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Lippert, Sandra

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LAW COURTS

المحاكم

Sandra Lippert

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LAW COURTS

المحاكم

Sandra Lippert

Gerichte
Cours de justice

*Egyptian law courts originated as councils of officials, which, besides acting as judges, also had other administrative tasks. Accordingly, they were known by the rather unspecific terms *d3d3t* (Old Kingdom and Middle Kingdom) or *knbt* (Middle Kingdom until the beginning of the Late Period), which simply means “committee.” Their members are usually referred to as *srw*, “officials,” although more specific designations also occur. From the 26th Dynasty onwards, the members of the courts seem to have been mainly, if not exclusively, priests with a specific juridical education, called *wptjw*, “judges.” From the New Kingdom onwards, a division into smaller local courts and great courts located in the capital(s) can be observed. Local courts dealt with minor cases of disputed property and petty crimes, which were punished with beatings, while the great courts attended to trials about land ownership, cases concerning officials, and crimes entailing heavier punishments like mutilation or the death penalty. This double system probably remained in action until the Ptolemaic Period when the local courts were integrated into a new system and the great courts were finally abolished and their role was taken over by Greek officials. Native Egyptian judicature fast declined under the Roman rule. Legal procedure changed little over time. Several laws about court procedure survive, which show that the conduct of cases was established in detail and that the judges had little scope for arbitrariness.*

نشأت المحاكم بمصر القديمة علي هيئة مجالس من الموظفين ، الذين كان لهم وظائف إدارية إلى جانب كونهم قضاة، ولذا كانوا معروفين تحت مسميات غير محدده وهي *d3d3t* (خلال الدولة القديمة والدولة الوسطى) أو *knbt* (من الدولة الوسطى وحتى بدايات العصر المتأخر) والذي ببساطة يعني لجنة وأعضاء اللجنة كان عادة يشار إليهم بمسمى *srw* موظفين على الرغم من وجود مصطلحات أدق لتعريفهم. وبداية من الأسرة السادسة والعشرون فصاعدا ، أصبح غالبية أعضاء هذه المحاكم أو حتى جميع الأعضاء من الكهنة اللذين درسوا دراسة قضائية متخصصة، وكان يطلق عليهم *wptjw* أي ضاة . وبداية من عصر الدولة الحديثة فصاعدا ، يمكن ملاحظة تقسيم المحاكم إلى محاكم محلية صغرى ومحاكم عظمى متواجدة بالعواصم. واختصت المحاكم المحلية بالقضايا الصغيرة مثل نزاعات الملكية والجرائم الصغيرة، والتي كانت عقوبتها الضرب، في حين اختصت المحاكم الكبيرة بقضايا ملكية الأراضي والقضايا المرتبطة بالموظفين العموميين، والجرائم التي تستتبع عقوبات أشد مثل التشويه الجسدي أو الإعدام، وفي أغلب الظن أن هذا النظام المزوج ظل مطبق حتى العصر البطلمي حين دمجت المحاكم المحلية إلى نظام قضائي جديد وتم إلغاء المحاكم الكبيرة والتي حل محلها الموظفين اليونانيين. تدهور النظام القضائي المحلي في ظل الحكم الروماني. لم تتغير الإجراءات القانونية إلا قليلاً عبر الزمن ، العديد من القوانين الخاصة بالمحكمة ظلت باقية مما يؤكد أن المحاكم كانت تطبق قانون إجرائي مقنن بالتفاصيل يحد من سلطات القاضي و يضيق من سلطته التقديرية و تحديد العقوبات.



ancient Egyptian law courts are attested in textual sources from the Old Kingdom onwards. The earliest references to courts are in non-royal titles. The range of sources expands from the 6th Dynasty to include documents recording legal disputes and judgments, as well as sources which are not specifically legal but use judicial settings or terminology, such as tales, biographies, and letters. Courts originated as councils of officials, who adjudicated legal disputes, determined punishments, and held administrative, often notarial, functions, including witnessing legal documents and decisions and administering oaths. The composition of the courts, procedures and processes of judgment, terminology, as well as oracular proceedings will be discussed in the following in chronological order. A bibliography for the key primary sources treated in this entry is given at the end.

Old Kingdom and First Intermediate Period

1. Composition of courts.

Although a number of Old Kingdom titles seem to indicate a juridical office, very little is known about the precise functions of their bearers: *s3b* is often translated as judge and can be found on its own and in combination with other titles (Helck 1954: 73 - 74, 82 - 83; Jones 2000, Vol. II: 909, no. 3533). *Wdꜥ-mdw*, literally “divider of words,” is also found as a designation for officials in a judicial capacity (Strudwick 1985: 195). The judicial titles combined with *hrj sšt3* seem to refer to positions of special confidence within the court system: *hrj sšt3 n wdꜥ mdw* (and similar), “privy council of decision,” *hrj sšt3 n sdmt wꜥ*, “privy council of solitary examination,” *hrj sšt3 n hwt wrt*, “privy council of the court” (Jones 2000, Vol. II: 613 - 616, nos. 2252 - 2259, 635, no. 2326, 643, no. 2357; cf. also Helck 1954: 74; and Strudwick 1985: 195).

Old Kingdom courts were composed of several members, sometimes perhaps ten, as the titles *wꜥ md hwt wrt*, “greatest of the 10 of the court house,” and *wꜥ md Smꜥw*, “greatest of the 10 of Upper Egypt,” suggest (Jones 2000, Vol. I: 388 - 389; cf. also Strudwick 1985: 197). Common designations were the rather unspecific terms *srw*, “officials,” or

d3d3t, “council.” In the tombs of nomarchs of the 9th/10th Dynasty, the term *knbt* first appears for local councils (e.g., the tomb of Ankhtifi in el-Moalla, see Vandier 1950: 5.II8,1; and the tomb of Itibi in Siut, see Brunner 1937: l. 13). The tasks of these committees seem to have extended over notarial as well as juridical duties.

Like other sectors of the administration, jurisdiction was headed by the vizier who, in this function, bore the title *jmj-r3 hwt wrt 6*, “supervisor of the 6 great houses” (Jones 2000, Vol. I: 165, no. 630; Strudwick 1985: 178, 188). Philip-Stéphan (2004: 148; cf. also Philip-Stéphan 2008: 35 - 36) translates “great court of the six,” which is grammatically quite unlikely: if a direct genitive were intended, the adjective *wrt* should not stand between *regens* (*hwt*) and *rectum* (*T*)—although a few exceptions to this rule have been collected by Edel (1955/1964: 136, §321)—and the persistent ellipsis of the genitival adjective *nt* before *T* would be highly unusual at that period. The “six great houses” are traditionally interpreted as law courts because people who violated royal decrees were sent there to be condemned (Boston MFA 03.1896); the accused could also be jailed and beaten there (Inscription of Akhet-hotep). It remains unclear where they were situated; at least one of them probably was within the royal residence. Information about provincial courts is rather scarce, but it can be assumed that the local *d3d3t* councils, which appear in a notarial capacity (e.g., Inscription of Serefka[?]), also had juridical functions (cf. also Philip-Stéphan 2008: 47 - 49, who, however, assumes that the provincial and local *d3d3t* councils only advised the nomarch and respectively the mayor).

As locations where courts convened, the *rwt hwt wrt*, “the doorway of the great house” (cf. van den Boorn 1985: esp. 8), and the *wshꜥ (Hrw)*, “broad hall (of Horus),” are also mentioned (cf. the title *srw nw rwt hwt wrt*, Strudwick 1985: 178).

2. Procedure and process of judgment.

A single fragmentary document of the 6th Dynasty informs us about court procedure (Papyrus Berlin P 9010). The beginning is lost, therefore it remains unknown what court was involved and how the lawsuit concerning inheritance was initiated. Both

parties seem to have been present in court, with the plaintiff making the first move by producing a document on which he based his claims, i.e., that the deceased had made him the trustee for his heirs. The defendant countered with the allegation that the document was a forgery and that therefore he (presumably as eldest son) should remain the sole heir. The judges decided that the plaintiff had to produce three witnesses who would confirm the authenticity of the document on oath—the oath was drafted by the court and included an invocation of divine wrath (*b3w*) against the perjurer. If he could not do so, he would lose the case. The decision of the court therefore could consist of a conditional judgment, which made the final outcome dependent on the result of a proof of authenticity (later parallels to this procedure make the interpretation by Goedicke [1974: 92 - 95] that the defendant and not the judges proposed this authentication of the document highly unlikely). There is no reference to the consultation of written law, nor to a discussion among the judges. The sketchy style and fragmentary state of the sole source do not permit us to draw any more general conclusions.

The *Autobiography of Weni*, although often cited in this context, is not relevant since the procedure mentioned there is not a normal trial but a special examination probably in connection with a conspiracy involving a royal wife; moreover, no details about this case are divulged.

Although not a documentary text, the *Story of the Eloquent Peasant*, which takes place during the 10th Dynasty, might also be used in order to elucidate court procedures—possibly before the vizier—in the First Intermediate Period (Shupak 1992: 1 - 18).

3. Terminology.

Juridical terminology can also be gathered from sources that are not specifically legal, e.g., the *Autobiography of Pepiankh-bery-ib* or the letter Papyrus Berlin P 8869 (for further references to the lemmata, cf. Hannig 2003):

Šnj originally means “to quarrel” but is also used for “to dispute, to litigate” (Mrsich 1968: 57, § 64), especially in the idioms *šnj ht r*, “to litigate with,” and *šnj m-b3h srw*, “to litigate in front of the

(court) officials.” *Spr*, “reach,” has the additional sense of “to complain, to file a suit,” with the derivations *sprt*, “complaint, petition,” and *sprty*, “complainant, plaintiff.” *Jrj* ʕ, “to draw up a document,” might also be used for “to draw up a complaint” (Goedicke 1970: 45). The action of the judges was referred to as *wḏ* or *wḏ-mdw*, the last, as a noun, can also designate “judge” and “judgment.” *Wpj*, “to judge, to arbitrate,” has a similar meaning; the root of both *wḏ* and *wpj* lies in “separating, dividing” the parties.

ʕ r, “to have a title on something,” is derived from ʕ, “legal document” (Boston MFA 03.1896; *Decree Coptos R*). The winner of a case was called *m3* or *m3-ḥrw*, “justified” (cf. also Anthes 1954: 21 - 51), the one who was acquitted *b3k*, “innocent, cleared (of accusations).”

Middle Kingdom and Second Intermediate Period

1. Composition of courts.

As in the Old Kingdom, committees of officials designated as *d3d3t* or *knbt* acted as courts while, at the same time, being responsible for administrative and notarial duties. The expression *m3b3yt*, “the Thirty” seems to refer to a panel of thirty judges but is attested only in titles (Quirke 1990: 53 - 54). The term *hnrt* or *hnrt wrt* has variously been interpreted as “court house” and “penal compound”; perhaps it was a mixture of both. Court sessions at the gate (*ʕrryt*) probably of a public building recall Old Kingdom practice (van den Boorn 1985: 6 - 10, 12 - 13; Quaegebeur 1993: 201; cf. also *Eloquent Peasant* B₁ 185 - 186).

Again there are a number of most likely juridical titles, the exact meaning of which remains unclear, like those formed with the element *tm3*, “mat(?)/cadastre(?)”: *hrj tm3*, *sh n tm3*, *d3d3t nt tm3* (Jasnow 2003b: 264; cf. also Ward 1982: 167, no. 1450). For the examining judges, *sdmy*, literally “hearer,” is attested since the 13th Dynasty, sometimes in combination with other terms (*sdmy rmt*, “judge of the people,” *sdmy šn*ʕ, “judge of the labor camp(?).”). The heralds (*whmww*), local administrators, were also involved in juridical action; they seem to have collaborated closely with

the bureau of the vizier, sending in their cases for directives (Stèle Juridique, leather scroll Berlin P 10470). Philip-Stéphan (2008: 66 - 68) additionally claims a juridical function for the title *jmj-r3 šnt* based on her etymology as “directeur de querelles,” but has to admit to a total lack of evidence for this.

2. Procedure and process of judgment.

Information about procedure is still scarce for the Middle Kingdom. The fragmentary Papyrus UC 32055 contains the evidence of the plaintiff in which he describes an earlier transaction of his deceased father, either a sale or a loan against security. The father seems to have fallen ill or even died without ever receiving the price/loan, so the son now charges the other party in his stead. Beginning and end are lost, therefore it is impossible to decide whether the text is a writ (thus proving that written claims were used) or part of a protocol of proceedings.

Unfortunately, the only two completely preserved sources for a court procedure could possibly be exceptional, since both ended not with a judgment but with a settlement between the parties; it is also possible that in both cases the procedure was notarial rather than juridical. The Stèle Juridique tells the whole involved history of a proceeding that resulted in drawing up an *jmjt-pr* document about the position and income of the mayor of Elkab from one brother to another as compensation for a loan or deposit that could not be paid back. The documents presented in court are copied as well as those that resulted from the proceeding.

The leather scroll Berlin P 10470 also concerns a transfer, namely of a slave woman from her former owners to the city of Elephantine. Even if these two documents concern notarial procedure disguised as law suits, the fact that both parties (or their representatives) had to be present, that the “plaintiff” started by stating his claims to which the “defendant” responded, and that the judges then viewed the relevant documents and questioned both parties resemble Old Kingdom procedure and can therefore be considered as basic elements of trials.

3. Terminology.

A number of juridical terms are preserved in the Stèle Juridique and the leather scroll Berlin P 10470, some even in both. *Spr* is still the common word for “to file a complaint.” *Rdj m hr*, “to put before someone,” is used for the action of presenting the plaintiff’s evidence to the defendant, who may acknowledge (*shnn*) the facts. *Wšd* means “to interrogate” by the judges. The parties’ consent is expressed by *hrw*, “to be content,” the taking of an oath by *rk*, “to swear.”

New Kingdom and Third Intermediate Period

1. Composition of courts.

After the Middle Kingdom, the term *mḥ3yt*, although still attested in religious (BD 115 and 125) and literary texts (Admonitions of Ipuwer, 6.11; Teachings of Amenemope, 20.18; Contendings of Horus and Seth, 3.9; Dispute between Head and Body, 1), occurs only rarely in documentary texts (Ostrakon Toronto A11, possibly a scribal exercise); it may be considered archaic and therefore somewhat highbrow by that period. In the New Kingdom, two levels of jurisdiction can be clearly distinguished. The great courts (*knbt ʿ3t* or *knbt wrt*), presided over by the vizier(s), were situated in the capitals Memphis and Thebes and, at least during some periods, at Heliopolis (cf. *Decree of Horemheb*, Inscription of Mes, Papyrus Turin 2021 + Papyrus Genf D 409). Their members were high court officials usually selected by the vizier and occasionally by the king; the king sometimes was even present himself and gave judgment (Papyrus Genf D 191). The great courts were concerned with litigation about land (cf. Inscription of Mes and *Instruction for the Vizier* R 18 - 19), law suits involving officials (van den Boorn 1988: 315 - 317), and trials for crimes which demanded heavy corporeal punishments, i.e., mutilation or death penalty (Ostrakon BM 65930, Ostrakon IFAO 1277). Even direct pleas to the king during public ceremonies seem to have been possible (Ostrakon Ashm. Mus. 1945.37 + 1945.33 + Ostrakon Michaelides 90).

On a regional level, small *knbwt* composed of at least three local dignitaries—according to the *Decree of Horemheb* D Z.6 - 7, from among the prophets

(*ḥmw-ntr*), priests (*wḥw*), and mayors (*ḥṯjw-ḥ*)—adjudged cases of theft, property damage, overdue loans and payments, personal injury, and rape/sexual intercourse with married women. We are best informed about local jurisdiction at Deir el-Medina, but unfortunately, due to the exceptional character of this village, it is impossible to use this evidence generally. In trials for perjury, lèse-majesté, murder or similar, the local courts only decided on whether the crime actually had been committed by the accused but then had to transfer the case to the vizier (i.e., the great *knbt*). Perhaps a system like the one assumed for the Middle Kingdom according to which local courts had to refer their cases to the bureau of the vizier in order to receive information about the applicable laws was still in use at the beginning of the New Kingdom (*Instruction for the Vizier*, R 25 - 26). On the other hand, the great courts could delegate on-site investigations and the enforcement of their decisions to the local court. Very small villages might have been served by mobile courts (Bedell 1979: 8).

Neither the great nor the local courts were permanent institutions; they assembled for court sessions only. A selection of judges for each session of each local court by the vizier seems improbable; therefore a procedure like the drawing of lots among the potential candidates is likely. At least the court of Deir el-Medina had a bailiff (*šmsw n knbt*), who executed orders by the judges (Ostrakon IFAO 1277), as well as a scribe, who recorded the proceedings and might have been responsible for putting down the judgment in the proper legal phrasing. Since Deir el-Medina was under direct supervision of the vizier, the scribe could possibly also have acted as a representative of the bureau of the vizier (Allam 1991: 112). As in the Old Kingdom and Middle Kingdom, courts of the New Kingdom also fulfilled notarial duties like authenticating documents (cf. Papyrus Ashmol. Mus. 1945.97) and continued to convene (at least occasionally) in the gateways of official buildings, cf. Papyrus Berlin P 3047 Z. 3 - 4 (Quaegebeur 1993: 201 - 220; cf. also van den Boorn 1985: 1 - 25). In the Third Intermediate Period, court might also have been held at the *ḥ3 n shw*, “bureau of documents,” perhaps a record office where legal

documents were filed (Papyrus Louvre E 3228d, stela Cairo JE 66285).

Besides the great and local courts, special committees for the investigation of major crimes like tomb robbery (Papyrus Amherst 6 col. 3.7 - 9) or conspiracy against the king (Papyrus Turin 1875, Papyrus Lee, Papyrus Rollin, cf. Vernus 1993: 141 - 157) could be set up.

In the course of the expansion of personal piety in the 19th and 20th Dynasties, oracles of various gods were addressed in order to judge legal affairs (usually of the same categories as those brought before local courts), for the procedure, see below *New Kingdom and 2nd Intermediate Period*, under “3. Oracular procedures.”

Some changes seem to have occurred during the Third Intermediate Period, although due to the small number of sources it is difficult to assess them. Allam (1991: 119) assumes that the courts were restructured from all-purpose administrative bodies to strictly juridical committees with quasi-professional judges.

During the 25th Dynasty, the role of the vizier as president of the great court(s) seems, at least in part, to be taken over by another official with the archaizing title *ḥrj sh n tm3*, “chief scribe of the mat/cadastre(?)” (cf. the *ḥrj tm3* and *sh tm3* of the Middle Kingdom). Other ancient juridical titles were also revived, e.g., *smsw ḥ3yt*, “elder of the portal” (Meeks 1979: 648, n. 195), and *wr md Šmꜥw*, “greatest of the 10 of Upper Egypt” (Vernus 1973 - 1977: 216 - 218, 222).

2. Procedure, terminology, and process of judgment.

Some regulations for legal procedures before the vizier are preserved in the *Instructions for the Vizier*: both parties had to be heard (R 2 - 3). Decisions about fields in the vicinity of Thebes had to be made within three days, about those in other regions within two months (R 18 - 19). If a law existed for a certain case, the vizier had to judge accordingly and not use his own discretion (R 19 - 20).

Law courts became active on application of a plaintiff. There was no institutionalized public

prosecution, although officials were under oath to report illegal actions they witnessed (Baer 1964: 179 - 180; McDowell 1990: 202 - 208). Although some scholars assume that plaintiffs had to address an official in order to try for an extrajudicial settlement before going to court (e.g., Seidl 1951: 35), there is no evidence for this. The great courts probably had to be approached through a petition to the vizier or the king himself.

A large number of ostraca from Deir el-Medina contain notes, sketches, or drafts for transcripts of court proceedings, but few of them are complete. Often only the date, names of the parties and the judges, and the judgment are mentioned, while the statements of plaintiff and defendant are missing. However, since the status of Deir el-Medina was not comparable to that of other villages of this size, caution should be used in assuming this evidence as typical (for specialized studies on the legal system of Deir el-Medina, see Allam 1973a and McDowell 1990; additional information on proceedings can be derived from papyri: Papyrus Cairo CG 65739, Papyrus Munich 809, Papyrus Berlin P 3047, Papyrus Berlin P 9785, Papyrus Ermitage 5597, Ostrakon Cairo CG 25556, and the Inscription of Mes).

At least in some cases, plaintiffs handed in a written claim (cf. Papyrus Turin 188, Papyrus BM 10055), but viva voce complaints may have been possible as well before the local courts (cf. Papyrus DeM 27). New Kingdom juridical terminology stresses the oral element, cf. *mdw hr/m*, “to litigate” lit. “to speak about something” (Ostrakon Florence 2620), and *šm r mdwt hnʿ*, “to go to court with someone” lit. “to go in order to talk with someone” (*Instruction for the Vizier* R 27). From the 25th Dynasty onwards, “to litigate with (someone)” is expressed as *jrj knbt jrm* (Papyrus Louvre E 3228c) or *dd knbt jrm*, lit. “to make/talk court with,” which remains the standard phrasing in Demotic texts. Plaintiff and defendant had to be present before the court. The plaintiff commenced with his presentation of the case (*smj*, “to complain, to plead”: cf. Ostrakon DeM 672, Papyrus Berlin P 3047 l. 7), sometimes he presented documents (*mtrww*, “witness documents”) to substantiate his claim (Ward 1981: 366). Then the defendant gave his statement. If necessary, the judges posed

questions to the parties (*šnj*, “to interrogate,” *smtr*, “to investigate,” *šsp r3*, “to take evidence”), viewed the documents, interrogated witnesses, sent agents off to investigate (Ostrakon BM 65930), or even went to visit the location themselves (Papyrus Berlin P 10496, Papyrus BM 10221 col. 7.11). Statements of both parties and witnesses had to be sworn to, only rarely witnesses were sworn in before they gave evidence (Papyrus Cairo CG 65739; Inscription of Mes, N 21 and 27; Papyrus BM 10052 passim). During the tomb robbery trials, witnesses and defendants were also beaten (*smtr m knkn/m bdn*, “to investigate by beating/with a stick”; cf. Bedell 1979: 82 - 142; Boochs 1989: 22 - 23; Müller-Wollermann 2004: 209 - 216, 267; and Peet 1930: 20 - 21). The judges then decided (*wpj*, “to judge, to decide”) and judgment was given in the standard formula *m3ʿty X ʿds Y*, “X is right, Y is wrong.” The setting free of acquitted defendants (called *wʿb*, “pure”) in criminal proceedings was phrased as *rdjt t3w*, lit. “to give breath” (Papyrus BM 10052 col. 16.17; Donker van Heel and Haring 2003: 162 - 178; McDowell 1990: 13 - 39).

The protocols also might contain how the judgment was to be effected: punishment by beating was sometimes administered without delay (Papyrus Munich 809 col. 2.4). Sometimes the one who lost the case had to take an oath on the king or a god (*ʿnh n nb*, “oath of the lord”) drafted by the court to comply with their judgment by paying his debts, not repeating his illegal actions, or never acting against the judgment. These oaths usually included the punishment applicable in case of noncompliance. The prephrasing of oaths is shown by the later procedural parallels, see below *Late Period*, 2. Procedure and process of judgment (cf. also Boochs 1986: col. 70, n. 5). It is highly unlikely that the judgments should not have been effective without these oaths, as Seidl (1951: 38) assumes; they merely put more pressure on the culprit by making him realize the possible effects of his recalcitrance in public. The sometimes drastic punishments—which, although threatened by the local court, could not be executed except by vizierial or royal decision (see above)—did not always deter the condemned from repeating their crimes (cf. Papyrus DeM 27).

3. Oracular proceedings.

Oracle proceedings used the same system as other oracles: the answer of the god was derived from the movements his cult statue made during a festive procession. A forward motion, called *hnn*, “nodding,” was considered as affirmative answer, a backward motion, called *nʿj n ḥz=f*, “receding,” as negative (Černý 1931: 491 - 496). Oracular proceedings are best attested from Deir el-Medina (McDowell 1990: 107 - 141; Römer 1994: 287 - 301).

The procedure for oracular trials resembled normal procedure inasmuch as the plaintiff gave his statement, sometimes probably in writing, including the presentation of documents. Oracles were approached for mainly the same types of suits as local courts. But the presence of the defendant seems not to have been necessary, especially since oracular procedures were quite common in cases of theft when the culprit was unknown. Three basic methods to address the god can be distinguished: 1. oral yes/no questions like “Is A’s claim correct?” or “Is B the culprit?” which the god answered with “yes” or “no” movements; 2. orally presented lists of possibilities (e.g., of possible thieves or prices for disputed goods) during the reading of which the god gave his assent at a certain point; 3. double written statements (positive and negative versions of a statement or the statements of plaintiff and defendant) between which the god chose, possibly by moving towards one of them. Like normal court sessions, oracle sessions were recorded. In the transcripts, the participants and onlookers were put down as witnesses for the judgment. The movement was usually translated directly into the standard judgment formula (see above), e.g., “X is right, Y is wrong.” The condemned was able to appeal at another god’s oracle (cf. Papyrus BM 10335). It remains unclear whether oracular trials took place on days when there were religious processions anyway or whether special processions had to be arranged for them: the fact that in Deir el-Medina most oracle trials are dated to the 10th, 20th, and 30th day of the month when the workers had their day off cuts both ways.

During the 21st and 22nd Dynasties, when Amun became nominally head of the Upper Egyptian state, oracles also took over the notarial functions

of courts, i.e., the authentication of documents (stela Cairo JE 31882, stela Cairo JE 36159).

Late Period (Dynasties 26 - 31)

1. Composition of courts.

It seems likely that the two levels of jurisdiction—centralized great courts at the capitals versus small local courts in towns and perhaps even villages—either survived into the 26th Dynasty or were resurrected. The revival of judicial titles reminiscent of the Old Kingdom and Middle Kingdom, e.g., *jmj-r3-sh-hnty-wr*, “chief scribe of the great prison” (cf. *sh hnt wrt*: Ward 1982: 163, no. 1412) and *jmj-r3-sh(w)-ḏ3ḏ3t-wrt*, “chief (of) scribe(s) of the great court” (cf. *sh n ḏ3ḏ3t ʿ3t*: Ward 1982: 167, no. 1454), extended into the 26th and in some cases even the 30th Dynasty (Guermeur 2009: 178 - 179). The Saite kings as judges are mentioned in Papyrus Rylands 9 col. 11.19 and col. 15.8—in the last instance, Psammetichus II would have held court if he had not become ill. A court presided by the vizier occurs in col. 15.9.

The term *knbt*, “court,” is used only in cursive hieratic documents while Demotic ones employ *n3 wptjw*, “the judges.” Not much is known about the background of the judges, but it may be assumed that, as in the New Kingdom, they consisted mainly of local officials, and, as in the Ptolemaic Period, especially of priests.

During the Persian Period, the *satrap* (provincial governor) residing in Memphis gave judgment as well as local administrators (Persian *frataraka*, Aramaic *ptrk*) and, for the soldiers, the chief of their garrison. Councils of judges are also mentioned in Aramaic documents from the 27th Dynasty, but their composition remains unknown (Bresciani 1958: 155 - 156; Yaron 1961: 27): perhaps the *dyny mlk*’, “judges of the king,” were the successors of the great courts while the *dyny mdnt*’, “judges of the province,” those of the local courts. Papyrus Rylands 9 recounts court sessions by several local officials (col. 19.21 - 20.19) as well as the *snty* (col. 3.4; for the last, cf. Vittmann 1998: 296 - 298).

2. Procedure and process of judgment.

There are hardly any sources for court proceedings during the Late Period. The proceedings in Papyrus Rylands 9 (see above) are described in a very general way. No transcripts of trials before small local courts survive from that era. However, some information about the rules of procedure can be gained from the law collection compiled under Darius I (cf. Papyrus Bibl.nat. 215 vso col. c.6 - 16), which gives detailed instructions for the handling of different cases by the judges, e.g., in which order the parties have to give evidence, who has to prove his claims and how, who is to be questioned and about what, which party has to take an oath, etc. (Codex Hermopolis, Zivilprozeßordnung).

3. Oracular proceedings.

The evidence for oracular proceedings in the Late Period is sparse and indirect. A lavishly illustrated transcript of an oracular proceeding of the 26th Dynasty with an exceptionally large number of witness copies (Papyrus Brooklyn 47.218.3) concerns the transfer of a priest from one priesthood to another and is therefore more administrative than judicial in nature. Herodotos II, 174 reports that king Amasis of the 26th Dynasty had repeatedly been acquitted from quite legitimate accusations of theft in his youth by the oracles of some gods but condemned by others, with the effect that, as king, he esteemed only the latter and did not take the first seriously any more. There is no evidence for real oracular proceedings after the 26th Dynasty—what Seidl (1966: 59 - 65, esp. 62) supposes to be writs in an oracular trial are letters to gods containing prayers for protection against injustice (e.g., Papyrus OIC 19422, Papyrus Cairo CG 31045, and Papyrus Cairo CG 50072). Although oracle questions with legal content, usually concerning cases of fraud or theft with unknown perpetrator, are still to be found in the Roman Period and, in Christianized form, continue into the seventh century CE, these are no longer part of a proper trial.

Ptolemaic Period

1. Composition of courts.

The Ptolemaic king was the highest judicial authority but limited his personal performance to legal matters of state importance (Seidl 1962: 73 - 74; Taubenschlag 1955: 479 - 480; Wolff 1962: 5 - 6). Although petitions to initiate a law suit were formally addressed to the king, they actually were attended to by the *dioiketes* (minister of finance) or the *strategos* (governor) of the nome (Seidl 1962: 74, 79; Wolff 1962: 10).

At the beginning of the Ptolemaic Period, the Greek *poleis* in Egypt seem to have had their own juridical systems; in the case of Alexandria, it was based on the Athenian legal constitution, including *dikastêria* (courts), *kritêria* (arbitration boards), and *diatêtai* (arbiters) (cf. Papyrus Hal. 1 l. 26, and Seidl 1962: 69). The Greek population in the rural areas turned to *dikastêria* of frequently ten judges (*dikastai*) in the larger settlements.

For the native Egyptians, the local courts of judges (*nꜥ wptjw*) continued to exist and were known by the Greek as *laokritai*, “judges of the (native) people.” They consisted of three judges, usually priests of the local main god, who had obtained a legal education in the temple and based their judgments on the Egyptian law code collected under Darius I and sanctioned by Ptolemy II as *nomoi tês chôras*, “law of the land” (Lippert 2004: 175, and also 2012). Since only very few transcripts of court proceedings before the *laokritai* survive, our main source for the scope of their jurisdiction are the temple oaths (see below). They concern cases of divorce, inheritance, sale, loan, securities, guaranties, lease, work contracts, fraud, theft, but rarely also damage to property and assault (Kaplony-Heckel 1963), thus showing that the competence of the *laokritai* was limited to civil cases and minor criminal ones by the Ptolemaic Period.

For litigation between Egyptians and Greeks, a “common court” (*koinodikion*), probably composed of Egyptian and Greek judges, existed in the third century, later such cases were adjudged by the *epistatês*, a nome official (Papyrus Tor.Choach. 11, Papyrus Tor.Choach. 11bis, Papyrus Tor.Choach. 12).

Ptolemy II is most likely to be credited with integrating the two parallel systems into a state-approved (and, to a certain degree, state-controlled) comprehensive judicial system (Wolff 1962: 56 - 58). To initiate a law suit, the plaintiff had to write a petition (*enteuxxis*)—nominally to the king, but in fact to the *strategos* of the nome who, after a short investigation, decided which court was to be approached. A Greek official, the *eisagogeus*, was assigned to the Greek as well as the Egyptian local courts; he introduced the cases, was responsible for the summoning of the defendant, supervised the suitability of documents as evidence (only if they contained a tax receipt and were properly recorded), issued the court orders, and had them executed (Seidl 1962: 77). At least for the *dikastêria*, he also selected the judges (probably by drawing lots) from a list of candidates, possibly local honoraries (Wolff 1962: 31 - 32, 39 - 44).

Ptolemy II also introduced a new court system, the *chrématistai*, who were initially sent out into the countryside on special orders to judge particular cases and later constituted permanent courts situated in the larger towns of the nomes. The *chrématistai* consisted of three judges, selected by the *archidikastês* (the highest judicial official) probably from the Alexandrian upper class, appointed by the king and supervised by the *dioiketes* (Seidl 1962: 75 - 76; Wolff 1962: 75). An *eisagogeus*, a scribe (*grammateus*), and a bailiff (*hyperêtês*) accompanied them. The judges had a comparatively short term of office, probably only two years (Wolff 1962: 68). In the second century BCE, the *chrématistai* completely took over the role of the *dikastêria* as courts for the Greek population and later even diminished the importance of the *laokritai* because even Egyptians chose to bring their cases before them instead of their native courts (cf. Papyrus Tor.Choach. 8). The advantage consisted in the fact that the *chrématistai* could be applied to either through *enteuxxis* or directly (Hellebrand 1934: 115 - 116, 122; Wolff 1962: 73.), and that there was no appeal against their judgments (Ostrakon Bodl. I 277). The disadvantage for Egyptians was that Egyptian documents had to be translated into Greek before they could be used as evidence and that the Greek judges had no profound knowledge of the Egyptian law.

Until 118 BCE, the case was presented to a Greek or an Egyptian court according to the nationality of the parties. Afterwards, the language of the document on which the case was based decided whether Greek or Egyptian law was to be applied and therefore whether it fell under the jurisdiction of *chrématistai* or *laokritai* (Papyrus Tebt. I 5 l. 207 - 220).

In addition to these boards of judges, high district officials like the nomarch, the *strategos*, and the *epistatês* (cf. Papyrus Strasbourg WG 18) had a certain judicial power by themselves. From about the middle of the third century BCE, the nomarch was obliged to call in the *strategos* at least for cases concerning lease and sale (Papyrus Petr. III 26 l. 1 - 3; cf. also Seidl 1962: 72, 78). Suits concerning taxes were administered by financial officials instead of normal courts. For soldiers, their commander or, if they were outside of their garrison, the chief of the Alexandrian police (*ho epi tês poleôs*) acted as judge. Cult associations required their members to apply for the association's decisions and to refrain from suing each other before public courts (Papyrus Lille 29 l. 23, Papyrus Cairo CG 30606 l. 18).

The Greek courts and officials acting as judges had no comprehensive law code but based their judgments primarily on royal prescriptions (*diagrammata*), if these did not exist for the case, on the laws of the particular town (*politikoi nomoi*) or, if these did not apply either, on their personal sense of justice (cf. the *diagramma* cited in Papyrus Gurob 2). Despite this obviously very complicated situation, neither the judges of the *dikastêria*, the *chrématistai*, nor the officials with judicial authority were obliged to receive proper legal training.

2. Procedure and process of judgment.

Procedure varied according to the judicial organ. Before the Egyptian judges, the procedure began with the plaintiff handing in a written plea (*hrw*), which was also delivered to the defendant who wrote his response to it. To this, the plaintiff commented again in writing, and finally the defendant gave his view to the second statement as well. A full set of four writs is preserved in Papyrus BM 10591 rto. After the writs were completed and had been handed to the court, the judges summoned both parties and questioned them. No

evidence that was not in the original writs was accepted, and no documents that were issued after the trial had started could be used as evidence (Papyrus Berlin P 23757 rto F 1.2 - 5). If documents were presented in court, their authenticity had to be proved by hearing the signatories or their children as witnesses (Papyrus Berlin P 23757 rto A col. 2.7 - 15) and, after the introduction of the registration in a notary archive, also through the records (Papyrus Tor.Choach. 12 col. 4.11 - 15). No lawyers seem to have been present: the parties presented their cases themselves, although sometimes obviously after having taken legal council; women could ask a man to speak for them (Papyrus BM 10591 rto col. 6.11 - 12). A prohibition of lawyers before the Egyptian court as stated by Diodorus I, 76 is therefore possible, but not verifiable. The judges were well trained in the Egyptian legal code and cited the applicable laws in their judgments (cf. Papyrus Cologne 7676). As can be seen in the so-called Siut trial (Papyrus BM 10591 rto), they did not let themselves be hoodwinked by parties who tried to conceal a law to their disadvantage by putting forward another, more favorable one that in reality did not fit the facts. The judgment was quite often given conditionally, dependent on whether one of the parties did or did not take the oath that the judges had imposed on him, as evidenced by temple oath texts including the possible judgment in both cases (Kaplony-Heckel 1963: passim).

Before the Greek courts and officials, lawyers (*sunēgoroi* or *sunkatastai*) were quite common (cf. Papyrus Tor.Choach. 12). They were controlled by the state and a tax (*sunēgorikon*) had to be paid for them. Only in cases of fiscal interest, lawyers were forbidden by a decree of 259 BCE (cf. Papyrus Amh. II 33, l. 28 - 37). Contrary to the Egyptian procedure in which the main evidence of the parties was given in writing, the Greek procedure was dominated by the oral pleas of the parties, respectively their lawyers. As in the Egyptian court, legal documents were the most important evidence, followed by entries in official land registers and oaths of the parties and witnesses.

Roman Period

1. Composition of courts.

Although the term *laokritai* is not attested after the end of the second century BCE, Egyptian courts might still have existed during the first century of Roman rule. This is indicated by the existence of transcripts of Demotic temple oaths from that period—such oaths are never attested in connection with suits before the *chrēmatistai*—and although courts of cultic and other associations used temple oaths as well, the number and scope of the surviving examples make it unlikely that all of them should derive from procedures before these courts. The *chrēmatistai* last appear in the second century CE (BGU IV 1038, BGU XV 2472), but their duties seem to have changed by then (Calabi 1952: 419 - 420).

The main judicial authority in Roman Egypt was the *praefectus Aegypti* as deputy of the emperor. He held court on his annual convents (*dialogismoi*) in selected towns of the country. Since the prefect was usually not a jurist, he had legal advisors probably from Rome. However, the prefect usually only took on criminal cases and others of higher importance, e.g., concerning fiscal matters or liturgies, while minor cases without state interest were delegated to subaltern officials. The *irridicus Alexandreae* (*dikaiodotēs*) was responsible for inheritance and bankruptcy as well as voluntary jurisdiction (Kupiszewski 1953 - 1954: 187 - 204). Cases concerning state finances or temples and priests were managed by the official responsible for the *idios logos* (special exchequer) and later by the *dioiketes*. Other officials like the *epistrategos* and the nome *strategos* could also be charged with judicial functions and thus became *indices pedanei*, i.e., delegate judges, rendered in Greek papyri as *dikastai* or *kritai* (Rupprecht 1994: 144; Seidl 1973: 100 - 105, 110).

2. Procedure and process of judgment.

To initiate a law suit, the plaintiff had to write a petition to the prefect including his statement (Rupprecht 1994: 144 - 147; Seidl 1973: 93 - 128). If the prefect decided to hear the case himself, it was put on the agenda of the next convent, if not, it was delegated to another official. The defendant was

informed about the plaintiff's claim; if the plaintiff did this himself, he needed witnesses, but the notification could also be given by the judicial organ. Both parties then received a summons and had to give a sworn declaration about their appearance at the hearing. If the defendant did not appear for the third appointment at the convent, judgment in absence was given in favor of the plaintiff. If both parties were present, the law suit started with the plaintiff stating his claim and then the defendant replying. Parties often relied on lawyers to present their cases. They or their lawyers were also responsible for collecting and presenting the applicable laws, including Greek and Egyptian ones, the latter in Greek translation, decrees of Ptolemaic kings or Roman prefects, the opinion of legal experts (*nomikoi*), and precedents excerpted from the court journals of the prefects (*upomnēmatismoi*), cf. Papyrus Oxy. II 237 col. 8.2 - 7 (Anagnostou-Canas 2004: 47; Seidl 1962: 85).

Depending on the case, the taking of evidence followed, including the reading of legal documents, which could also be copied into the transcripts; Demotic documents had to be translated into Greek (Schentuleit 2001: 127). In an edict of 138 CE, the prefect ordered that the authenticity of documents presented as evidence had to be contested immediately in order to be considered (Papyrus Oxy. II 237 col. 8.13). Declarations of witnesses probably had to be in the shape of an affidavit deposited beforehand since there are no references to oral testimonies. Evidence could include expert opinions, especially for medical conditions (Papyrus Oslo III 95). The parties were not normally put under oath by Roman officials, and a conditional judgment dependent on an oath is attested only once—perhaps influenced by Egyptian practice (Papyrus Oxy. I 37 col. 2.4). Personal investigation by the Roman judges is rarely attested. The prefect could also cut short the proceedings before the parties appeared in court as in Papyrus Oxy. II 237 when he dismissed the complaint after having the defendant's evidence checked by the local *strategos*. Another shortcut, which made judgment unnecessary, was the confession of the defendant.

The transcript of the proceedings contained the date, the name of the judge, the important steps of the process, and the judgment and was entered into

the journal of the official. If a case was not decided by the prefect on the convent, the judgment was announced later on public display both in Alexandria and the home town of the plaintiff.

Roman officials acting as judges were not bound by either Greek or Egyptian law and, because Roman law at that period was not very comprehensive, quite often judged by their own discretion. Although Egyptian laws were sometimes cited by the lawyers of the parties (see above), Egyptian legislation seems to have been followed only if this was profitable for the state, but completely ignored if not. The most striking example for this is the so-called trial of Nestnephis, in which the official of the *idios logos* convicted the Egyptian defendant of appropriation of ownerless land although he possessed a valid Demotic sales document and the vendor declared under oath that he had inherited the land from his father. The completely innocent defendant, who had been slandered by a colleague, was fined 500 drachmas (Schentuleit 2007: 103 - 107; Swarney 1970: 41 - 49).

Theoretically it was possible to appeal against a judgment of the prefect, although this would have involved sending to the emperor himself at Rome. Appeal was impossible if the party already had acknowledged the judgment by his reactions.

The Account of Diodorus Siculus

Diodorus Siculus, who visited Egypt around 50 BCE, also described the Egyptian judicial system (I, 75.3 - 4), but his account most likely derived from the (almost completely lost) *Aegyptiaca* of Hecataeus of Abdera, a contemporary of Alexander the Great and Ptolemy I. He depicts a single central court with thirty judges (ten each from Memphis, Heliopolis, and Thebes), presided by a high judge who wore a piece of jewelry (*agalma*) called Truth (*Alētheia*) made from a blue gemstone (*sappheirou lithon*) around his neck and had the laws of Egypt on eight scrolls before him.

It is impossible to reconcile this picture with the early Ptolemaic, let alone late Ptolemaic judicial system; we have no evidence for a central court of native Egyptian judges at that time, and Diodorus' account lacks the local courts for which there is evidence. But the individual elements recall earlier

conditions: the thirty judges resemble the *mꜥbꜣyt* of the Middle Kingdom (see above *Middle Kingdom and 2nd Intermediate Period*: 1. Composition of courts), the three cities of origin of the judges correspond with the three sites of the great *knbt* courts of the New Kingdom, which might have survived into or been revived in the Late Period. The pendant of Truth (i.e., the goddess Maat) is well attested on statues from Dynasty 26 onwards, and even original pendants of lapis lazuli have been discovered; Maat is called “who is on the neck of the (chief) judge (*sꜣb* or *tꜣtytꜣ sꜣb*)” in temple inscriptions of the Ptolemaic Period (Grdseloff 1940: 187 - 207; Möller 1920: 67 - 68). The Maat pendant (*tꜣs dikaṣunꜣs*

parasēmon, “emblem of Justice”) is still mentioned as ensign of the chief judge in BGU V 1210 (l. 194), the so-called *Gnomon of the Idios Logos*, a Roman collection of instructions for the administration of Egypt, which incorporated among other things a number of earlier Egyptian priestly regulations—although not from any Roman interest in the proper execution of Egyptian cult but for the sake of collecting the fines in case of nonobservance. All in all, it seems that either Hecataeus or Diodorus assembled chronologically disparate and incomplete bits and pieces to make up an ostensibly consistent account of the Egyptian legal system.

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For the Old Kingdom courts, cf. Martin-Pardey (1994: 157 - 167), for law courts of the Old Kingdom and Middle Kingdom, cf. Philip-Stéphan (2008), but caution is advised in following her conclusions, often based on quite tenuous evidence or fanciful etymologies, cf. the reviews by Vittmann (2010) and Lippert (fc.). The *knbt* courts of the Old Kingdom, Middle Kingdom, and New Kingdom are treated by Allam (1995: 11 - 69). An overview is given by Jasnow (2003a: 105 - 112, 2003b: 264 - 269, 2003c: 302 - 315, 2003d: 791 - 795), Manning (2003: 828 - 832), as well as Lippert (2008: 28 - 31, 44 - 46, 77 - 84, 179 - 189).

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- Papyrus Strasbourg WG 18
133 BCE Gradenwitz, Preisigke, and Spiegelberg (1912: 49 - 57, pl. 4)
- Papyrus Tebt. I 5
118 BCE Edgar and Hunt (1934: 58 - 75, no. 210), Grenfell, et al. (1902: 17 - 58, no. 5, pl. 3), Jördens (2005: 377 - 382), Pestman (1985: 265 - 269)
- Papyrus Tor.Choach. 8
126 BCE Pestman (1992: 89 - 99, no. 8, pl. 22)

- Papyrus Tor.Choach. 11
119 BCE Pestman (1992: 130 - 139, no. 11, pls. 29 - 30)
- Papyrus Tor.Choach. 11bis
119 BCE Pestman (1992: 141 - 154, no. 11bis, pls. 31 - 33)
- Papyrus Tor.Choach. 12
117 BCE Mitteis (1912: 28 - 39, no. 31), Pestman (1992: 155 - 197, no. 12, pl. 34)
- Papyrus Turin 1875 (Papyrus Turin judiciaire)
20th Dyn. de Buck (1937: 152 - 164), Kitchen (1983a: 350 - 360, no. 148), Koenig (2001: 293 - 302), Vernus (1993: 142 - 149)
- Papyrus Turin 1887
20th Dyn. Gardiner (1948: 73 - 82), Peet (1924: 120 - 127), Pleyte and Rossi (1869 - 1876: pls. 51 - 60), Vittmann (1996: 45 - 56, A5)
- Papyrus Turin 2021 + Papyrus Geneva D 409
20th Dyn. Allam (1973b: 320 - 327, no. 280, pls. 112 - 119), Černý and Peet (1927: 30 - 39, pls. 13 - 15 [only pTurin 2021]), Kitchen (1983b: 738 - 742, § 20)
- Papyrus UC 32055 (Papyrus Kahun II.1)
12th Dyn. Collier and Quirke (2004: 102 - 103), Ganley (2003: 37 - 40, 43, fig. 3), Griffith (1898: 36 - 38, pl. 13), Logan (2000: 59 - 60), Ray (1973: 222 - 223)
- Stèle juridique (Cairo JE 52453)
17th Dyn. Ganley (2004: 57 - 67), Lacau (1949), Seidl (1952: 47 - 56), Théodoridès (1957: 33 - 52)
- Stela Cairo JE 31882
22nd Dyn. Erman (1897: 19 - 24), Jansen-Winkeln (1992: 254 - 259), Legrain (1897: 12 - 16), Menu (1998a: 183 - 207)
- Stela Cairo JE 36159
22nd Dyn. Kuhlmann (1992: 367 - 372, pl. 22)
- Stela Cairo JE 66285
Blackman (1941: 83 - 95), Jansen-Winkeln (2007: 159 - 162, no. 7)
- Teachings of Amenemope (Papyrus BM 10474)
20th Dyn. Budge (1923: pls. 1 - 14), Burkhard and Thissen (2009: 108 - 123), Laisney (2007)
- Tomb of Ankhtifi
9th/10th Dyn. Breyer (2005: 187 - 196), Schenkel (1965: 45 - 57), Vandier (1950: 1 - 264)
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9th/10th Dyn. Brunner (1937: 42 - 51), Schenkel (1965: 74 - 82)

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