

ANCIENT EGYPT

Lifelong Learning class

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Law and the Legal System in Ancient Egypt

adapted from a text by Jimmy Dunn (a.k.a. Mark Andrews)



It is thought that the laws of ancient Egypt were at least partially codified. In fact, we learn from one Greek writer that in the Late Period there were probably eight books that set out the legal code. But nothing remains of these documents, or for that matter, legal codes from other periods. However, we can derive some of the laws of ancient Egypt from funerary texts, as well as court and other documents.

Essentially, we believe that Egyptian law was based on a common sense view of right and wrong, following the codes based on the concept of *Ma'at*, represented by a goddess with the feather of truth on her headdress. *Ma'at* represented truth, order, balance and justice in the universe. This concept allowed that everyone, with the exception of slaves, should be viewed as equals under the law, regardless of wealth or social position. However, when punishment was carried out, often the entire family of the guilty suffered as well. For example, when individuals were sentenced to exile, their children were automatically outlawed along with them. If a relative deserted from military service, or defaulted on the labor demands of the state, the entire family might be imprisoned.

Ultimately it was the king as a living god who was the supreme judge and lawmaker. Of course much of this power was delegated to others. We know that the king's viziers often acted as judges, and theoretically, anyone with a legal problem could bring a case before a vizier, though arranging an audience with a busy, important vizier might have been difficult. Surely he would delegate this power to officials below him. A gold *Ma'at* pendant that is currently in the British Museum was probably more or less an official badge of a legal officer. Some statues of high officials from the Late Period are shown wearing such a pendant. The legal and administrative systems seem not to have been well defined, and so at times anyone in an authoritative position may have made legal judgments. But more specifically, we believe that the title, Overseer of the Six Great Mansions, refers to our modern equivalent of a magistrate. "Mansions" probably refers to the main law court in Thebes, though we believe there were other major courts in Egypt. Minor cases were tried by a local council of elders and each town or village had its own local *kenet* in charge of legal proceedings. Such cases usually involved minor problems, such as default on loans. Still, the most important matters were probably reported to the king who would then decide the case and the proper justice.

An interesting variation was that sometimes judgments were made by divine oracles rather than by human officials. For example, in Deir el-Medina the deified founder of the village was often asked to decide cases. While it is impossible to know exactly how this worked, it seems that a document was made for both sides of the case, and put on either side of a street. Whichever side the god's image inclined towards was rendered the winner. Also, specifically during the 21st Dynasty (1069-945 BC), law was given through the oracle of Amun. Documentation on prior cases were recorded and retained, and like our own modern legal systems, these court documents were used as precedent for current cases. Some of these documents remain, and are some of our best evidence of how the ancient Egyptian legal system functioned.

Criminal Law

An example of such documentation is the record of the famous trial of the tomb robbers, recorded on the Leopold II - Amherst Papyrus. This document, now in the British Museum, records the robbery of tombs

during the reigns of Ramesses IX and Ramesses XI. The thief Amenpanufer confesses before Ramesses IX that "We went to rob tombs in accordance with our regular habit, and found the pyramid tomb of King Sekhemreshedtawdy....". While the papyrus documents the thief's guilt, it does not provide the actual punishment. We also have the Salt Papyrus, which is a petition of the workman Amennakhte denouncing the crimes of the foreman Paneb, another papyrus that documents tomb robbery. Tomb robbery was considered to be one of the most heinous crimes.

Of course, there are any number of other documented legal proceedings. From these, we know of the punishment in criminal proceedings. For example, from court documents at Deir el-Medina, we know that punishment for stolen or embezzled goods might be as simple as the return of the goods with a fine of twice their value. Simple corporal punishment could involve a hundred strokes of the cane. In more serious cases, 5 bleeding cuts added, or brands inflicted as a sign of permanent dishonor. Depending on the severity of the case, being exiled to Nubia or the Western Oasis, or sent to labor in the distant mines or quarries was not uncommon. Some crimes were punished with mutilation consisting of cutting off a hand, tongue, nose or ears. In extreme cases, capital punishment was inflicted by implement on a stake, burning alive, drowning, or decapitation. Because the guilty had violated *Ma'at*, it was also assumed the individual would suffer failure, poverty, sickness, blindness or deafness, with the final settlement waiting in the Court of the Dead. It should be noted that, while ancient Egyptian punishment is often seen as barbaric, there was some support of basic human rights. For example the pharaoh Bocchoris suppressed imprisonment for debt.



Ma'at

Civil Law

Probably one of the most famous cases is that of the Eloquent Peasant (see the "Tale of the Eloquent Peasant"), which examines a poor man's search for justice from high officials and the king himself. This particular story was widely told in the Middle Kingdom of Egypt (2055-1650) and illustrates the point that even the problems of common peasants were considered important. Although males dominated the legal system in ancient Egypt, records indicate that females enjoyed considerable rights under the law. Upon an individual's death, property was often divided equally among both male and female children. Woman could own and bequeath property, file lawsuits, be witnesses in court and file for divorce. Children and the poor had considerable legal rights, and even slaves were allowed to own property under certain circumstances. Prior to the 7th century BCE most contracts and deeds were oral, but with the advent of the Demotic script, many legal transactions were required to be written, and these documents give us a better picture of legal proceedings. A plaintiff was required to bring suit, and if the case were deemed to have validity, the defendant would be ordered to appear before the court. There were no legal advocates, so both parties would present their own arguments. While witnesses were sometimes called, the judge would usually rule on the grounds of documentary evidence and the testimony of each party.

Continuing Legacy

The Greek lawgiver Solon is said to have visited Egypt in the 6th century BCE, studied their law, and adapted aspects of it into the legal system of Athens. So, although during Macedonian rule in Egypt, Greek law existed parallel to Egyptian law, that Greek law already reflected Egyptian influence, and continued to do so. When the Romans took Egypt, Roman law prevailed, but even their legal system already had been shaped by both Greek and Egyptian legal ideas. In that sense, ancient Egyptian legal ideas remain with us today, to the extent that Greco-Roman law remains the core legal system of our own.