A New Source for the Study of the Judiciary and Law of Ancient Egypt: "The Tale of the Eloquent Peasant"

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A NEW SOURCE FOR THE STUDY OF THE JUDICIARY AND LAW OF ANCIENT EGYPT: "THE TALE OF THE ELOQUENT PEASANT"*

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I. INTRODUCTION

Most of the material available regarding the legal aspects of life in ancient Egypt pertains to contracts and other legal documents, as well as to literary works not directly connected with the legal system. No codex has so far been found even though the classical writers mention the existence of one; it is also alluded to in Egyptian writings.\(^1\) In the light of the available sources, it is possible to reconstruct the judiciary and law of the land of the Pharaohs. What emerges is a highly developed legal system evolving steadily over many generations.

It is not the object of this inquiry to review the law of ancient Egypt, a subject already dealt with in a number of research papers. Such a mission should rather be carried out by those whose knowledge of the law at least equals their expertise in the Egyptian language. The present paper deals with a composition known as "The Tale of the Eloquent Peasant," an example of the genre of Egyptian wisdom literature. The goal of this article is to show that this story has a well-founded juridical background. An analysis of the work from the point of view of content, form, and terminology,\(^2\) on the one hand, and a comparison with other works involved with the judiciary, on the other, will demonstrate that this work should be added to the body of sources which, although

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* I would like to thank S. Allam, H. Haase, and S. Shitreet for their helpful remarks. Special thanks go to R. Westbrook for his instructive remarks during our conversation in Baltimore. After I completed this article, A. R. Schulman kindly called my attention to E. Perry's doctoral thesis (see n. 2 below) to which I have referred as much as possible in the notes.

\(^1\) Hints regarding the existence of a written law in ancient Egypt are described in nn. 34 below. But it is possible that no legal codex was ever formulated in Egypt. The ideology was imbued in the Egyptian monarchy according to which the king's command was law and every new king was a new law-giver. See H. Goedicke, *Königliche Dokumente aus dem Alten Reich*, Ägyptische Abhandlungen 14 (Wiesbaden, 1967), p. 247.

\(^2\) In this case, it is difficult to separate these three levels of comparison, and thus they are presented together in what follows. The discussion of terminology has been limited to the general meaning of the terms and to determining their relation to the legal sphere. Determination of the *terminus technicus* of the legal register in Egypt and the semantic limits of the terms are subjects to be dealt with in another paper. Attempts have been made in this field by J. Pirenne and M. Stracmans, "La Portée historique et juridique de la stèle de Karnak," *Revue internationale des droits de l'antiquité*, 2 ser., 2 (1953): 42 ff.; J. Pirenne and B. van de Walle, "Documents juridique égyptiens," *Archives d'histoire du droit oriental* 1 (1937): 80 ff.; M. Malinine and J. Pirenne, "Documents juridique égyptiens," ibid. 5 (1950–51): 83 ff.; and recently, E. Perry, "A Critical Study of the Eloquent Peasant" (Ph.D. diss., The Johns Hopkins University, 1986). In the introduction to her book, Perry gives twenty legal terms (p. 77, n. 60), although in the work itself she defines a far greater number of terms as legal. Her conclusion, however, is at times unsubstantiated, as she relies only on the context of "The Tale of the
already far from meager, can benefit from additional information about the law of ancient Egypt. E. Seidl mentions 109 sources, and more have certainly been added since his research was published. Owing to limitations of space, however, I have chosen to compare “The Tale of the Eloquent Peasant” mainly with two texts: “The Inscription of (Vizier) Rekhmire” and “The Edict of (King) Haremhab,” both of which have been comprehensively researched over the last few years. The obvious connecting link between these two works and “The Tale of the Eloquent Peasant” is the legal background of all three, although they are not necessarily legal documents. Other writings are also mentioned, some of them legal documents (such as “The Stele of Karnak” of the Eighteenth Dynasty or “The Inscription of Mes” of the beginning of the Ramesside period) and some comprising solely legal features (such as “The Instructions of Ptahhotep” of the Sixth Dynasty).

First, I would like to review the works germane to this discussion:

“TALE OF THE ELOQUENT PEASANT”

This work was written at the beginning of the Middle Kingdom and was preserved on four papyri of that time. It consists of two parts—prosaic and rhetorical, the former

Eloquent Peasant” or gives references to non-legal works.

This subject has not been treated separately or comprehensively in earlier studies, although some scholars have pointed out the legal background of “The Tale of the Eloquent Peasant.” See S. Herrmann, “Zum Verständnis der ’Klagen des Bauern’ als Rechtsforderungen,” ZAS 82 (1957): 55–57; idem, Untersuchungen zur Überlieferungsgestalt mittelägyptischer Literaturwerke (Berlin, 1957), p. 80; A. Théodorides, “A propos de la loi dans l’Égypte pharaonique,” Revue internationale des droits de l’antiquité 14 (1967): 131, 139; Seidl also has mentioned “The Tale of the Eloquent Peasant” in his book’s list of sources; see Einführung in die ägyptische Rechtsgeschichte bis zum Ende des neuen Reiches (Hamburg and New York, 1951), pp. 63–65; and, more recently, Perry, “A Critical Study,” pp. 17, 32, and 77–78, n. 60.

The term “an Egyptian legal document,” when occurring within the framework of this paper, refers to “written record, by a notary, of a legal transaction which was concluded by parties orally in the presence of witnesses”; see W. C. Hayes, A Papyrus of the Late Middle Kingdom (New York, 1955), p. 143. Royal decrees such as those of Haremhab or Seti I in Nauri are thus not included in this category.

consisting of the plot, the latter of the peasant’s complaints against the legal establishment. It is the tale of a peasant who is tricked out of his goods by a low-ranking official named Nemy-nakht. The peasant turns to the high steward (imy-r-pr), Rensi son of Meru, the acting judge, and demands justice. After consulting with his advisors (srw), the high steward takes the story to the king, who orders him to have the peasant persist in his complaints and write his words down so that the king might enjoy the peasant’s rhetoric. Thus, in a series of nine complaints, the peasant presents his case to the high steward after which the king orders Rensi to pronounce the verdict, and the peasant’s goods are returned to him.

"THE INSCRIPTION OF REKHMIRE"

Rekhmire was vizier during the reign of Thutmose III and at the beginning of Amenhotep I’s reign as well (1470–1445). A long autobiographical inscription was found on the vizier’s tomb in Thebes containing a description of his appointment and enumerating the duties of a vizier in Egypt. Most scholars today attribute this inscription, at least in part, to an earlier time, probably the Twelfth Dynasty (1991–1786) or the Thirteenth Dynasty (1785–1633). 8

"THE EDICT OF HAREMhab"

Haremhab (1348–1320), who ascended the throne after the pharaoh Akhenaten and his heirs Tutankhamun and Ay, promulgated a collection of enactments whose purpose was to defend the lower classes from the depredations of government officials and soldiers. This act by the king was recorded in an inscription on a statue in the temple of

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8 With reference to this subject, see K. Sethe, _Die Einsetzung des Viziers unter der 18. Dynastie_ (Leipzig, 1909), p. 55; I. M. Lurje, _Studien zum altägyptischen Recht_, ed. S. Allam (Weimar, 1971), pp. 28–29; T. G. H. James, _Pharaoh’s People: Scenes from Life in Imperial Egypt_ (London, Sydney, and Toronto, 1984), pp. 54 and 68; and, in particular, W. Helek, _Zur Verwaltung des Mittleren und Neuen Reiches_ (Leiden and Cologne, 1958), p. 2, n. 1 and passim, claiming that the titles appearing in the text of "The Duties of the Vizier" were not in use during the New Kingdom but were common in the Middle Kingdom. But the main grounds on which this opinion is based have been refuted recently by G. P. F. van den Boorn, "On the Date of The Duties of the Vizier," _Or._, n.s. 51 (1982): 369–81 and idem, _The Duties of the Vizier_ (London and New York, 1988), pp. 333–74; van den Boorn argues that "The Duties of the Vizier" was composed at the beginning of the Eighteenth Dynasty in the days of Ahmose.
Amon in Karnak in three parts: (a) an introduction describing the adverse situation prior to the king's reforms; (b) a legal sanction consisting of various interdicts concerning plunder and oppression; and (c) an administrative section, which, for the purposes of this article, is the most important, giving a detailed description of the royal reforms of the courts. Haremhab reorganized the tribunals (knbt); the judges he nominated were men of great integrity and were exempt from taxes to spare them from monetary difficulties that might cause miscarriages of justice; the new courts consisted of priests (the hm-ntr and wšb) and laity (the king's officials, the ḫnty-š).

II. "THE TALE OF THE ELOQUENT PEASANT": AN ANALYSIS

A comparison between the "The Tale of the Eloquent Peasant" and other Egyptian works with a legal background indicates that it has several legal features.

THE COMPLAINT: THE LEGAL CLAIM

The work is written in the form of a complaint made before a judge: the peasant voices his charges before Rensi son of Meru, who is the acting judge. But, unlike regular legal procedure, the peasant claimant does not refer to the injustice he personally has suffered, i.e., the plunder of his donkeys and goods by Nemy-nakht, nor does he demand a just verdict in his own case. The complaint is not directed at the rapacious official but at the entire corrupt bureaucracy of Egypt. The personal injustice suffered by the peasant serves as an excuse for attacking the administrative establishment headed by judge Rensi as a whole.

This is clearly a literary fiction based on a traditional model, not an actual legal claim. The peasant's words are very similar to passages which appear in a collection of works known as "Egyptian Prophecy" or "Speculative Wisdom Literature"; the individual works are "The Admonitions of an Egyptian Sage," "The Prophecies of Neferti," "The Complaints of Khakheperre-sonb," and "The Dispute between a Man and His Ba." They were also composed during the Middle Kingdom period, and their themes concern admonitions and criticism against the social conditions and the corrupt ruling administration.10 The admonitions of the "Eloquent Peasant" are also reminiscent of the description of the anarchy which prevailed in Egypt in "The Edict of King Haremheb" hundreds of years later. Yet it is distinguished from other works in that the writer, wishing to voice his criticism of the omnipotence of the bureaucracy, uses the form of the complaint which, in ancient Egypt, usually denotes the opening of a legal proceeding.11


10 See Herrmann, Untersuchungen, pp. 79–93; my forthcoming article "Egyptian Prophecy and Biblical Prophecy," in Shnaton: Annual for Biblical and Ancient Near Eastern Studies 11 (1991): 1–40 (in Hebrew). The similarity between these works and "The Eloquent Peasant" was pointed out by G. B. Hornblower, "The Story of the Eloquent Peasant," JEA 10 (1944): 44–45, concluding that there was a collection of complaints in Egypt which could be used by anyone who felt himself to be the victim of an injustice and that "The Eloquent Peasant" was structured according to these models.

11 It is interesting to point out in this context that some of the Egyptian legal texts contained the plaintiff's complaint alone, without the reply of the accused, exactly as in "The Eloquent Peasant." See Seidel, Einführung, p. 25.
The Tale of the Eloquent Peasant

The erudition in legal matters shown by the author of "The Tale of the Eloquent Peasant" is further evident from his noting the fact that the peasant's complaints were written down, a required procedure in the law of ancient Egypt and from his use of typical legal terminology (terminus technicus) to express the meaning of "complaint" (see pp. 10–13 below).

LEGAL AUTHORITY

Legal authority is noted in "The Tale of the Eloquent Peasant" in the terms wdjprwt, "judge" (B,217), and sdmwy, "judges" (passim). Three representatives of the judicial hierarchy appear in the story: the king, the high steward (imyrpr), and the srw.

The king was the highest legal authority in ancient Egypt, having the right to make legal decisions, a right that he often applied in cases involving himself. In general, however, the king delegated this right to a lower authority. In the story of the peasant, this was the high steward, and he, for some obscure reason, referred the complaint to the king. Did Rensi son of Meru wish to avoid the obligation of trying a case in which the defendant, the official Nemy-nakh, was one of his servants (R122), a case in which he might be (or be accused of being) biased? Perhaps the high steward merely wished to share his enjoyment of the simple man's expressive rhetoric with the king. Whatever the reason, it was clearly the king who acted here as supreme judge and, according to the custom of ancient Egypt, delegated the authority of the verdict to the high steward, who was lower in the legal hierarchy (B,132–33).

It is not clear whether the central legal authority in this tale, the high steward (imyrpr), is the vizier, the supreme legal authority after the king and the head of the six major courts of Egypt, or the regional governor, overseer of the king's domain and supreme legal authority in the provinces. The idea that the high steward was indeed a vizier is supported by the following facts: (1) the peasant actually went "Southward to Hnes" (B,33) in order to meet him, i.e., he went in the direction of Hnes or Heracleopolis, the capital of the Tenth Dynasty; for, as is known, the vizier also functioned as head of the capital from the beginning of the Old Kingdom. (2) The vizier in Egypt was the director of the rrryt, the last term being mentioned twice in relation to Rensi son of Meru (see pp. 16–17 below). (3) One of the tasks of the vizier was to handle petitions about alleged criminal acts by officials; it seems that the complaint of the "Eloquent Peasant" was actually such a petition. In addition, the second possibility, that Rensi was the regional

12 The adjective wdjprwt (a later spelling of wdjprwt; ➔ van den Boorn, "Wdjprwt and Justice at the Gate," JNES 44 [1985]: 5) also appears in "The Autobiography of Rekhmire": Rekhmire is satisfactory as a wdjprwt (Urk. IV §1071, 17). For further references to this qualifier, see van den Boorn, "Wdjprwt," p. 2; idem, Duties, p. 80; and also R. Parant, L'Affaire Sinuhé (Aurillac, 1982), p. 55. In the above comprehensive study "Wdjprwt and Justice at the Gate," van den Boorn demonstrates that the qualifier wdjprwt always shows involvement with people of high positions in society who act as judges and that prwt means "a portico" and probably refers to a structure which serves as a place of justice. It was also involved with the fact that public court proceedings in Egypt were held at the gates. Cf. idem, Duties, p. 80; Vogelsang, Kommentar, p. 173; and Faulkner, Dictionary of Middle Egyptian (Oxford, 1964), p. 76; see also pp. 16–18 below. The word sdmwy is in the form of participle imperfective active plural from the verb sdm, "to hear." See pp. 12–13 below.

13 See "The Duties of a Vizier" (Davies, Tomb of Rekhmi-Re. 15:8–9), which says that subordinate officials who are accused in any way are not to be tried by their direct superior.

14 See Hayes, A Papyrus, pp. 28–29.

15 See van den Boorn, Duties, pp. 83–84, 212.

governor, also exists: Rensi son of Meru is called "lord of the domain" (B1 16 nb n sp3t), and beside him appear the srw (B1 43 ff.). The srw were officials in the king's service, and they enjoyed legal autonomy. They acted as advisers to the regional governor in the lower courts and were considered authorities on matters involving private property.

The srw, in fact, appear in the tale in this capacity, although their counsel is not accepted by the regional governor, Rensi son of Meru, who has the final say. The dual function of the srw is reflected in the peasant's severe admonitions. On the one hand, he speaks of their duties to suppress crime, combat falsehood, and banish evil (B1 288, and cf. B1 132), duties inherent in their function as judges. On the other hand, he accuses them of oppressing the lower classes (B3 301–2) by abusing their powers under the guise of collecting taxes on crops and recruiting citizens into the king's service.17

THE SYMBOLIC LEGAL ACT

In a society without written law, a symbolic act representing the legal aspect of life plays an important role. Even if written law existed in ancient Egypt but failed to survive, this does not mean that symbolic legal acts did not exist, particularly since such symbols were present in surrounding cultures.18

It appears that the plotting of the official Nemty-nakht against the peasant can only be understood in this context. Nemty-nakht spreads a garment on the public road—w3t n(j) tirmt,19—next to his house. To what end? What is the significance of such an act? Why does the peasant not sweep it aside and continue on his way? Does the public way not belong to all and sundry, not to be claimed by any individual as his own?20

Obviously, the meaning hidden behind this act is deeper and more complicated than the actual physical actions. The simplistic explanation given by researchers until now is not

17 For a full explanation of the function of the srw, see Pirenne, Histoire des institutions et du droit privé de l'ancienne Egypte (Brussels, 1932), vol. 1, pp. 175, 199–200; vol. 2, pp. 119, 130, 137, 138, 164, 188; vol. 3, p. 238. According to Pirenne, the qualifier sr belongs to a certain social class, the aristocracy. But this opinion has been refuted in the last few years by Théodoredes, "Les Egyptiens anciens, 'citoyens', ou 'soujets de Pharaon'?," Revue internationale des droits de l'antiquité 20 (1973): 66–82; Parant, Simûhê, pp. 52–53; and, lately, by van den Boorn, Duties, p. 24. They have demonstrated that sr refers to a function and not to a social class. As to the juridical authority of the srw, see "The Installation of a Vizier," ll. 3, 8, 15; and also Lurje, Studien, pp. 37–39; and Hayes, Papyrus, p. 119: "This was the title frequently used to designate the members of Egypt's judiciary bodies (g3t, knbt)."


19 It is generally agreed that the expression w3t n(j) tirmt (R51; B1, I) refers to the public road on which the peasant walked. The difficulty arises as to the location of Nemty-nakht's house about which it is said: hr sm3 t3 r3 w3t hns pw n wshy is pw, kmn fr shw n d3iw (R 44–46), i.e., "on the 'sm3 t3 n r3 w3t' which was narrow, not so wide as to exceed the width of a shawl." The meaning of sm3 t3 n r3 w3t is obscure, and various interpretations have been suggested (a crossing, riverside path, a point in which the narrow path merged with the public road, landing place). The best solution, I believe, would be to suppose that sm3 t3 marks the merging of Nemty-nakht's private home path with the public road, which narrowed at that point so that it could be covered by a garment. Cf. Lichtheim, Literature, vol. I, p. 183, n. 5.

20 Thus it is in the Hebrew judiciary also; see A. Gulaq, The Foundations of Hebrew Law, Book I (Tel Aviv, 1966), p. 97. In Egypt too there was a distinction between a privately owned path and a public highway free to all. This may be seen in a text from the end of the Nineteenth Dynasty which deals with inquiry of the oracle concerning right of way; see J. Cerny, "Une Expression désignant la réponse négative d'un oracle," BIFAO 30 (1930): 493–95. Doubtless the distinction between the two kinds of road is pertinent to the writer of "The Eloquent Peasant."
acceptable, namely, that this is an attempt to block the peasant’s way so that he will be forced to enter the official’s barley field and cause harm to his property, and thus enable him to confiscate the peasant’s donkey. The object spread by Nemty-nakht on the path is sometimes called ḫḏ, a four-cornered fringed piece of cloth, and sometimes ḥbs, simply a garment. From the interchangeability of the terms, we may conclude that what is meant here is the usual man’s garment in Egypt, a skirt consisting of a length of material wrapped around the body and tied in front. Nemty-nakht did not place merely a piece of cloth on the road, but his own garment. According to the ancients, a man’s spiritual forces are hidden in his clothes. A man’s garment contains his identity and symbolizes it; it has magical properties and symbolic legal significance. Damaging, grasping, or tearing a man’s garment were considered acts which caused its owner shame.

The Egyptian belief in the magic significance of garments is attested in the following excerpt from a medical prescription: “I have made a protective spell against you (goddess of disease) of stinking herbs (?), of garlic which is harmful to you, honey which is sweet to the living but horrible to the dead, a fish tail, a garment’s lappet (Kleiderzipfel) and a piece of okanos fish spine.” In our story, a symbolic, perhaps even magic, significance can be related to the high official’s garment (called an “apron”), which is mentioned in connection with its owner’s functions of protecting the lower class: “You are the apron (ṣndyt) of the motherless” (B1 63–64), meaning that the judge defends and spreads his patronage over the orphan.

The custom of spreading a garment, or some similar item, over an object to symbolize ownership, or the offer of protection, is familiar from other cultures. In Israel, when a man spreads his garment over a woman, the act denotes protection and possession and symbolizes the marriage tie. So Ruth asks Boaz to spread his protection over her and make her his wife, saying: “... I am Ruth, your handmaid, spread therefore your skirt over your handmaid, for you are a near kinsman (ḡōʾēl)” (Ruth 3:9). Similarly, in the parable of the prophet Ezekiel, God appears as the husband of Jerusalem saying: “... and I spread my skirt (knāpi) over you and covered your nakedness” (Ezek. 16:8). But most pertinent to our subject is the ancient German custom of covering a piece of land with an animal skin, thereby declaring possession. This custom, as we shall see in the following, is strikingly similar to the act of Nemty-nakht, though distant in place and time.

21 See, for example, Vogelsang, Kommentar, p. 10.
24 See Wb. IV, 522, 7.
25 See Malul, “Studies in Biblical Legal Symbolism,” p. 197; Jirku, “Zur magischen Bedeutung,” pp. 115–16. Cf. the commentary on the Babylonian Talmud, Qiddusin 18b to Exodus 21, 8: “He shall have no right to sell her to a foreign people bebigdo bah” — “seeing that he hath dealt deceitfully with her (be-bigado bah): once he spread his cloak over her, he can no longer sell her” (I. Epstein, trans. and ed., The Babylonian Talmud [London, 1936]). For another similar symbolic act involving a garment but connoting an opposite meaning, see 2 Kings 9:13. Here the men, who wanted to show their acceptance of Jehu’s authority and their surrender to him, place their garments under him, on his seat. Cf. Matthew 21:8: coming to welcome Jesus, “most of the crowd spread their garments on the way”; see J. A. Montgomery, A Critical and Exegetical Commentary on the Book of Kings (Edinburgh, 1966), pp. 404–5.
26 J. Grimm, Deutsche Rechtsalterthümer (Göttingen, 1854), pp. 89–91.
In light of the above, both the act of the greedy official and the reaction of the peasant become clear. By spreading his garment on the public way, Nemty-nakht was indicating to the peasant that this section of the road was his private property, and no one could trespass. He was indeed wrong in trying to appropriate a public road, but the peasant, realizing the significance of the official's act, neither touched nor trod on the garment. As it was spread over the whole width of the way "so that its fringe touched the water, its hem the barley," he was forced to the border of the official's barley field, and unfortunately, his donkey ate some of the crop. Nemty-nakht, who was waiting for precisely this to happen, confiscated the peasant's donkey, which was laden with goods, saying that the beast must now labor in payment for its "crime!"

A PLEDGE AS SURETY FOR PAYMENT OF A DEBT

An important detail now enters the story. This is Nemty-nakht's attempt to legitimize his illegal action by saying: "I shall take your donkey, peasant, for eating my barley. It will tread out grain for its offense" (B1:9–12). Does the official explain that in confiscating the peasant's animal he was taking the donkey as a pledge for the future payment of damages? In E. Seidl's opinion the answer is not clear, this being the only case in the history of Egyptian law which may indicate the existence of the custom of a pledge or taking a security for a debt.27 In the countries neighboring Egypt, the custom of confiscating the property of a debtor as a pledge had existed from earliest times. There is evidence for this from Nuzi, Babylon, Israel, and elsewhere.28 In particular, the tale of the oppressed peasant brings to mind the case of a Hebrew counterpart, a peasant from Mešad Ḥashavyahu (625 B.C.E.) whose garment was forfeited because of his default in the payment of a debt.

It may therefore be assumed that the custom of taking a pledge also existed in ancient Egypt. The greedy official's seizure of the peasant's donkey was unjust, not only in the way it was carried out but in the actual keeping of the peasant's property as a security and in the animal's being put to work. The peasant offered to pay for the damaged crop, but his offer was ignored (B1:15);29 Nemty-nakht preferred to confiscate the donkey, using the excuse of the pledge because he needed the animal to work on his farm during the harvest.30 This is a clear example of an abuse of this custom, an abuse which has analogies in the legal context of the ancient Near East.31

THE LAW

The term for law in Egyptian is hp. The application of the law is in the hands of a judge who, should "guide" (ssm) "according to the law (r hpw)." In "The Eloquent

29 The excerpt is read according to a suggestion of E. Wente, "A Note on the Eloquent Peasant B1:13–15," JNES 24 (1965): 105–9
31 For the parallels in the misuse of the pledge in the Babylonian code, see R. Westbrook, Studies in
Peasant” (B1:105–6) and in “The Edict of the Haremhab,” the judges are presented as obeying the “law of the courts” (hpw nyw ‘rtyt) (pl. 4:4, left).

The law is applied by the legal officials, but legislation is solely a prerogative of the king. Indeed, Haremhab relates that “he restored (snnh)32 the law of Egypt” (pl. 5:6, left) and “gave the judges laws in their journals (pl. 4:4, left).33 Is King Haremhab implying the existence of law books in Egypt? Was there a codex similar to those of Egypt’s neighbors Mesopotamia, Israel, and the Hittites? This question is as yet unanswerable, although the possibility must be given serious consideration.34

A term close to that of law—hp—is mtn, literally “way,” usually appearing in the collocation mtn n ‘nh, i.e., “a way of life,” a metaphor for proper conduct or correct behavior. Yet unlike hp, this term does not denote the technical and legal but the moral side of life in general and the legal world in particular. It is therefore difficult to determine if it relates to the vocabulary of legal literature or if it was borrowed from the genre of the Egyptian Wisdom Instruction.35 The connection between law—hp—and “way of life” is well expressed in “The Edict of Haremhab.” Haremhab announced that not only did he give law to the judges, but that he also “taught them the (right) way of


32 Kruchten (Le Décret., p. 151) translates this differently: “pour rendre efficaces les lois de l’Egypte.” The opposite expression is hb3 hp, “to destroy law,” “The Eloquent Peasant” B1:274.


34 Hints of the existence of a written law or a book of laws in ancient Egypt appear in: (a) Diodorus Siculus, Diodorus in Egypt, Book 1, trans. E. Murphy (Jefferson, North Carolina and London, 1985), vol. 1. In chap. 75 of his book, Diodorus tells of an Egyptian codes of laws comprising eight volumes, and in chap. 95, he lists six kings, legislators in Egypt. But Diodorus, a contemporary of Julius Caesar, was, at the time, far from the events he recounted, and his reports, often taken from other classical writers, are not always reliable. (b) In addition to the above excerpts (see n. 33 above) taken from “The Edict of Haremhab,” there are more hints of a written law in the following passages: in “The Duties of a Vizier,” it is said that he must listen to the case of any petitioner “according to this law which is in his hand (hft hp pt m3.f)” (Davies, Tomb of Rekhmi- Re, pl. 27:19); in “The Admonitions of an Egyptian Sage” (from the beginning of the Middle Kingdom), it is announced that “The laws of the council chamber are thrown out; men walk on them in the streets (6, 9–10)”; “The Demotic Chronicle” (third century B.C.E.) relates that Darius, whom Diodorus also mentioned among six kings who were the legislators of Egypt, decreed that all the laws passed in Egypt be collected and written down. See N. J. Reich, “The Codification of the Egyptian Laws,” Mizraim 1 (1933): 178–85; (c) In Egyptian iconography: in the tomb of Rekhmire, there is a description of a vizier presiding over a trial. He is seated on a chair with forty elongated objects, looking like sticks, lying before him. The meaning of these objects, called srm in the texts, is debated. Some scholars consider them to be scrolls of law to assist the vizier in his verdicts, see Wb. IV, 545, 10, and cf. Seidl, Einführung, p. 19. → W. F. Edgerton, “The Government and the Governed in the Egyptian Empire,” JNES 6 (1947): 154, n. 5; and, more recently, Allam in Studien zu Sprache und Religion Ägyptens: Zu Ehren von W. Westendorf (Göttingen, 1984), vol. 1, pp. 447–53. But others see them as rods or strips of leather used for flogging the accused; see G. Posener, “Les Quarante rouleaux de lois,” GM 25 (1977): 63–66; J. Wilson, The Culture of Ancient Egypt (Chicago and London, 1971), p. 172; idem, “Authority and Law in Ancient Egypt,” JAOS Supplement 17 (1954): 6; Davies, The Tomb of Rekhmi-Re, pp. 31–32; 50, n. 4; and Théodoridès, A propos de la loi, p. 135. For further arguments in favor of the existence of a “law code” in Egypt, see Lorton’s comprehensive and convincing treatise “The Treatment of Criminals in Ancient Egypt,” JESHO 20 (1977): 59–61; 63, n. 6 and idem, “The King and the Law,” p. 53.

life (mtn n ḫnḥ) by guiding (sšm) them to justice (bw m3ti)" (pl. 4:5, left), that is, he instructed them in the right "way" of behavior, the way of justice demanded from the judge. Another example of the metaphorical use of "way" comes in "The Tale of the Eloquent Peasant," where the hero of the story repeated the following declaration: "My way is good" (nfr mtn.i) (B15-6, 13), meaning, my intentions are pure, I am an honest person.③6

THE JUDICIAL PROCESS

Inscribing the Legal Proceedings

The peasant's complaints are written and read out before the verdict is given (B180 ff.; B128 ff.). Even if this was done because of the king's desire to relish the words of the wise peasant, the writing out of the claims of the plaintiff and of the defendant was a part of the legal procedure of ancient Egypt. In "The Duties of the Vizier," it is said that each claim must be written down and brought to his attention, even those made before the king rather than the vizier;③7 and "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 (wq mdw)" (l. 18), indicating that there was a protocol in the High Court which included a report of all the legal procedures taking place throughout the kingdom.

Diodorus (first century B.C.E.), in his book on Egypt,③8 gives the reason for the custom of writing down the claims of both parties. Both plaintiff and defendant have to present the charge and the denial in writing so that the judge will not be influenced by the rhetoric of the former or the tears of the latter, thus assuring an impartial verdict. Diodorus is not always reliable, but there is no reason to doubt him in this assertion, which is confirmed in the Egyptian sources as well.

The Complaint: The Legal Claim

The legal procedure opens with the presentation of the complaint. The tale abounds with terms belonging to the semantic field of "complaint."

The verb: "to complain," "to appeal," "to accuse." The commonest verb in this context is spr, "to appeal" (or the combination of ij/iw r spr, "to approach with an appeal"). It appears at the beginning of each new complaint of the peasant, starting with B131 and marking the end of the work.

I appeal (spr) to you but you do not hear it;
I will go and appeal (spr) about you to Anubis! (B2113-15).

③6 Another synonymous term to hp in "The Tale of the Eloquent Peasant" is tp hsb, denoting order, a norm (B1147, 274, 311, B276). At times, the expression appears in connection with the image of scales (B1161, 325, B94). Presumably, it is borrowed from the semantic field of mathematical calculations and does not necessarily relate to legal vocabulary; see Vogelsang, Kommentar, p. 94. As to the expression tpy hsb n mdt (B98), one should accept the interpretation of Perry, "A Critical Study," p. 274: "chief examiner of the case (mdt)."
③8 Diodorus, Diodorus in Egypt, chaps. 75 and 76.
It may be assumed that the last sentence refers to our protagonist’s desire to consult the oracle, one of the means of passing a verdict in ancient Egypt. The verb spr in this context denotes the approach to the statue of the god in the expectation of an oracle.\(^{39}\) The peasant, disenchanted with the corrupt legal system of mere mortals, asks in his final appeal for the help of the gods, of which Anubis is one.\(^{40}\) Spr is part of the legal terminus technicus. This root appears frequently in “The Inscription of Rekhmire” both as verb and qualifier to denote complaining, accusing (sprw, spr—ll. 4, 7, 8, 11, 13, 14). The substantive also appears: spr, i.e., “a legal claim” in “The Stele of Karnak.”\(^{41}\)

The verb nis, meaning literally “to cry,” “to call” (Wb. II, 204), also belongs to this context. When nis is used with the object r sp wn m\(\ddot{a}\)\(^{3}\), it assumes a meaning close to spr, “to submit a complaint,” “to apply (in connection with a legal matter)” (B\(\text{I}\)269–70; B\(\text{I}\)208–9).

The verb srh has the more pointed meaning “to accuse.” It also appears as a noun, “an accusation,” “a complaint.” The relation of this verb to the legal sphere is obvious and is often repeated in the autobiographical literature in the declaration of the deceased who desired to win in the Judgment of the Dead: “I had no accuser.” The Judge of the Dead in the netherworld was named srh, “The Accuser.”\(^{42}\) The peasant defines his admonition to Rensi as srh, “accusation” (B\(\text{I}\)255), while Rensi “accuses” (srh) the domineering official Nemyt-nakht before his advisory council, the srw (B\(\text{I}\)42).

Two more terms relate to the semantic field of “complaint,” although they do not originate in the legal framework: the root n\(\ddot{h}\)i from which are derived n\(\ddot{h}\)w, “the plaintiff” (B\(\text{I}\)204) and n\(\ddot{h}\)wt, “complaint” (B\(\text{I}\)29), although the meaning of the latter term approaches “lamentation” (cf. Wb. II, 305 and “Admonitions of an Egyptian Sage,” ll. 2, 7; 3, 14). The second term is tw\(\ddot{s}\), which functions both as a verb meaning “to present a claim,” “to appeal to” (B\(\text{I}\)299; B\(\text{I}\)2106), and also as a noun in the sense of a citizen, a man of low class (B\(\text{I}\)94–95; 170–71).\(^{43}\)

From the terms nis and n\(\ddot{h}\)i, it appears that the complaint or legal claim is close to the semantic field of “cry,” “call.” The wronged man addresses his cry to the judge charged with defending justice. The “call” was the legal resort of the poor not only in Egypt but in Israel and probably throughout the ancient world.\(^{44}\)


\(^{40}\) My interpretation differs from that of Perry, who thinks that the peasant is threatening suicide here, as the god Anubis, who is mentioned, is involved with death.


\(^{43}\) Cf. Vogelsang, Kommentar, pp. 90–91; Wb. V, 248, 6, 7; tw\(\ddot{s}\) in the sense of a citizen, a man of low class, also appears in “The Edict of Haremhab,” pl. 4:1 left; see Kruchten, Le Décret, p. 145 also Gardiner, “The Eloquent Peasant,” p. 19, n. 8; and Perry, “A Critical Study,” pp. 267–68.

\(^{44}\) The woman whose son Elisha resurrected “cried” to the king for having taken her field and home (2 Kings 8:3, 5). Another woman, the wife of one of the sons of the prophets, “cried” to Elisha about her creditor who came to take her children into slavery (2 Kings 4:1). The poor man whose garment has been taken as pledge “cries” to God (Exod. 22:26), as do the tortured widow and the orphan (Exod. 22:22; see Job 19:7).
The Noun: "the complaint," "the claim." The plaintiff complains about *sp fn wn m3c*, i.e., about his just case; the judge should enable a man to present his arguments ("The Eloquent Peasant" B1203, 293; "The Installation of a Vizier," l. 5). The usual term denoting "legal claim" is *mdt*, literally meaning "words," "matter." The vizier should hear (*sdm*) the complaint, the claim (*mdt*), and adjudicate (*wdc*) between the two litigants (B1234). In "The Inscription of Rekhmire," the vizier is warned as follows: "Do not pass over a plaintiff (*sprw*) before hearing his complaints (*mdw.f.)." Indeed, it is related there that according to ancient Egyptian custom the vizier received reports of all the *mdt* submitted in the state.

Another term denoting complaint or petition is *hn*. It has the basic meaning of "speech," "affair," but there are examples where it signifies "complaint." The peasant says to the High Steward: "My *hn* is done, my misery has come to an end before you" ("The Eloquent Peasant" B1280). The word *hn* here standing parallel to misery (*m3r*), clearly refers to the complaint made by the peasant. The word has a similar meaning in "The Autobiography of Rekhmire," where he praised his own efficiency regarding treatment of petitions: "[w]šb.i *hn nb,* "I answered every complaint."*47*

Investigating and Handing Down a Verdict

Investigating and adjudicating are among the duties of a judge. This double task is marked by the verbs *sdm* and *wdc* (or *wdc* *mdw*), both appearing in synonymous parallelism: "You were appointed (to *mr pr*) in order to *sdm* *mdt* and to *wdc* *snwj,*" says the peasant to Rensi son of Meru (B1234). The literal meaning of *sdm* is "to hear," "to listen" and that of *wdc* is "to cut," "to separate." But appearing in a legal context, *sdm* often means "to investigate."*48* ("Mentuhotep," who said in his inscription that "he had heard [investigated, *sdm*] a complaint [mdw] of the plaintiff"] [II. 11-12]). In this

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45 See Vogelsang, Kommentar, p. 158 and Wb. I, 310; cf. the Biblical Hebrew *la’arôk mišepat*, i.e., "to present the complaints of the petitioner". J. L. Seeligmann, "Zur Terminologie für das Gerichtsverfahren," Supplement to Vetus Testamentum 16 (1967): 266.


47 See *Urk*. IV §1083, 3; B. G. Ockinga, "The Burden of Kha’kheprerê sonu," *JEA* 69 (1983): 89, 90. Perry, "A Critical Study," pp. 78, 157-58, adds to the list of words denoting "complaint," *is n mdt* and *hn n mdt*, which are interchangeable (B137 = R 86, B119). The same sense is ascribed to *hn n mdt* (but only in B137) by Faulkner, *A Concise Dictionary*, p. 192 and D. P. Silverman, *Interrogative Constructive with In and In-Iw in Old and Middle Egyptian* (Malibu, 1980), p. 64, n. 366; but I find it hard to accept this explanation which cannot be substantiated in other texts.

48 Cf. Vogelsang, Kommentar, p. 94; Goedicke, "A Neglected Wisdom Text," *JEA* 48 (1962): 33 and "The Installation of a Vizier," p. 11. *Sdm* means "to investigate" also when it appears in the term *hn.t n sdm* (from the beginning of the Middle Kingdom), denoting the trial prison which constituted a part of the general prison or a subordinate institution in which the detainees were kept before their trial; see Hayes, *A Papyrus*, pp. 38-39. Cf. the use of the root, *š-m-a* in Biblical Hebrew, which also has legal overtones: M. Weinfield, *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* 9 (1987): 76, n. 21 (in Hebrew); see my article "Some Idioms Connected with the Concept of 'Heart' in Egypt," in S. Israelit Groll, ed., *Pharaonic Egypt* (Jerusalem, 1985), pp. 205; 211, n. 5. According to Perry, "A Critical Study," pp. 398, 405, 475, 512-13, also the polysemic root *wśd* (Wb. I, 375), as it appears in "The Peasant," means "to inquire legally" (see ibid., 375, 13); but this meaning of *wśd*, which is suitable in B1215-16, 219, is difficult to accept in connection with B1274-75, 314.
context, wd$^2$ has the sense of “to separate” (the two litigants), “to pass judgment” (cf. “The Peasant” B1133). The above sentence therefore means: “You are appointed to conduct an investigation and pass judgment.” It may be concluded from this that legal procedure in Egypt consisted of two phases: first, the hearing of both litigants and their investigation and second, the verdict. These are two sides of the same coin.

Sentencing

“Justice should not only be done, but be seen”; justice should be publicly proclaimed so as to give it validity. A whole section is devoted to this matter in “The Installation of a Vizier” (ll. 5 ff.). The following excerpt from “The Peasant” may also refer to it: “Be not slack (wds) in speaking out (smit) your words (gs.k)” (B2107).

A terminus technicus related to the execution of the sentence is db3, “recompense” or “compensation.” Rensi’s advisors thought that the avaricious official should give compensation (db3) to the peasant for his property (B148-49). A similar use of the term appears in “The Stele of Karnak,” where the defendant claims that he has compensated (db3) the plaintiff, in this case, his brother, by appointing him governor (hd$^2$ty-) in exchange for a loan of 60 deben of gold (1. 19). The verb hsf, “to punish,” often repeated in “The Peasant,” may relate to the execution of the sentence too (e.g., B146, 47, 147, 168, 218; B294). The term hsf also appears in “The Duties of the Vizier” in connection with the punishment of officials who have overstepped their authority (Davies, Tomb of Rekhmi-Re, pl. 26:9).

The Judge’s Duties: Principles of a Just Administration of a Legal Inquiry

The ideal behavioral norm was determined by the Egyptian Wisdom Instructions. This norm refers to people in general, but the judges, who are responsible for upholding justice, must maintain far stricter standards as we see in the following details:

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50 For a possibility to explain the noun gs, which usually denotes a tightly phrased saying, or a maxim as “verdict,” see Goedicke, The Protocol of Neferryt (Baltimore, 1977), p. 110; Wb. V, 403, 11; Perry, “A Critical Study,” pp. 449, 533. I find it difficult to accept this suggestion, which understands gs as a legal terminus technicus, since I am not aware of any reference to it in any other juridical text.

51 Pirenne and Stracmans, La Portée., pp. 26 ff.

The judge's basic duty is to listen to the complaint\textsuperscript{53} or, in the peasant's words, "to come at the voice of the caller" (B167-68). This obligation is clearly explained in "The Installation of the Vizier Rekhmire":

Do not pass over a petitioner (\textit{sprw}) before hearing his complaint (\textit{mdt}). If a petitioner (\textit{sprw}) has approached, you do not reject (\textit{ni}) him (\ldots) Do not send him away before explaining to him why you sent him away for people say: "The petitioner (\textit{sprw}) prefers that his words (\textit{js.f}) be given attention to the investigating (\textit{r sdm}) of that for which he has come (ll. 13–14).

Strikingly similar ideas are found in "The Instruction of Ptahhotep." Ptahhotep, in his capacity of vizier during the Sixth Dynasty, was also a judge:

If you are a man who leads
Listen calmly to a plaintiff's complaint (\textit{mdw sprw}).
Do not rebuke him till he has emptied his belly (\textit{r skit.f htf}, i.e., poured out all his complaints). \ldots
The victim of injustice prefers the pouring out of his heart (\textit{i\textsuperscript{t} ib.f}) to the performance of that for which he has come.
As to him who rebukes the plaintiffs (\textit{sprw})
People say "Why does he reject them?"
All the things he has asked for (\textit{spr.t.n.f.}) are not those that will happen.
(But) good listening will soothe the heart (i.e., will calm the plaintiff) (ll. 264–76).

No wonder, therefore, that in their autobiographical inscriptions the men at the top of the judicial hierarchy boast that they have done their duty in this connection. Mentuhhotep of the Eleventh Dynasty says: "I was a teacher . . . who was reasonable until (the plaintiff began) telling his troubles and what he had in his belly" (\textit{r skit.f. hrt njt htf}; ll. 11–12; cf. 14). His colleague Rekhmire, several centuries later, uses almost the same words: "I was never angered by words (\textit{ts}) of the plaintif (\textit{sprw}), I never reproved (?) him. I bore with him as a he poured his heart out" (\textit{prt ib}) (Urk. IV §1082, 15–16).

In "The Tale of the Eloquent Peasant," Rensi, the high steward, thus behaves in a manner quite contradictory to the recommendations of the Egyptian sages in "The Instruction of Ptahhotep." Not only does he ignore the peasant's request, he even chastises him and has beaten him to make him pour out his complaints. "Do not answer with the answer of silence!" (B1314–16). "Be patient (\textit{w$\ddot{h}}) as he calls to you about his just case" (B1269), "Do not reject (\textit{ni}) the plaintiff (\textit{tw$\ddot{z}.tw})" (B2106). All these recommendations are completely ignored with respect of the peasant's plea. Rensi's behavior, according to the story, is dictated by the king's command, but Rensi becomes a model of a poor judge as a result.

In Egypt, as was the case throughout the ancient Near East, a judge was considered the protector of the poor and the oppressed, the patron of widows and orphans.\textsuperscript{54} In his funerary inscription, Rekhmire boasts: "I have protected the widow who has no hus-

\textsuperscript{53} Attention should be paid to the similarity of the use of words, as well as that of content, among the excerpts quoted below. The origin may be a common literary model.

band, established a son on his father’s seat, gave bread to the hungry, water to the thirsty, meat, oil, and clothing to him who lacked them” (Urk. IV §1078, 6–10). Widows and orphans lacked the means to exercise their legal rights, so the functions of the head of the family fell to the judge, and he was the one to protect them; in the words of the peasant “He is a father to the orphan, a husband to the widow, a brother to her who is divorced, an apron to the motherless” (B1, 62–64).

The writer of the tale speaks the “language of the poor” and sides with the unfortunate: the judge should be as a “dam” for the poor man (B1, 237–38), a rescuer for the drowning man (B1, 136, 138). The peasant accuses state officials and judges 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” (B1, 274–75, cf. B1, 204–5; 231–32). Taking the side of the poor, the Egyptian scribe’s position becomes paradoxical when he seeks to justify the crime of the poor man who resorts to robbery: “Robbing suits him who has nothing. The stealing done by a robber is the misdeed of one who is poor. He cannot be admonished for he acted for his own good” (B1, 121–24).

It appears from the words of the peasant that the judges of his time were destroying and corrupting justice when one of their basic functions was to defend this principle, called ma’at (m3’t). Ma’at is a central conception of the legal world of ancient Egypt, denoting order, honesty, and justice. It relates not simply to the activities of human life but to the cosmos in general. Ma’at was the order of the universe ever since its creation by the god Ra; and the Egyptian king, as Ra’s representative on earth, was responsible for the preservation of ma’at (see “The Edict of Haremhab,” pls. 1:10; 6:9 right). The king delegates his authority to officials who act as judges, who actually performed the king’s duties in defending ma’at. As Haremhab puts it: “When I guide (ššm) them (the judges) to ma’at . . .” (pl. 5:5, left; cf. “The Installation of a Vizier,” ll. 17–18). The judges were called “Priests of Ma’at,” and they wore a medallion in the form of ma’at on their necks as a symbol of their position.55

Against this background, we can understand the peasant’s declarations that the good judge is one who “does (ir) ma’at” (B1, 67–68, 303–4; cf. “The Installation of a Vizier,” ll. 15–17; 18–19). He “speaks (qš) ma’at” (B1, 320), “knows (rḥ) ma’at” (B1, 210), and “creates (šḥpr) ma’at” (B1, 67, 241). The corrupt judge does exactly the opposite: “he is deaf (šḥ) to ma’at” (B2, 110), he “diminishes ma’at” (B1, 251), “ma’at flees from him” (B1, 97), and “it is banished from its seat” (B1, 97–98).

In this context, there are two terms antonymous to ma’at: these are grg (falsehood) and isft (injustice).56 The ideal judge who insists on moral values “diminishes” or “destroys” falsehood (B1, 67; 241); he “speaks” no falsehood (B1, 132, 159–60). King Haremhab acted truthfully in order to “banish justice (isft)” and “destroy (šḥtm) falsehood (grg)” (pl. 1:11). The honest judge does not “cheat,” “covet” (wn [šḥ]), “steal” (šw3, št3), “rob” (hqd3), or “show partiality” (lit., “incline sideways,” rdi hr gs) in the course of his work. None of the terms relating to these negative activities are unique to the legal world; all but the last refer to moral behavior in general. The last, rdi hr gs, is a

55 This is a designation of Mentuhotep. For a detailed discussion of the term ma’at, see Helck, LA, vol. 3, pp. 1110–19 and ibid., p. 1115, for the relation between ma’at and law (kpw). On the latter, see also Lorton, “The King,” pp. 57–58.

56 In the opinion of Otto, “Prolegomena,” pp. 150–51, grg is an antonym of m3’t in the moral sense, while isft is its antonym in a political-statesmanship sense.
legal *terminus technicus*. Thus, one of the principles of justice is the judge's objectivity. For this reason, Thoth, the Egyptian god of justice, and the ideal judge, “never inclines sideways” (“The Peasant,” B 1 268–69; cf. Rekhmire, *Urkh. IV* §1118, 5). In “The Installation of a Vizier,” we find: “It is an abomination to the god to incline to one side . . . . Regard the man you know as if you did not know him, one that is close to you as if he were distant from you” (l. 12; cf. l. 3). Indeed, Rekhmire, in his autobiographical inscription says of himself: “I did not incline to one side. I paid no attention to rewards (*db3w*)” (Davies, *Tomb of Rekhmi-Re*, pl. 12:37). He also declares: “I did not pervert justice for reward (*db3w*)” (ibid., l. 24). In our tale, the corrupt judge is described as he whose brother it is who “brings to him” (B 1 168–71). Haremhab warns his judges: “Take no rewards” (*fn db3w*) (pl. 4:5, left). That bribery was prevalent in ancient Egypt is evident from the reform introduced by King Haremhab, which included, among other things, remuneration (*knbt*) for judges as well as exemption from taxes (ibid., ll. 5–6 left).

A description of a judge’s duties and qualities in Egypt would be incomplete without a mention of the metaphors surrounding this subject in Egyptian literature. Thus the judge is compared to a pair of scales and their various parts (see, for example, “The Peasant,” B 1 91–92, 160–62, 311–13) and to a sailor sailing on the lake of truth (*ma‘at*) (for example, ibid., B 1 54 ff., 126–27, 156–59). But the discussion of metaphors which have strayed into the legal sphere from that of religion and myth is a subject for a future article.

THE PLACE OF THE TRIAL

The confrontation between the peasant and the high steward occurs in a place called *rryt* (variants: *rjyt, ryyt;* the hieroglyph for “house” is usually used as a determinative). This term appears twice in “The Peasant”: first, when the peasant meets Rensi son of Meru as he is leaving his house on his way to his *rryt* boat (*kh3kw.f n rryt*) (B 1 35) and, second, when the peasant makes his third complaint at the entrance to the *rryt* (B 1 185–86).

References in other Egyptian sources help to clarify the nature of the *rryt*. In “The Duties of a Vizier,” *rryt* denotes a place where the vizier takes measures against officials who have gone beyond their authority (*Urkh. IV* §1107, 5). There is also a mention of “food commodities” of the *rryt* (*drpt*, ibid., 1115, 1), of its “legal matters” (*mdt*, ibid., 1115, 11), and its “door-keeper” (*iry-t*, ibid., 1117, 1). It is also mentioned that the

57 Cf. the term *mn sp hr gs* (i.e., there is no act of injustice) brought in the *terminus technicus* list in Pirenne and van de Walle, “Documents,” p. 82; see also the discussion in Perry, “A Critical Study,” pp. 467–68. These terms are connected with the image of the scales, symbols of honesty in ancient Egypt, which appears several times in “The Tale of the Eloquent Peasant.” As in the case of scales, which record an incorrect weight as a result of being unbalanced, so does the liar harm the norm of justice. For this reason, the judge overseeing justice is compared to a pair of scales and to a plummet and parts of his body to parts of the scales; see below. Cf. also the expressions *n3s‘*/hakker pānim, *n3s‘* rō‘ā in the Bible; see Seeligmann, “Zur Terminologie,” pp. 271–72.

58 A possible reason for the attempt made by Rensi, the high steward, to transfer the peasant’s trial to the king was his fear of showing favoritism during the trial. In his words to the king, Rensi emphasizes the fact that the accused official was one of his servants (R 122). See also p. 5 above.


vizier appoints the officeholders of the 'rryt (ibid., 1114, 5; see also Davies, Tomb of Rekhmi-Re, pl. 26:11), and that when the local officials (ḥ3tyw- and ḥk3w-hwwt) are summoned by him, it is at or by the 'rryt that they are received (Urk. IV §1108, 4). In the “Autobiography of Rekhmire,” it is said that he “reached the gate (sb3) of the ‘rryt” (pl. 9:5). In the “Edict of Haremhab,” it is mentioned that the king sought out people of good character to act as judges “listening to the words of the palace (and) to the laws (hpw) of the ‘rryt,” 61 people who act according to the law (pl. 4:4, left).

It is clear from the above references that we are dealing with some organization or institution involved on the one hand with legal procedure and on the other with the structure of the gate. A. H. Gardiner 62 thought that the term ‘rryt refers to an architectural feature, in this case the gate of the palace: “The gate just outside the palace, where a public court was held.” But G. P. F. van den Boorn, who has recently studied this term, believes it cannot be identified “as a specific architectural component” but that “it is a general term referring to the area in front of a building of authority (including the gate),” be it a palace, a temple, or some other structure housing an institution of authority; 63 ‘rryt can therefore refer to all kinds of administrative activities taking place in it and can serve as a “non-specific name for all types of buildings erected on this area in front of the building.” In summary, ‘rryt, according to van den Boorn, can operate as an institution/department in a non-legal context as well as in a juridical one; he has presented some illustrations of the use of the term in “a non-juridical context” in which boats are mentioned in connection with ‘rryt. One is the reference in “The Eloquent Peasant” mentioned above (B135); there are also the two following references: an attribute on a funerary statue of the Thirteenth Dynasty: “Overseer of the boat(s) of the ‘rryt” (imy-r ḥ3w n [‘rryt) and Papyrus Reisner (pl. 10:2–3), which tells of “boats” (imw) belonging to ‘rryt. 64

It is difficult to accept van den Boorn’s view of the references to ‘rryt in “The Tale of the Eloquent Peasant” because the background of the confrontation between the peasant and Rensi son of Meru (who represents the legal authority in our tale) is clearly of a legal nature, and it is obvious that ‘rryt in this context involves the legal sphere. In the tale, however, it denotes an administrative body or institution involved in legal procedures, both when it appears independently or in connection with a boat’s structure: k3kw n ‘rryt (B135) means “boat of the court.” This object is explained by the custom of Egyptian judges of wandering throughout the kingdom to make themselves available to anyone wishing to approach them in legal matters. 65 King Haremhab adopted this custom traveling the length and breadth of the kingdom to examine first-hand administrative and legal conditions (pl. 4:3, left). We may therefore assume that the efficient

61 ‘rryt is mentioned two more times in “The Edict of Haremhab” in a truncated text (pl. 4:5 right) and in the one completed by Kruchten (G6): “The heralds (whm) of the ‘rryt” (idem, Le Décret, p. 180).


64 In his book, van den Boorn gives a more restricted definition of ‘rryt: “rryt, in The Duties seems to have been the front area of the pr-nsw. As an integral part of that complex, it denotes (block of) building(s), situated there and supervised by the vizier” (Duties, p. 84).

judicial system of Egypt also included mobile law courts located on boats; at least some of the references to *rryt in the context of boats relate to this. These references serve as further examples of the use of *rryt in a legal as opposed to a non-legal context, as proposed by van den Boorn.

III. Conclusion

To sum up, a new examination and comparative analysis of “The Tale of the Eloquent Peasant” show that the work obviously has a strong legal background. The message and unique style of the composition cannot be understood without examining the ancient Egyptian judicial system. The text should therefore be added to the list of basic sources which provide information about the structure and function of this system. Furthermore, understanding the main event around which the plot of the story turns, the robbery of the peasant’s goods, as a symbolic legal act, casts new light on the composition and opens the door to the study of a new aspect of the law in ancient Egypt, that of legal symbolism.


67 On the other hand, in other references of *rryt to boats, it is possible that the reference is to the use of the term “in a non-legal context.” So, for example, *rryt refers to a w3 boat used for transport of grain; see Posener-Krieger, *Les Archives*, p. 514.

68 Our inquiry shows that there are legal features in the prosaic framework of the work, as well as in the rhetorical part, which contains the peasant’s nine complaints. In this light, the supposition of Herrmann regarding the history of the creation of the composition (*Untersuchungen*, p. 89), i.e., that originally there were two stories—one juridical, which included the prosaic part, telling of a peasant who had been robbed and judged by a high steward, and the other containing the rhetorical part and dealing with an eloquent peasant who was brought before the king, the two stories being combined into one—is hard to accept.

69 To my knowledge, research has not, so far, produced any further examples of symbolic legal acts in ancient Egypt. Allam has pointed out (private communication) that such an act may be hinted at in O Dem 73 (see Allam, *Hieratische Ostraca und Papyri aus der Ramessidenzeit* [Tübingen, 1973], p. 89, n. 4). This text deals with the transfer of the ownership of a donkey. The owner swears “on the back of the donkey,” i.e., while standing next to the animal in order to make the transfer of ownership clear.