



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

* 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 n. 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*, Aegyptische 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.³ E. Seidl mentions 109 sources,⁴ 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.⁵ 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).⁶

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.⁷ It consists of two parts—prosaic and rhetorical, the former

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

³ 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," *ZÄS* 82 (1957): 55–57; idem, *Untersuchungen zur Überlieferungsgestalt mittel-ägyptischer Literaturwerke* (Berlin, 1957), p. 80; A. Théodoridès, "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.

⁴ See Seidl, *Einführung*, pp. 63–65.

⁵ 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.

⁶ For "The Stele of Karnak," see P. Lacau, "Une Stèle juridique de Karnak," *Supplément aux Annales du Service des Antiquités de l'Égypte*, Cahier No. 13 (Cairo, 1949), pp. 1–54; Pirenne and Stracmans, "La Portée," pp. 25–44. For "The Inscription of Mes," see A. H. Gardiner, *The Inscription of Mes* (Leipzig, 1905); G. A. Gaballa, *The Memphite Tomb-*

Chapel of Mose (Warminster, 1977). For "The Instruction of Ptahhotep," see Z. Žába, *Les Maximes des Ptahhotep* (Prague, 1956). For "The Autobiography of Mentuhotep," see Goedicke, "A Neglected Wisdom Text," *JEA* 48 (1962): 32–35; W. Schenkel, "Eine neue Weisheitslehre?," *JEA* 50 (1964): 6–12; J. H. Breasted, *Ancient Records of Egypt* (New York, 1962), vol. 1, pp. 255–56.

I realize, of course, that many of these works were not composed at the same time as "The Tale of the Eloquent Peasant," but this poses no problem in comparing it with other works, for, as already stated, such a comparison is only meant to highlight the juridical background of "The Eloquent Peasant." Apart from parallels from these works, we have also adduced analogies from ancient legal systems which are not Egyptian but which contribute to a clarification of practices in Egypt. These analogies do not, however, show any relation of the Egyptian judiciary to these systems or dependence on them. See R. Yaron, *The Law of the Elephantine Documents* (Jerusalem, 1961), p. 44 (in Hebrew).

⁷ This is the view of O. D. Berlev, "The Date of the *Eloquent Peasant*," *Aegypten und Altes Testament* 12 (1987): 78–83, and also Lefebvre, Simpson, M. Lichtheim (*Ancient Egyptian Literature*, 3 vols. [Berkeley, Los Angeles, and London, 1976–80]), and others. But in Brunner's opinion the date of the composition matches the dates of the historical events described in it, i.e., the Heracleopolitan period (Ninth–Tenth Dynasties); see H. Brunner, *Altägyptische Weisheit* (Zurich and Munich, 1988), p. 359. For a review of the various scholarly opinions, see Perry, "A Critical Study," p. 6 ff. For publication of the text and a translation, see

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 Nemty-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

F. Vogelsang, *Kommentar zu den Klagen des Bauern* (Leipzig, 1913); Gardiner, “The Eloquent Peasant,” *JEA* 9 (1923): 5–23; Lichtheim, *Ancient Egyptian Literature*, vol. 1, pp. 169–84; Brunner, *Altägyptische Weisheit*, pp. 358–67; and Perry, “A Critical Study.”

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. Helck, *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,

and it “may be considered a literary reflection or condensation of Ahmose's policy with regard to the vizirate as the main civil office supporting royal government” (ibid., p. 375); van den Boorn, however, believes that parts of the text were inspired by written sources from the Middle Kingdom (MK) and that in the reorganization of the internal administration, Ahmose relied on MK models (cf. ibid., pp. 346, 350, 362–63, 373–74). In this light, even if one accepts van den Boorn's late date of “The Duties,” this text can still be used as an indirect source of information about MK administration. For the text and translations see “The Installation of a Vizier”: N. de G. Davies, *The Tomb of Rekhmi-Re at Thebes* (New York, 1944), pp. 84–88, pls. 14–15; K. Sethe, *Urkunden der 18. Dynastie* (Leipzig, 1907), §§1086–93; R. O. Faulkner, “The Installation of the Vizier,” *JEA* 11 (1955): 18–29. “The Duties of the Vizier”: Davies, *Tomb of Rekhmi-Re*, pp. 88–93, pls. 22–28, Sethe, *Urk.*, IV §§1103–17; van den Boorn, *The Duties. “The Autobiography of Rekhmire”*: Davies, *The Tomb of Rekhmi-Re*, pp. 79–83, pls. 11–12; Gardiner, “The Autobiography of Rekhmire,” *ZAS* 60 (1967): 62–76; Sethe, *Urk.*, IV §§1071–85.

Amon in Karnak⁹ 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 *w^cb*) and laity (the king's officials, the *h³ty-^c*).

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 Nemty-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

⁹ For the text and translation, see K. Pflüger, "The Edict of King Haremhab," *JNES* 5 (1946): 260-76; W. Helck, "Das Dekret des Königs Haremheb," *ZÄS* 80 (1955): 109-36; J. M. Kruchten, *Le Décret d'Horemheb* (Brussels, 1982).

¹⁰ See Herrmann, *Untersuchungen*, pp. 79-93; my forthcoming article "Egyptian Prophecy and Biblical Prophecy," in *Shaton: 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 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 *wḏ^c-rwt*, "judge" (B₁217), and *sdmyw*, "judges" (passim).¹² Three representatives of the judicial hierarchy appear in the story: the king, the high steward (*imy-r-pr*), 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 Nemty-nakht, was one of his servants (R122), a case in which he might be (or be accused of being) biased?¹³ 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 (B₂132–33).

It is not clear whether the central legal authority in this tale, the high steward (*imy-r-pr*), 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.¹⁴ The idea that the high steward was indeed a vizier is supported by the following facts: (1) the peasant actually went "Southward to Hnes" (B₁33) 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 *ꜥrryt*,¹⁵ 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;¹⁶ 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 *wḏ^c rjt* (a later spelling of *wḏ^c rwt*; see van den Boorn, "Wḏ^c-ryt and Justice at the Gate," *JNES* 44 [1985]: 5) also appears in "The Autobiography of Rekhmire": Rekhmire is satisfactory as a *wḏ^c rjt* (*Urk.* IV §1071, 17). For further references to this qualifier, see van den Boorn, "Wḏ^c-ryt," p. 2; idem, *Duties*, p. 80; and also R. Parant, *L'Affaire Sinuhé* (Aurillac, 1982), p. 55. In the above comprehensive study "Wḏ^c rjt and Justice at the Gate," van den Boorn demonstrates that the qualifier *wḏ^c rwt* always shows involvement with people of high positions in society who act as judges and that *rwt* 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 *sdm.yw* 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.

¹⁶ *Ibid.*, pp. 316–17, 330–31.

governor, also exists: Rensi son of Meru is called "lord of the domain" (B₁16 *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 local 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 (B₁288, and cf. B₁132), duties inherent in their function as judges. On the other hand, he accuses them of oppressing the lower classes (B₁301-2) 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—*w^ct n(j)t rml*,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 Théodoridès, "Les Egyptiens anciens, 'citoyens', ou 'sujets de Pharaon'?", *Revue internationale des droits de l'antiquité* 20 (1973): 66-82; Parant, *Sinuhé*, 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 (*d³d³t*, *knbt*)."

¹⁸ In this matter, see M. Malul, "Studies in Biblical Legal Symbolism" in *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* 10 (1987): 192-93 (in Hebrew).

¹⁹ It is generally agreed that the expression *w^ct n(j)t rml* (R51; B₁, 1) 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 r r³ w³t hns pw n wsh* is *pw, knn.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. 1, p. 183, n. 5.

²⁰ Thus it is in the Hebrew judiciary also; see A. Gulaq, *The Foundations of Hebrew Law*, Book 1 (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. Černý, "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,²¹ 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 *ifd*, a four-cornered fringed piece of cloth, and sometimes *hbs*, 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.²²

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."²³ 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 (*šndyt*) of the motherless" (B₁63-64), meaning that the judge defends and spreads his patronage over the orphan.²⁴

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 (*gō'ēl*)" (Ruth 3:9). Similarly, in the parable of the prophet Ezekiel, God appears as the husband of Jerusalem saying: ". . . and I spread my skirt (*knāpī*) over you and covered your nakedness" (Ezek. 16:8).²⁵ 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.²⁶

²¹ See, for example, Vogelsang, *Kommentar*, p. 10.

²² A. Jirku, "Zur magischen Bedeutung der Kleidung in Israel," *ZAW* 37 (1917-18): 109-25. On the magic of clothes in folklore, see S. Thompson, *Motif-Index of Folk Literature* (Helsinki, 1932), vol. 11, D 1050-67.

²³ Jirku, "Zur magischen Bedeutung," p. 119, n. 1.

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, Qiddušin 18b to Exodus 21, 8: "He shall have no right to sell her to a foreign people '*be-bigdo bah*'"—"seeing that he hath dealt deceitfully with her (*be-bigdo 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" (B₁9-12). 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 (B₁15);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" (*sšm*) "according to the law (*r hpw*)." In "The Eloquent

²⁷ See Seidl, *Einführung*, p. 48.

²⁸ For the taking of a pledge at Nuzi, see B. L. Eichler, *Indenture at Nuzi* (New Haven and London, 1973), pp. 20, 38, 75, and *passim*. For parallels in the Babylonian codex, see T. J. Meeks, trans., "The Code of Hammurabi," in J. B. Pritchard, *Ancient Near Eastern Texts*, 3d ed. (*ANET*) (Princeton, 1969), p. 170, §§113-16. For the existence of the custom in Israel, see Gen. 38:17-18; Exod. 22:25-26; Neh. 5:2-5; also Z. W. Falk, *Hebrew Law in Bibli-*

cal Times (Jerusalem, 1964), pp. 100-102; and in extra-Biblical sources F. M. Cross "The Inscription from Mešad Ḥashavyahu," *BASOR* 165 (1962): 34-46.

²⁹ The excerpt is read according to a suggestion of E. Wente, "A Note on the *Eloquent Peasant* B₁13-15," *JNES* 24 (1965): 105-9.

³⁰ Cf. Perry, "A Critical Study," p. 141.

³¹ For the parallels in the misuse of the pledge in the Babylonian code, see R. Westbrook, *Studies in*

Peasant" (B₁105-6) and in "The Edict of the Haremhab," the judges are presented as obeying the "law of the courts" (*hpw nyw ʿrryt*) (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 (*śmnh*)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 *mīn*, literally "way," usually appearing in the collocation *mīn n ʿnh*, 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

Biblical Law (Paris, 1988), pp. 12-13; Pritchard, *ANET*, p. 170, §§113 and 116.

³² Kruchten (*Le Décret*, p. 151) translates this differently: "pour rendre efficaces les lois de l'Égypte." The opposite expression is *hb̄ hp*, "to destroy law," "The Eloquent Peasant" B₁274.

³³ *di.n.i tp rd m hr.sn, hpw m hpw n hrwyt*, "I have given them regulations and laws in [their] journals." For *hrwyt*, see *Wb.* II, 488, 8 and also Kruchten, *Le Décret*, pp. 154-55. For a comprehensive study of the term *hp*, its semantic definition, and relation to *wḏ* (royal decree), see *ibid.*, 214-33; cf., with the reservations of D. Lorton, the review of Kruchten, *Le Décret*, in *BiOr* 40 (1983): 376; and *idem*, "The King and the Law," *Varia Aegyptiaca* 2 (1986): 53-62; see also Théodoridès, "A propos de la loi," pp. 107-52.

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 pn mʿf*)" (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 *śsm* 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; and 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.

³⁵ For a detailed discussion of the "way of life" in Egypt, see B. Couroyer, "Le Chemin de vie en Égypte et en Israël," *RB* 56 (1949): 412-32; P. Humbert, *Recherches sur les sources égyptiennes de la littérature sapientiale d'Israël* (Neuchâtel, 1929), p. 71.

life (*mṯn n ḥḥ*) by guiding (*sšm*) them to justice (*bw m³ḥt*)” (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 mṯn.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.; B₂128 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 (*wḏḥ 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 ḥsb*, denoting order, a norm (B₁147, 274, 311, B₂76). At times, the expression appears in connection with the image of scales (B₁161, 325, B₂94). 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 ḥsb n mdt* (B₁98), one should accept the interpretation of Perry, “A Critical Study,” p. 274: “chief examiner of the case (*mdt*).”

³⁷ Breasted, *Ancient Records*, vol. 2, §691.

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 m³c*, it assumes a meaning close to *spr*, "to submit a complaint," "to apply (in connection with a legal matter)" (B₁269–70; B₂108–9).

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 *srhy*, "The Accuser."⁴² The peasant defines his admonition to Rensi as *srh*, "accusation" (B₁255), while Rensi "accuses" (*srh*) the domineering official Nemty-nakht before his advisory council, the *srw* (B₁42).

Two more terms relate to the semantic field of "complaint," although they do not originate in the legal framework: the root *nhi* from which are derived *nhw*, "the plaintiff" (B₁204) and *nhtw*, "complaint" (B₁29), 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 *tw³*, which functions both as a verb meaning "to present a claim," "to appeal to" (B₁299; B₂106), and also as a noun in the sense of a citizen, a man of low class (B₁94–95; 170–71).⁴³

From the terms *nis* and *nhi*, 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

³⁹ See J. Černý, "Egyptian Oracles," in R. Parker, *A Saite Oracle Papyrus from Thebes* (Providence, 1962), p. 45; and also Kruchten, *Le Grand Texte oraculaire de Djéhoutymose* (Brussels, 1986), pp. 41–42, 389, I.D., 3–5; 10, 11, 13–18. I would like to thank W. Guglielmi, Tübingen, for the last reference.

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.

⁴¹ Cf. *sprty*, "petitioner," in "Duties of a Vizier"; Davies, *The Tomb of Rekhmi-Re*, pl. 27, 19; and the "Autobiography of Mentuhotep," p. 14. See Pirenne and Stracmans, *La Portée*, pp. 42 and 44; Perry, "A Critical Study," pp. 154, 167; see the list of legal terms in Malinine and Pirenne, "Documents," p. 83.

⁴² See *Wb.* IV, 199, 12, 13 and Perry, "A Critical

Study," pp. 161–62; see also Vogelsang, *Kommentar*, pp. 180–81.

⁴³ Cf. Vogelsang, *Kommentar*, pp. 90–91; *Wb.* V, 248, 6, 7; *tw³* 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.f n wn m3^c*, 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).⁴⁵ The usual term denoting “legal claim” is *mdt*, literally meaning “words,” “matter.” The vizier should hear (*sḏm*) the complaint, the claim (*mdt*), and adjudicate (*wḏ^c*) between the two litigants (B₁234). In “The Inscription of Rehkmi,” 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.⁴⁶

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 Rehkmi,” where he praised his own efficiency regarding treatment of petitions: “[*w*]ḥ*b.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 *sḏm* and *wḏ^c* (or *wḏ^c mdw*), both appearing in synonymous parallelism: “You were appointed (to *m r pr*) in order to *sḏm mdt* and to *wḏ^c snwj*,” says the peasant to Rensi son of Meru (B₁234). The literal meaning of *sḏm* is “to hear,” “to listen” and that of *wḏ^c* is “to cut,” “to separate.” But appearing in a legal context, *sḏm* often means “to investigate.”⁴⁸ (Cf. “Mentuhotep,” who said in his inscription that “he had heard [investigated, *sḏm*] a complaint [*mdw*] [of the plaintiff]” [ll. 11–12]). In this

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

⁴⁶ See Davies, *Tomb of Rehkmi-Re*, pl. 27:26, 27; also “The Tale of the Eloquent Peasant,” B₁72, B₂118. Perry, “A Critical Study,” p. 232; Kruchten, *Le Décret*, pp. 218, 381, I.D 1–5, 10; and van den Boorn, *Duties*, pp. 130, 254, and 278. Cf. *dabar* in Biblical Hebrew, Exod. 18:23.

⁴⁷ See *Urk.* IV §1083, 3; B. G. Ockinga, “The Burden of Kha^ckheperre^c sonbu,” *JEA* 69 (1983): 89, 90. Perry, “A Critical Study,” pp. 78, 157–58, adds to the list of words denoting “complaint,” *ṯs 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. *Sḏm* means “to investigate” also when it appears in the term *hnr.t n sḏm* (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, *ḥ-m-a^c* in Biblical Hebrew, which also has legal overtones: M. Weinfeld, *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., *Pharoanic Egypt* (Jerusalem, 1985), pp. 205; 211, n. 5. According to Perry, “A Critical Study,” pp. 398, 405, 475, 512–13, also the polysemic root *wḥd* (*Wb.* I, 375), as it appears in “The Peasant,” means “to inquire legally” (see *ibid.*, 375, 13); but this meaning of *wḥd*, which is suitable in B₁215–16, 219, is difficult to accept in connection with B₁274–75, 314.

context, $w\dot{d}^c$ has the sense of “to separate” (the two litigants), “to pass judgment” (cf. “The Peasant” B₁133).⁴⁹ 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.⁵⁰

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 ($w\dot{s}f$) in speaking out ($smit$) your words ($\dot{t}s.k$)” (B₂107).

A *terminus technicus* related to the execution of the sentence is $\dot{d}b\dot{s}$, “recompense” or “compensation.” Rensi’s advisors thought that the avaricious official should give compensation ($\dot{d}b\dot{s}$) 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 ($\dot{d}b\dot{s}$) the plaintiff, in this case, his brother, by appointing him governor ($\dot{h}\dot{s}ty-c$) in exchange for a loan of 60 *deben* of gold (l. 19).⁵¹ The verb $\dot{h}\dot{s}f$, “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 $\dot{h}\dot{s}f$ 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.⁵² 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:

⁴⁹ For the meaning of $w\dot{d}^c$, see *Wb.* I 404–6; E. Otto, “Prolegomena zur Frage der Gesetzgebung und Rechtssprechung in Ägypten,” *MDAIK* 14 (1956): 158; D. Meeks, *Année lexicographique* (1978) (Paris, 1981), vol. 2, 78.1177. For a discussion of the terms $w\dot{d}^c$, $w\dot{d}^c mdw$, see H. Goedicke, “Untersuchung zur altägyptischen Rechtssprechung,” *Mitteilungen des Instituts für Orientalforschung* 8 (1962): 333–67. Goedicke assumes that $w\dot{d}^c$ implies a legal inquiry and does not refer to a verdict (p. 340); but after a lengthy discussion, he reaches the sophisticated conclusion that “ $w\dot{d}^c$, . . . eine Entscheidung zugunsten einer Partei ausdrückt. Diese Form kann nicht als ‘Urteil’ angesprochen werden, da ihr der rechtsschöpferische Aspekt fehlt” (p. 366). Cf. idem, *The Report about the Dispute of a Man and His Ba* (Baltimore, 1970), p. 86. My opinion that what is referred to here is a verdict, not a legal inquiry, and is reinforced by the fact that $w\dot{d}^c rjt$ in certain contexts means “to determine,” “to decide things.” See

the interpretation of van den Boorn (“ $W\dot{d}^c-rjt$,” pp. 20–21), of Ptaḥhotep 331 and O. DeM. 1073, 2; and cf. Kruchten, *Le Décret*, pp. 86–87, 378, I.A 19; D 2–3. Cf. also *šāpat bēn I’bēn* in the Bible (Exod. 18:16; Deut. 1:16); Seeligmann, “Zur Terminologie,” p. 273.

⁵⁰ For a possibility to explain the noun $\dot{t}s$, which usually denotes a tightly phrased saying, or a maxim as “verdict,” see Goedicke, *The Protocol of Neferyt* (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 $\dot{t}s$ 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.

⁵² See my “Semantic Determination of Selected Terms in the Biblical Wisdom Literature in Comparison to the Egyptian Wisdom Literature” (Ph.D. diss., The Hebrew University of Jerusalem, 1984), pp. 137–67 (in Hebrew with an English abstract).

The judge's basic duty is to listen to the complaint⁵³ 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 (*sprw*) before hearing his complaint (*mdt*). If a petitioner (*sprw*) has approached, you do not reject (*ni*) him (?) . . . 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 (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 (*mdw sprw*).

Do not rebuke him till he has emptied his belly (*r skit.f ht.f*, i.e., poured out all his complaints). . . .

The victim of injustice prefers the pouring out of his heart (*i^t ib.f*) to the performance of that for which he has come.

As to him who rebukes the plaintiffs (*sprw*)

People say "Why does he reject them?"

All the things he has asked for (*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. Mentuhotep 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" (*r skit.f. hrt njt ht.f*: ll. 11–12; cf. 14). His colleague Rekhmire, several centuries later, uses almost the same words: "I was never angered by words (*ts*) of the plaintiff (*sprw*), I never reproved (?) him. I bore with him as a he poured his heart out" (*prt ib*) (*Urk.* IV §1082, 15–16).

In "The Tale of the Eloquent Peasant," Renzi, 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 him beaten to make him pour out his complaints. "Do not answer with the answer of silence!" (B₁314–16). "Be patient (*w³h*) as he calls to you about his just case" (B₁269), "Do not reject (*ni*) the plaintiff (*tw³.tw*)" (B₂106). All these recommendations are completely ignored with respect of the peasant's plea. Renzi's behavior, according to the story, is dictated by the king's command, but Renzi 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.⁵⁴ In his funerary inscription, Rekhmire boasts: "I have protected the widow who has no hus-

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.

⁵⁴ See F. C. Fensham, "Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *JNES* 21 (1962): 129–39. On the king as protector of the lower classes in Mesopotamian

society, see Westbrook, *Studies*, pp. 11–14. For parallels to these formulas in the autobiographical and wisdom literature of Egypt, see Perry, "A Critical Study," pp. 196–204, and H. K. Havice, "The Concern for the Widow and the Fatherless in the Ancient Near East: A Case Study in O.T. Ethics" (Ph.D. diss., Yale University, 1978), pp. 30–34.

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" (B₁62–64).

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 (B₁237–38), a rescuer for the drowning man (B₁136, 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 (*m³ʿt*) does not call him" (B₁274–75, cf. B₁204–5; 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" (B₁121–24).

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^cat* (*m³ʿt*). *Ma^cat* 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^cat* was the order of the universe ever since its creation by the god Ra^c; and the Egyptian king, as Ra^c's representative on earth, was responsible for the preservation of *ma^cat* (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^cat*. As Haremhab puts it: "When I guide (*sšm*) them (the judges) to *ma^cat* . . ." (pl. 5:5, left; cf. "The Installation of a Vizier," ll. 17–18). The judges were called "Priests of *Ma^cat*," and they wore a medallion in the form of *ma^cat* 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^cat*" (B₁67–68, 303–4; cf. "The Installation of a Vizier," ll. 15–17; 18–19). He "speaks (*ḏḏ*) *ma^cat*" (B₁320), "knows (*rḥ*) *ma^cat*" (B₁210), and "creates (*šḥpr*) *ma^cat*" (B₁67, 241). The corrupt judge does exactly the opposite: "he is deaf (*sh*) to *ma^cat*" (B₂110), he "diminishes *ma^cat*" (B₁251), "*ma^cat* flees from him" (B₁97), and "it is banished from its seat" (B₁97–98).

In this context, there are two terms antonymous to *ma^cat*: these are *grg* (falsehood) and *isft* (injustice).⁵⁶ The ideal judge who insists on moral values "diminishes" or "destroys" falsehood (B₁67; 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" (*ʿwn [ib]*), "steal" (*ʿw³, i³*), "rob" (*ḥ^cḏ³*), or "show partiality" (lit., "incline sideways," *rdi ḥr 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 ḥr gs*, is a

⁵⁵ This is a designation of Mentuhotep. For a detailed discussion of the term *ma^cat*, see Helck, *LÄ*, vol. 3, pp. 1110–19 and *ibid.*, p. 1115, for the relation between *ma^cat* and law (*hpw*). 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 *m³ʿt* in the moral sense, while *isft* is its antonym in a political-statesmanship sense.

legal *terminus technicus*.⁵⁷ 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," B₁268–69; cf. Rekhmire, *Urk.* 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).⁵⁸ Indeed, Rekhmire, in his autobiographical inscription says of himself: "I did not incline to one side. I paid no attention to rewards (*ḏbꜣw*)" (Davies, *Tomb of Rekhmi-Re*, pl. 12:37). He also declares: "I did not pervert justice for reward (*ḏbꜣw*)" (ibid., l. 24). In our tale, the corrupt judge is described as he whose brother it is who "brings to him" (B₁168–71). Haremhab warns his judges: "Take no rewards" (*fkꜣw*) (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," B₁91–92, 160–62, 311–13) and to a sailor sailing on the lake of truth (*maꜣat*) (for example, ibid., B₁ 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.⁵⁹

THE PLACE OF THE TRIAL

The confrontation between the peasant and the high steward occurs in a place called *ꜣrryt* (variants: *ꜣꜣyt*, *ꜣryt*; the hieroglyph for "house" is usually used as a determinative).⁶⁰ 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 *ꜣrryt* boat (*kꜣꜣw.f n ꜣrryt*) (B₁35) and, second, when the peasant makes his third complaint at the entrance to the *ꜣrryt* (B₁185–86).

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

⁵⁷ Cf. the term *nn 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 *nāsꜣꜣ/hakker pānīm*, *nāsꜣꜣ rꜣꜣ* in the Bible; see Seeligmann, "Zur Termi-

nologie," 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.

⁵⁹ For these metaphors, see S. Herrmann, "Steuer-ruder, Waage, Herz und Zunge in aegyptischen Bildreden," *ZÄS* 79 (1954): 106–15; idem, *Untersuchungen*, pp. 83–85.

⁶⁰ For the explanation of the orthographic variations, see van den Boorn, "*Wꜣꜣ-rjt*," pp. 6–7; cf. *Wb.* I, 209–10.

vizier appoints the officeholders of the *ṛryt* (ibid., 1114, 5; see also Davies, *Tomb of Rekhmi-Re*, pl. 26:11), and that when the local officials (*hṣtyw-ᶜ* and *hkṣw-hwwt*) are summoned by him, it is at or by the *ṛryt* that they are received (*Urk.* IV §1108, 4). In the "Autobiography of Rekhmiré," it is said that he "reached the gate (*sbṣ*) of the *ṛṣyt*" (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 *ṛṣyt*,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. Gardiner⁶² thought that the term *ṛryt* 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 *ṛryt* 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, *ṛryt*, 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 *ṛryt*. 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 *ṛryt*" (*imy-r hᶜw n [ᶜ]ṛryt*) and Papyrus Reisner (pl. 10:2-3), which tells of "boats" (*imw*) belonging to *ṛryt*.⁶⁴

It is difficult to accept van den Boorn's view of the references to *ṛryt* 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 *ṛryt* 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: *kṣkw n ṛryt* (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 *ṛṣyt* 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 (*whmw*) of the *ṛṣyt*" (idem, *Le Décret*, p. 180).

⁶² Gardiner, "The Autobiography of Rekhmeré," *ZÄS* 66 (1967): 65; for the relation between *ṛṣyt* and gate, see also Helck, *Zur Verwaltung des Mittleren und Neuen Reiches*, pp. 65-66.

⁶³ van den Boorn, "*Wdᶜ-rjt*," pp. 6-10, 12-13; and idem, *Duties*, pp. 47, 80-84, 278-81; cf. also the studies of Helck (*Verwaltung*, pp. 65-66) and P.

Posener-Kriéger, *Les Archives du temple funéraire de Néferikarê-Kakaï* (Cairo, 1976), vol. 1, pp. 511-14, on which van den Boorn bases his arguments.

⁶⁴ In his book, van den Boorn gives a more restricted definition of *ṛryt*: "*ṛyt*, 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).

⁶⁵ See H. D. Schneider, *Shabtis* (Leiden, 1971), p. 180; W. K. Simpson, *Papyrus Reisner*, vol. 2 (Boston, 1965), p. 38.

judicial system of Egypt also included mobile law courts located on boats; at least some of the references to *ṣrryt* in the context of boats relate to this.⁶⁶ These references serve as further examples of the use of *ṣrryt* 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.⁶⁷ 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.⁶⁸ 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.⁶⁹

⁶⁶ See A. Moret, *The Nile and Egyptian Civilization* (London, 1972), pp. 282–83; K. W. Whitelam, *The Just King* (Sheffield, 1979), p. 28; Wilson, “Authority and Law in Ancient Egypt,” p. 4.

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