or an official
<i>isfet</i>	violence
<i>it</i>	guardian
<i>iti</i>	to seize forcefully (outside of legal action)
<i>iws</i>	the symbol of justice

<i>jzft</i>	wrong, incorrect, or antisocial behaviour, disorder, falsehood, and injustice
<i>k3k3w n 'rryt</i>	a “court house barge, state barge” and “his barge belonging to the judgement hall”, boat made available for administration
<i>kh3</i>	ruler
<i>km</i>	the completion of the juridical process
<i>knbt</i>	court
<i>m 3'</i>	(adjective) having the quality of
<i>m 3'</i>	(verb) direct
<i>m3' hrw</i>	true of voice
<i>m grg</i>	do not tell lies
<i>m irt hpw smnt tp-rd</i>	carrying out the laws and enforcing the instruction(s)
<i>m3'</i>	right, correct, just, orderly, true
<i>M3't</i>	the way things ought to be
<i>Ma'at</i>	goddess of truth and justice, the daughter of Re
<i>ma'at</i>	the way things ought to be
<i>mdt</i>	Literally “matter” or “affair”, but can have a stronger meaning of “charge or blame”, “plea”
<i>mdw</i>	dispute, complaint
<i>mh3t</i>	tongue
<i>mn</i>	to last, endure
<i>mtn n 'nh</i>	a way of life
<i>mtn</i>	way (of life)
<i>n dyt</i>	pettiness
<i>nb</i>	lord
<i>nfr hpw</i>	good of laws
<i>nfr mdw</i>	beautiful of speech
<i>nfr mtn i</i>	my way is good

<i>nfrt</i>	goodness
<i>nhh</i>	eternity
<i>nhw</i>	the plaintiff
<i>nhwt</i>	complaint
<i>ni</i>	reject
<i>nis</i>	to cry, to call, to submit a complaint
<i>nmh</i>	someone who comes under the protection of the guardian, one who has been deprived of his father and is therefore in need of a legal protector. Later developed as 'freeman'
<i>ns</i>	verdict, tongue
<i>nt</i>	order, the underlying idea is that of recurrence, personified by the movement of celestial bodies and the behaviour of earthly beings
<i>pssw</i>	arbitrator
<i>r</i>	deposition/statement
<i>r hpw</i>	according to the law
<i>r sdm</i>	investigating
<i>rdi hpw</i>	to transmit laws
<i>rdi hr gs</i>	show partiality (literally incline sideways)
<i>rdi m3' r</i>	to put the temple to (literally), to pay attention (in giving justice)
<i>rdi t3w</i>	to set at liberty (in a legal context)
<i>rdiw ir hnn ib ip-rd hpw mtyw m msdd ib f</i>	who caused the one with disturbing intent to carry out the instruction(s) and laws precisely, though he was unwilling
<i>rh</i>	knows [<i>ma'at</i>]
<i>rh ht(w)</i>	one who has acquired knowledge (of legal proceedings)
<i>rwt</i>	gate
<i>s smw</i>	one who conducts, guides or leads (with legal and political powers)
<i>s3 ir</i>	need

<i>s3 ir j</i>	the needy one
<i>s3h t3</i>	to land (a ship), to reach a goal, accomplish an objective
<i>s3w</i>	beam
<i>sb3yt</i>	instructions
<i>sb3</i>	training, formal teaching
<i>sdm</i>	to investigate (in legal context), to judge, to adjudicate (in legal context), to judge, to adjudicate
<i>sdmw</i>	investigators (literally listeners)
<i>sh</i>	deaf/deaf to [<i>ma'af</i>]
<i>shpr</i>	creates [<i>ma'af</i>]
<i>shrt</i>	formal accusation
<i>Sht hm3t</i>	Wadi Natron
<i>shty</i>	peasant
<i>smi</i>	to report, to give the official reply
<i>smit</i>	speaking out
<i>smn</i>	enforcing
<i>smn hpw</i>	enforcing the law
<i>smnh hpw</i>	making the law more effective
<i>smnh</i>	restored
<i>sn.w(y)</i>	suitors, the two contenders in a court case restored
<i>snw</i>	contender in court, magistrate, officials
<i>sp</i>	case
<i>spr</i>	to complain, to appeal, to accuse, to petition (a judge, to present one's case)
<i>sprt</i>	an official request presented before a judge
<i>sprw</i>	petitioner, plaintiff
<i>sr</i>	an official in the vizier's office who had judicial functions

<i>srh</i>	As a verb, <i>srh</i> means “to accuse” and as a noun “an accusation/a complaint”
<i>srhy</i>	the accused (literally “the one who was made known”)
<i>srw</i>	officials of the king who enjoyed legal autonomy, magistrates
<i>ssm</i>	guide
<i>ssm hpw</i>	to carry out the laws
<i>ssm r hpw</i>	to administer according to the laws (closely related to <i>infra</i>)
<i>st</i>	“place” or “seat”, denotes an appropriate or lawfully held position
<i>sw3 hr</i>	to transgress – a law, to pass over or by, to escape from
<i>swb</i>	leads to
<i>t3</i>	society
<i>th</i>	the plummet of a balance
<i>tp hsb</i>	the “standard” or “norm” in speaking, writing, or calculation
<i>tpy hsb n mdt</i>	the chief examiner of the case
<i>ts</i>	speech
<i>ts n mdt</i>	the utterance of that which is/was said, complaint, accusation
<i>ts.k</i>	words
<i>tw3</i>	verb, “to present a claim”; noun, “a man of low class”
<i>twt</i>	to be complete
<i>w3.y</i>	robber
<i>w3h ib</i>	the virtue of being “patient” and to “be kindly”, clemency, attentiveness, fairness in hearing out (in a legal context)
<i>w3h</i>	to endure
<i>wd</i>	to decide, decree
<i>wd’</i>	adjudicate. Literally ‘to cut, separate’. In a legal context, ‘to separate (the two litigants)’, ‘to pass judgement’
<i>wd’ mdw</i>	legal decisions

<i>wd' rwt</i>	one who judges at the gate, judge, to judge, decide, to conduct a pretrial investigation, he who opens the portico
<i>wd3</i>	prosperity
<i>wdnw</i>	wave
<i>wgyt</i>	the magistrate's official opinion or decision in the case. Literally 'jaw' – seems to mean, 'that which is jawed/chewed over, i.e., 'reflected upon'
<i>wp</i>	to judge
<i>wpt M3't</i>	in a message of truth
<i>wr</i>	powerful
<i>wsb</i>	reply, to give an official/legally binding reply, to answer, to rebuke
<i>wsd</i>	a legal inquiry
<i>wsdw</i>	proper legal enquiry
<i>wsf</i>	slack
<i>z3t r'</i>	daughter of the sun god, Re

APPENDIX B. THE GODDESS MA'AT

With the ostrich feather, the ever present symbol of the goddess (From the tomb of Sety 1, 19th Dynasty, *circa* 1300 BC; Archaeological Museum, Florence)

Source: The gods of Ancient Egypt, no 10, 2005, Hachette, European Union, ISSN 1741-2293.

APPENDIX C. THE JUDGEMENT SCENE

In this vignette from the *Book of the Dead*, we see the deceased, Hunefer, before the court of the dead. We see the heart being weighed against the feather, the symbol of Ma'at (If the feather weighs the same as the heart of the deceased, it proves that his life was in accordance with ancient Egyptian ethics). Beside the scales is Thoth, the god of wisdom, who notes the result of the weighing.

Then the deceased, whose justification was confirmed before the court, is led before the supreme judge of the dead and ruler of the netherworld, Osiris.

Papyrus of Hunefer, Thebes, New Kingdom, 19th Dynasty, circa 1285 BC
(*The British Museum, London, EA 9901/3; ed. by Regine Schulz & Matthias Seidel, 1998,*
Könemann, Cologne)

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APPENDIX D. THE GODDESS MA'AT

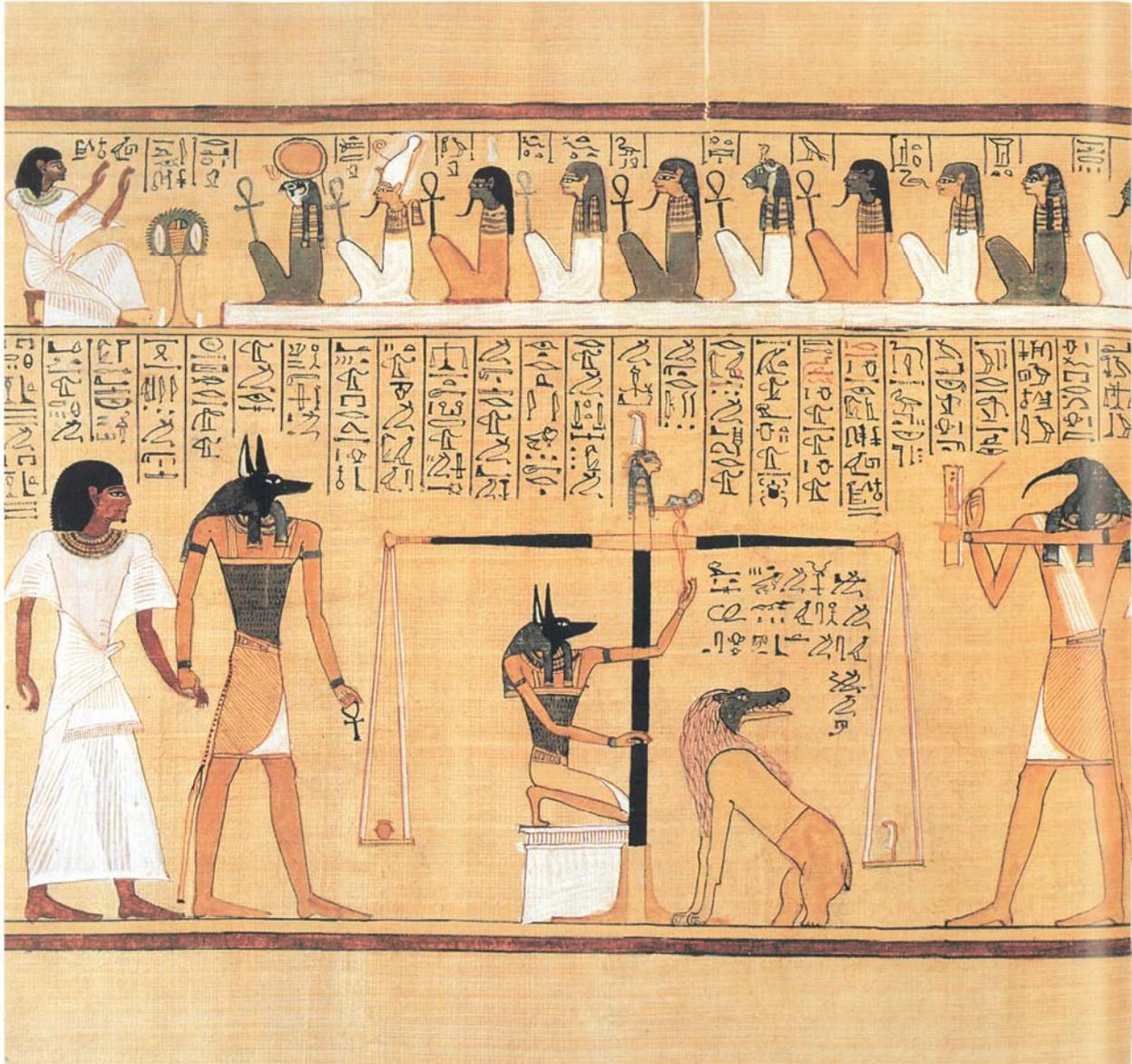
The goddess Ma'at with the ostrich feather, the ever present symbol of the goddess (From the tomb of Sety 1, 19th Dynasty, *circa* 1300 BC; Archaeological Museum, Florence)



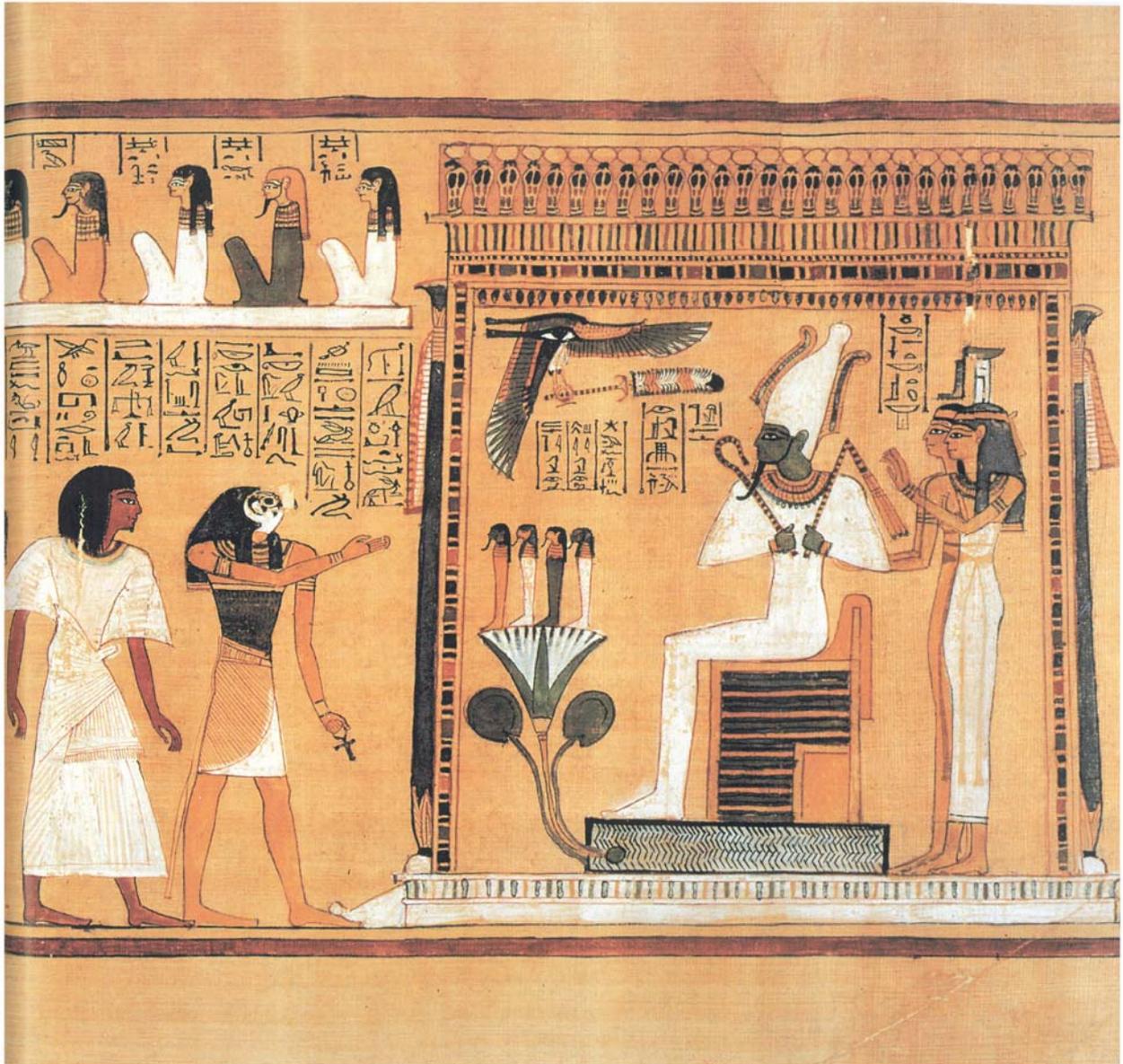
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