THE OSTRACON

EGYPTIAN STUDY SOCIETY

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YUYA & TUYA

From the Valley of the Kings
to the Cairo Museum
by David Pepper
photographs by Jill Taylor

About the Author

David Pepper is a founding member of the ESS, and a former editor of the Ostracon. He is the current president of The Amarna Research Foundation board of trustees, and lectures widely on ancient Egyptian topics.

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In analyzing the impact of the Amarna Period, many modern writers focus on its decline. We are told that after Akhenaten had died, his advisor, Aye, steered the young boy-king, Tutankhamen, away from the teachings of Aten's priests, and back towards the worship of the god Amun. To the tune of "gimmie that old time religion," the young king is seen abandoning the capital city of Akhetaten, moving back to Waset (Thebes), changing his name to Tutankhamun, and ending the "age of enlightenment" of the Aten. These writers consider Amarna an experience gone wrong, at best.

Some scholars, on the other hand, see the Amarna Period as a renaissance of new ideas and new art forms. They look to earlier regimes for the origins of the worship of the Aten, citing evidence of this religion during the reign of Akhenaten's father, Amenhotep III, and even much earlier. These analysts see the Amarna age as a righteous rebellion against the powerful priesthood and bureaucracy of Amun.

Still others look for a foreign element at pharaoh's court, proposing that Akhenaten's grandfather, Yuya, was influential in this regard. They see the worship of the Aten as a symbol of Egypt's acceptance of cosmopolitan ideas and the religions of her colonies.

Which one is right? Is it the latter, and if so, who was this Yuya? What is known about him? Was he really a foreigner? Is there any evidence that he worshiped the Aten? Did he influence Akhenaten's beliefs? Was he really the instigator of the Amarna Period?

To answer these questions, we must start with the discovery of Yuya's tomb in 1905.

In 1902, the American millionaire Theodore M. Davis of Newport, Rhode Island, was convinced by Howard Carter to fund excavations in the Valley of the Kings. Carter, of course, was to become famous some 20 years later for his discovery of the tomb of King Tutankhamun. Early in 1904, Carter was transferred to lower Egypt, and James E. Quibell was appointed as the new Chief Inspector.

On the 20th of December, 1904, Davis funded Quibell's work for his next season in a small wadi at the entrance to the Valley of the Kings, clearing debris between two tombs that had been known for quite some time: KV3, the tomb of a son of Ramses III, and KV4, which bears the name of Ramses XI.

Early in February, 1905, steps leading downward to a sealed door were found under the debris. Unfortunately, a robber's hole was apparent in the upper 18 inches of both the exterior, and another interior, doorway.

Upon entering the burial chamber, Davis comments:

"[It] was as dark as dark could be, and extremely hot. Our first quest was the name of the owner of the tomb, as to which we had not the slightest notion of. We held up our candles, but they gave so little light and so dazzled our eyes that we could see nothing but the glitter of gold. In an instant or two, however, I made out a very large wooden sarcophagus, known as a funeral sled. It was about six feet high and eight feet long, made of wood covered with bitumen, which was as bright as the day it was put on. Around the upper part of the coffin was a stripe of gold foil, about 6 inches wide, and covered with hieroglyphs. On calling M. Maspero's attention to it, he immediately handed me his candle, which together with my own I held before my eyes close to the inscription so that he could read them. In an instant he said, "louiya!""

So who was this Yuya? And why were he and his wife Tuya buried in the King's Valley?

Yuya was probably born sometime around the time Amenhotep II was crowned as pharaoh. That is, about 1427 BC. By the time Amenhotep II died, around 1401 BC, Yuya had married a girl with the common Egyptian name of Tuya and at least two children had been born to them, the oldest - a son named Anen, and the youngest - a girl named Tiye.

Yuya's daughter Tiye must have been about 2 years old when Tuthmosis IV came to the throne, and as her parents were important officials, she probably associated with the king's young son, Amenhotep III. After a ten-year rule, Tuthmosis IV
died and his son, Amenhotep III, was still only a boy of 12 years of age. By then, Yuya's daughter Tiye would have been about the same age. The young pharaoh's court at this time would have been under the influence of Tuthmosis IV's widow Mutemweya and her advisors, of which Yuya was certainly one.

In the first year of his reign, the young King Amenhotep III was married to Yuya's daughter, Tiye. So as royal father-in-law it is likely that Yuya had quite a lot of influence on the young king.

Was Yuya a foreigner? Well, the ancient Egyptian scribes seemed to have had a great deal of trouble spelling Yuya's name. Some Egyptologists have suggested this indicates that his name was of foreign origin, and may have been difficult to render into Egyptian. His name is spelled eleven different ways on his funerary equipment from his tomb.

Yuya was buried inside three nested wooden coffins which were set in a sledge-sarcophagus. The sled was just a canopy in the form of a box which had no bottom, and the sarcophagi inside it rested directly on the floor. The completed canopy was too large to be brought into the tomb, and it had to have been assembled in place.

Three nested coffins always signified a member of the highest court officials. Like the sled, the outermost coffin was coated in black pitch banded with gold foil strips and decorated with standing figures of funerary deities. This was a fashion that was popular between the reign of Tuthmosis III and the end of the 18th Dynasty.

Yuya's middle coffin is covered with silver leaf with inscriptions and figures of the gods detailed in gold. When found the silver gilding was still bright, but it blackened within two days upon exposure to external air.

The innermost coffin is entirely covered on the outside in gold leaf with inlays of semi-precious stones and colored glass. Inside, it is covered in silver, incised with inscriptions and reliefs. Like the middle coffin, the inner coffin is decorated on the lid in low relief with figures of Nekhbet, and Nut. This coffin shows signs of alterations in ancient times. Yuya's name may perhaps been too often misspelled, or alternatively, the coffin may have been originally made for a different owner.

Recorded on his coffins and other objects from his tomb are some 40 titles, including Father of the God, Master of the Horse, Deputy of his Majesty in the Chariotry, Hereditary Noble and Count, Ears and Mouth of the king, and others.

Yuya's canopic jars were contained in a lidded wooden box on a sled, which was also coated with black pitch and decorated with gilded bands of inscriptions, plus standing figures of funerary deities, including Isis and Nephthys on the front panel. The canopic jars themselves were made of Calcite (Egyptian Alabaster) with portrait lids. The viscera inside the canopic jars were placed in mumiform wrappings, surmounted by a gilded cartonnage mask.
During the robbery, the bodies had been stripped of much of their mummy cloth, and the scraps thrown down beside each mummy as the jewels and amulets were pulled off. It is probable that many small objects were plundered, since few were found in the burial. A comparison to intact burials of nobles from this period shows that a significant number of objects may have been taken.

The lack of perfume jars and cosmetics probably mean that the tomb was robbed soon after the burial. In tombs known to have been robbed years after the burial, empty perfume jars were cast away when their contents were found to have dried up. Of the vessels in Yuya & Tuya's tomb that were left - two jugs and a large jar - two had their sealed linen coverings ripped off in antiquity to establish what they held, while the lid of the third had been cast off and broken. Lucas determined that one jug had held castor oil, and the other a dark red substance, while the large jar had been filled with natron. To the thieves, these were clearly commodities of little value, and hence were rejected.

These ancient thieves, like their modern counterparts, preferred untraceable items, like recyclable metals such as gold and silver. In Yuya and Tuya's case, a wooden handled sistrum had been stripped of its metal loop and shakers. Noteworthy, too, is the almost total absence of garments and linen.

While it is not known exactly when Yuya and Tuya's tomb was plundered, there is evidence that it may have been entered two or three times. The first time was probably shortly after the interment, evidenced by the lack of perfume oil containers.

The second time was probably several hundred years later during the construction of KV3 for one of the sons of Ramses III. No doubt the whereabouts of KV46 became known to the Ramessid tomb excavators. Quibell published two seal impressions of Ramses III in his catalog of objects from KV46, the tomb of Yuya & Tuya, but it is not known if they were intrusive, or put their deliberately by the priests who tidied up some of the damage in the tomb, and roughly re-blocked the robbers' openings.

A possible third robbery may have occurred during the time of construction of KV4, Ramses XI. The temporary blocking put up by the priests of Ramses III's time was once again removed, and the staff and scarab dropped near the main entrance. Since debris from KV4 then buried the doorway opening, this seems to be the latest possible date of any robbery.

Many valuable items were left behind by the thieves, however.

There are two magnificent coffer chests, raised on four legs, decorated with covetto cornices and the "Life, Stability, and Power" hieroglyphic signs. Both chests have the cartouche of Yuya's son-in-law, Amenhotep III, and one is also inscribed with daughter Queen Tiye's name.

Three wooden chairs were also found among the furniture of Yuya and Tuya. Two are inscribed with the name of their grand-daughter, Sitamun. The smallest chair is that of a child.

This chair has been nick-named the "Ibex" chair, for it has figures of crouching ibex on either side under the arms. The feet of the chair are modeled as lion's paws, as was fashionable at the time, and on the back of the chair are three figures of goddesses standing on gold signs. In the center is the god Bes. On either side are images of the goddess of music, Tauret, in hippopotamus-headed form. This chair was found with a linen seat cushion, filled with down.

Also found was a slightly larger chair of grand-daughter Sitamun's. Like the story of the three bears, someone had been sitting in the chair, probably the young princess Sitamun, as gold was rubbed off and patched again in several places. The seat was originally of plaited string, which had worn through and was replaced by a rectangular board painted yellow.

On the inside back of the middle-sized chair is a scene representing Yuya's daughter, Queen Tiye, and two princesses on a papyrus boat in a marsh. The queen wears a crown of double feathers and a long wig, and she is seated on a chair in the boat, under which a cat sits with its tail erect. The queen is identified by her name in a cartouche with her title "The Great Royal Wife." In front of the queen in the prow of the boat stands the young princess offering her mother a bunch of lotus flowers. She wears a crown of lotus, and her name Sitamun is placed inside a cartouche behind her.

The largest and most elaborate of the chairs has a duplicate
scene showing the princess receiving an offering of a gold necklace. The inscription above the princess says, "the eldest daughter of the king whom he loves, Sitamun." The text above the offering-bearer says, "offering of gold from the lands of the south."

In a corner of the tomb chamber two wooden "Osiris" beds were found - one for each of the tomb's owners. Osiris beds are ceremonial in nature. Grains of barley were sprinkled upon an earth and sand-filled frame outlining a figure of Osiris. This small plantation was carefully watered until the grains germinated and grew to a height of about 8 inches, at which time it was pressed flat by the whole bed being wrapped in a sheet of linen and allowed to dry before it was deposited in the tomb.

In addition to the ritual Osiris beds, three beds intended for people were also found in the tomb. One bedstead had its headboard finished in golden gilt, the second was finished in silver, and the third in painted relief. The headboards of these beds were decorated with various combinations of Bes and Tauret.

Thirteen wooden Ushabti boxes were found in the tomb. They were upright-style boxes, rectangular in shape, with arched lids and painted decoration, mumiform figures, and inscriptions. The boxes contained 14 ushabtis with Yuya's name, and four with Tuya's.

The first ancient Egyptian chariot ever found was in Yuya's tomb. The chariot bears no name, but it probably belonged to Yuya, as one of his titles was "Deputy of his Majesty in the Chariotry." It is in nearly perfect condition: the framework of the body, the wheels, and the pole are intact, and even the leather-work which was stripped from the chariot's sides was found and could be put back in place. It is doubtful if this chariot had ever been used, as its leather tires are hardly scratched.

The funeral papyrus found in Yuya's tomb is a good specimen of the 18th Dynasty Book of the Dead. Now cut up into 34 sheets, the roll measured almost 10 meters, and it contains some 40 chapters, one of which is unknown from any other source. The quality of Yuya's papyrus is in accordance with the high rank of its owner. The copying of papyri must have

A family tree of Yuya's clan. Bold boxes enclose the names of pharaohs.
been a profitable industry in the 18th Dynasty. They were of various lengths, probably in proportion to the price paid for them. They were written beforehand, with blank spaces left in many places, usually at the beginning of the chapters for the name and titles of the deceased. The second copyist then had to insert the owner’s name into the blank spaces of varying length, which show a different hand. In some places there was only room for Yuya’s name, but in others the blank spaces were filled with his name and some of his titles.

As usual, the text begins on the right side, which symbolizes the east, and is written towards the left, or west, which symbolizes man’s march through life.

It is believed that Yuya was the grandfather of Amenhotep IV, who changed his name to Akhenaten, shown here. He was surely the most unique of all the Egyptian pharaohs.

Now how much did Yuya influence his son-in-law and grandson? Did Yuya foster the belief in a single all-powerful god, the Aten? We may never know.

But what we do know is that Yuya’s great-grandson, Tutankhamun, reinstated the old religious beliefs, and once again placed Amun as the most powerful of the Egyptian gods.

During the reign of Tutankhamun’s grandfather, the sun king Amenhotep III, Yuya included among his titles, “the mouth and ears of the King,” that is to say, his agent and advisor.

So why were impressive artifacts given for Yuya and Tuya’s burial?

Was it because Yuya was a confidant of the King?

Was it because Yuya and Tuya were parents of the king’s chief wife, Tiye?

Was it because Yuya and Tuya were grandparents of pharaoh’s daughter Sitamun?

Or, was it because Yuya and Tuya were grandparents of pharaoh’s son, and future king himself, Amenhotep IV?

It was probably for all these reasons that this non-royal couple was allowed to be buried in the final resting place of the gods, the Valley of the Kings.

So next time you are at the Cairo Museum, don’t just rush upstairs and turn right to gaze at Tutankhamun’s treasures, but turn left instead, and take a little time to examine the artifacts from that “other” almost intact tomb - the Tomb of Yuya and Tuya.

NOTES


3. The description of artifacts are from The Tomb of louiya and Touyou, by Theodore M. Davis, Archibald Constable and Co. Ltd., London, 1907, and can also be found in Tomb of Yuya and Thutu, by James E. Quibell, Catalogue Générale des Antiquités Égyptiennes Du Musée Du Caire, Cairo, 1908.


About the Author

Susan V. Nagy is an ESS member, the phone number given for her in the 1998 membership directory is out of service, and that's all the information your editor has been able to discover! Apologies for the lack of information, but thanks to Susan for a very interesting article!

Like the Babylonians and the Sumerians, the Egyptians believed that beer was a gift from the Gods, and treated it with appropriate reverence. They believed that the entire brewing process was overseen by the Gods.

Egyptian physicians prescribed beer to cure the sick. Though it had no real medicinal value, it was rather nutritious, and certainly did the patient no harm.

While beer was the great national beverage, wine, as today, was considered an elegant drink. The grapes were put in large vats, where they were trodden to press out the juice. The fermenting liquid was stored in large clay jars.

Tomb paintings and archaeological finds show that the ancient Egyptians made conical jars with pointed bases, similar to the later Greek and Roman amphora, in great quantities. The conical base made the jars more difficult to both make and store, and there are plentiful examples of storage jars which show that they were familiar with the technique of making flat-bottomed jars. So why was the pointed base so important?

Beer is “liquid bread,” they say. This is not just an expression, but a fact - because people in ancient Egypt used bread to make beer.

Tomb paintings as old as five thousand years ago provide evidence that people were brewing beer. Barley brew was mentioned in the Book of the Dead in 3,000 B.C. There are several references to it in the tomb of Semerkhet at Abydos, dating from 2,900 B.C.

Though the Egyptians knew that bread was a key ingredient of beer, they did not realize that it was yeast that caused fermentation. They used bread crumbs, which made their beer a thick, murky mixture.
It is clear that these jars were used for storing wine and beer. For example, paintings in the tomb of Nakht at Qurna show the harvesting and treading of grapes, and the juice being poured into one of many conical jars. A wall painting from the period of Amenophis IV shows a man drinking through a tube from a conical jar which seems to have been set into a tripod stand, while his wife and son look on, apparently waiting their turn.

The question remains, why was it so important to use a conical jar for brewing and storing beer and wine?

To answer this question, it is necessary to examine ancient Egyptian brewing techniques.

Ancient Egyptian travelers carried bread crumbs with them, and when they arrived at an oasis, they would make beer by adding water to the bread, covering the top, and waiting for the miracle to happen. This was the simplest way to make beer. Once it was ready to drink, the jar would be set on a stand, and the drinkers used a straw-like tube to drink straight from the jar.

I experimented with the reconstruction of this simple technique, following the ancient Egyptian recipe recorded by the chemist Zosimus of Panopolis. I took clean barley, moistened it for a day, and spread it out to dry the next morning. This process was repeated for three days. Then, after taking the barley from the water and letting it dry half way, I ground it, and mixed it with yeast, honey and water, until I had a fine uncooked loaf. I let it rise, and baked it half way, and then broke it into crumbs.

After mixing the crumbs with water, I left the mixture to stand in a conical-based jar improvised from a plastic soft-drink bottle. Fermentation began, and the photograph shows a clear separation into three layers.

The sediment on the bottom consisted of dead yeast cells and bread. Above that was a pale yellow liquid, and at the top was a layer of white foam, caused by the production of carbon dioxide during the fermentation process.

The conical shape of the jars would have served to reduce the chance of stirring up the bottom sediment when the jar was moved. If the sediment were stirred up, it would seriously affect the taste of the final product. The ancient method presumably did not include racking, because transferring the beer or wine from one jar to another would have caused contamination since the process of sterilization was unknown.

This may be the true reason why conical jars were so widely used for storing beer and wine in ancient Egypt, and elsewhere in the ancient world. Today, the sediment of fermentation is removed by filtering, and drink comes in more convenient, flat-bottomed containers. But the appreciation of beer and wine is undiminished from those ancient times. Mortals still enjoy the gift of the Gods, and for all their industrial technology, modern brewers and vintners still follow their procedures with great precision and solemnity - no longer from respect for the Gods, but simply in order to obtain the best possible quality.

BIBLIOGRAPHY

INTRODUCTION

Unlike their contemporary neighbors, Egyptians of the Old and Middle Kingdoms do not appear to have drawn up formal legal codes. No codex, no "Egyptian Revised Statutes", no Magna Carta prototype has ever been found. A brief review of scholarly reaction to this apparent dearth of legal codification ranges from the classically culture bound, as in "who but the Greeks or Romans could have thunk it?", to rather overreaching interpretations of tomb art that, at once, interpreted forty tubular objects at the hand of a vizier as legal scrolls. (The consensus now seems to be that the "scrolls" are flogs.) Given the lack of primary legal sources, current scholars have focused on parables such as the Tale of the Eloquent Peasant as a commentary and reflection on both the laws and the legal system of the Middle Kingdom. This paper seeks to present a rationale for the perceived "lack" of primary legal sources, (a set of laws, or a legal code), to briefly outline Egyptian civil procedure, such as it appears to have existed, and then discuss the status and rights of the individual as revealed by documents relating to probate and contract issues. The judicial/legal role of the vizier is also discussed. Finally, occasional comparisons to the U.S. legal system are also offered.

John A. Wilson, in an address delivered in 1954, agreed that Egypt, even from predynastic times, was a theocracy with three divine attributes of Egyptian law or rule. These three attributes were embodied in the divinely inspired creation of the universe and, accordingly, were renewed and reaffirmed by each Egyptian king in his status as god and ruler. Because the law emanated directly from the king as a god on earth, the law was renewed with each new king and, owing to the king's presence, no codification was necessary or even proper. This argument is theoretical only, however its logic is at least as persuasive as the convenience of calling off the search for a code, or some set of laws, because they simply don't exist.

These three attributes of Egyptian "law" are *hu*, translated as authoritative command; *s/a*, perception and *ma'at*, justice. (Ma'at can also mean truth, rightful, or righteousness.) Because these three attributes were set up by the gods at the creation of the world, they represent universal principles, conformance with which is an inherent responsibility of the king and the essence of the social contract that defined and preserved Egyptian cultural society through the Ptolemaic period.

*Hu, s/a and ma'at* can be compared to the executive, (hu - authoritative command), legislative (s/a - enacting into rules and regulations the essence of the law), and judicial branches (ma'at - justice) of our own and similar modern governments. In ancient Egypt, all of these principles were embodied in one entity, the king, rather than spread about, as in modern, checks and balances sort of systems.

The king was required to conform with the principles of *hu, s/a* and *ma'at* because, as a god, it was presumed that he had created these principles as part and parcel of the creation of the universe. (I mean, he was there, right?) As a god, as well as the king, he was the ultimate authority on the law, dispensing ma'at, as he perceived it to be, through (s/a) his divine knowledge and enforcement powers, (hu).

As early as the Second Dynasty, the Palermo stone shows that these three principles of law had been extended to an administrative system that undertook such legal and governmental functions as the recording of the annual Nile flood level, a regular population census, and a biennial census of gold and fields. The Palermo stone's reports on gold and fields imply the existence of some system that recorded private ownership of both real and personal property as well as tracking the transfer of that ownership. Think of the county clerk and recorder - she's got copies of all the real estate deeds, and that's also where you go to register your car. Government protection of private property rights requires a fairly elaborate record-keeping system as well as establishment of forms of ownership and enforcement of agreements to transfer property between individuals.

The Egyptian government of the Second Dynasty continued to develop into a strong, centralized government that, by the Fourth Dynasty, was so strongly entrenched that arbitrary acts on the part of the king were largely inhibited. The king sometimes forgot what he had done at the creation of the universe, as documentary evidence does indicate that the king occa-
sionally rescinded decisions made by his administration in opposition to established laws - noting again that "established laws" Egyptian style does not imply a codification, but rather the collective social contract conceived of as infinite expressions of ideal justice, representations, perhaps of a legal system based on some universally agreed set of principles that were so broadly recognized and accepted that they became laws themselves; a system akin to the English legal system's courts of equity.

PROCEDURAL ISSUES

There is no evidence that the now-vaunted occupation of "lawyer" was known to Early or Middle Kingdom Egyptians. There were, however, specialized scribes who offered particular legal services. These services may have included support with the civil procedure system, that is the absolutely required rigmarole that must be followed to gain access to the justice system both then and now. The Old Kingdom to Middle Kingdom civil procedural system appears to have been similar to our own. A cause of action was first pleaded by submission of a petition. The petition was admitted before the vizier's court - in essence filed, just as one now files a civil complaint with the clerk of the appropriate court to initiate a legal action. Once the petition was admitted, the opposing party, (the modern term "defendant" will be used as a convenience only), was "served" or somehow notified of the pending complaint. The defendant could answer, the plaintiff could then respond and, finally the defendant could reply to the response. Once all the answers and responses and replies were complete, the matter was at issue and was set for hearing.

Our notions of venue, (making sure a hearing is held in the most appropriate place) or jurisdiction, (whether the court holding the hearing actually has the authority to hear the matter and render judgment), do not seem to have been pertinent. That, or perhaps everybody in Egypt naturally knew whom to petition for what, and where. No detailed rules as to filing in state or federal court or which county have been preserved. Likewise, we can only presume what subject areas were possible areas of inquiry by the vizier's councils. The scope and range of disputes, as evidenced by the written record, seems to be quite limited. This writer has found no evidence of personal injury claims, stockholder derivative actions, or any sort of tort action at all. The record does contain a fair amount of evidence involving probate and estate issues, plus questions as to property transfer and related contract issues. Finally in civil cases, there was simply no appellate level court. If one was dissatisfied with the ruling of the vizier's council, one just applied again, preferably with some new piece of evidence, and hoped that the petition for hearing was granted. Although the membership of the council might change in the interim, the actual hearing body remained the same.

TITLE TO REAL PROPERTY

Land registration was clearly within the vizier's jurisdiction. Although today we don't give much thought to registering or recording deeds, the system that must have been in place in Egypt to recognize, track and enforce claims of legal title had to be very complex and widespread. Much of the world today, especially those nations using the Roman system of land title, (as opposed to the English system that we use), can't offer a landowner as much security as seems to have been the norm in ancient Egypt. Much of the known "case law" involves issues involving property conveyance. In the Old Kingdom, the term imyt-pr referred to a certified deed of conveyance; that is, a deed similar to that piece of paper by which you may prove that you own your house, assuming, like the ancient Egyptians, you made it down to the court house to have it recorded. Later, imyt-pr came to be a more generic term covering all sorts of conveyance, including personal, as opposed to real property. Imyt-pr were documents in the form of a declaration to the local council or the snw of the transaction. The snw, which consisted of representatives of local authorities and operated under the authority of the vizier, registered the imyt-pr and made a copy for the archives. It is interesting to remember the relatively short history of photocopying in the recording of deeds. Up until photocopy machines, deed copies were still made by hand in this country, just as they had been in Egypt 4,500 years earlier.

There are numerous examples of deeds of conveyance, ranging from outright sale or grant to the ancient equivalent of a land sales contract. A particularly noteworthy example involves a contract for the sale of a small house near the Khufu pyramid. This Fourth Dynasty agreement was apparently registered - at least in part to - help ensure that the terms of the sales contract would be memorialized. It is reasonable to presume that such a record would carry with it some element of authority. To what degree the Egyptian state stood behind registered deeds is not known. The facts that registration was possible and that registration appears to have been an ordinary undertaking certainly suggest that Egyptians could rely, at least to some degree, on the authority of the state to enforce the validity of transfers of private property. This, in turn, is evidence not only of the existence of privately held property in the Old and Middle Kingdoms, but also of the level of administration and continuity of administration over time that allowed the state to grant its imprimatur of authority to registered deeds.
CONTRACT ISSUES

Since at least the Fourth Dynasty, Egyptians could arrange for their contracts to be prepared before the local council. The procedure seems to have involved registering the contract with the council after the signing parties had executed the contract in the presence of some witnesses. No special status was required to be a witness - indeed just about anyone who was handy seemed to suffice. In addition, judging from the penmanship versus the written content of some surviving contracts, literacy was not a precondition to either making or witnessing a contract. It appears that many contracts were dictated to a scribe who directly transcribed the language of the parties, including a statement as to the names of the witnesses.

Subject matter for contracts included terms and conditions for the services of slaves. Such an agreement frequently took the form of a sort of guarantee: should the slave not perform as agreed, recompense in the form of animals, grains, metal, fabric, or cloths would be paid as compensation. The Stele Juridique, dating from the Seventeenth Dynasty and found at Karnak, specifically referred to a sales contract in which the parties had one year to perform the terms and conditions required, with an option to extend the time allowed. That a body of contract law could develop independent of any written code is probably more surprising to those accustomed to legal systems that do not rely on prior history. Stare decisis, the proposition that the ruling on an earlier, similar case, controls the decision on a later case, is the basis for the U. S., (and all English style), legal systems. This is the common law. The French don’t have it, the Romans didn’t either. We have it and, it appears, the ancient Egyptians did too. In fact, the starting-point for the ancient Egyptians, the creation of the world, (although not contemporaneously recorded on any known ostraca), makes a more logical beginning than U. S. courts enjoy.

PROBATE ISSUES

Many examples of wills and trusts have survived from the Old and Middle Kingdoms. In addition, it appears that a general understanding of probate issues - who would inherit how much and when - existed independent of any testamentary directions. This separate body of law is inferred from references in the wills that distinguish the intention of the person making the will from established practice. This established practice appears to have treated both sexes equally and provided that, unless otherwise arranged, all children inherited equally. Spouses inherited a share equivalent to each child's. Deviations from the norm certainly occurred. Documentary bequests abound that alter these “principles” to achieve the varying objective of the person making the will. Papyrus Berlin 9010 concerns a probate issue where the validity of a will is questioned by the eldest son and apparently, the legal heir. The court there required that the primary beneficiary of the will (apparently some trustee) prove the validity of the will through sworn affidavits of the witnesses to the will. While the actual outcome of this case is unknown (the only surviving portion of the record being the court order that directs the primary beneficiary to respond with affidavits to the legal heir’s protest on the will), the case is significant because it shows that the court had the power to compel the production of evidence, render judgment on the basis of that evidence, and provide the forum for the resolution of the dispute in the first place.

RESPONSIBILITIES OF THE VIZIER

In an attempt to bring the Egyptian legal system more in line with our own, many writers have attempted to overstate the role and responsibilities of the vizier in the administration and adjudication of justice. This writer prefers to rely on the oft quoted (both in Egypt in the twelfth through at least the eighteenth dynasties and now), “Duties of a Vizier” as inscribed in the tomb of Rekhmi-Re, a vizier to Thutmose III and to Amenhotep I early in his reign. Rekhmi-Re's elaborately inscribed tomb included a glowing autobiography that conveniently included what now appears to be the standard job description for a Middle Kingdom vizier:

1. Adjudicate in conformance with the principles established by the king (which were, by definition, those established at the creation of the world);
2. Hold open court, regularly and formally;
3. Act with strict impartiality;
4. Walk forth daily so that the poor and timid could still reach the vizier;
5. Act in conformance with the regulations and be sure that everything is done in conformance with precedents.

A number of interesting precepts can be gleaned from this job description. The first is that the vizier clearly works under the authority of the pharaoh. The vizier’s authority derives from his boss, the pharaoh, whose authority derives from the fact that he’s a god who created the earth and consequently, established the laws that, in this Egyptian society, were universal and unchanging concepts and not subject to interpretation or reinterpretation.

The requirement to hold open court seems rather ordinary by modern U.S. standards. Remember, though, that opening court sessions to all was a radical concept in this country in 1776. This particular element of the vizier's job description can be absolutely dated to the Twelfth Dynasty and was probably standard operating procedure for many years before that. The requirement for regular and formal hearings also speaks to the level of civil rights accorded, under the universally understood Egyptian sociolegal contract of the time. Further guaranteeing unfettered access to the courts is the vizier’s required daily stroll, trolling, as it were, for litigants who were unable to make it to the regular court sessions. Imposing some precursor to the Americans with Disabilities Act, in terms of supplying some means of alternative access, seems a little prescient, but the emphasis remains the same: everybody was
entitled to access the court, appear before the vizier, and through the vizier, exercise their god-given rights as Egyptians to the full protection of the pharaoh’s law.

Students of the U.S. legal system will be interested to note that the concept of stare decisis, that is rendering decisions in conformance with precedent, was a serious component of the Vizier’s duties. Closer analysis reveals the logic in this legal precept. Since the law itself was established at the creation of the universe, all legal disputes must harken back to that original law. Consequently, reliance on an earlier decision that, presumably, correctly relied on that same original, universal law is perfectly logical and certainly in keeping with the apparent lack of any written code of law or set of statutes.

Finally, the requirement to act in strict impartiality is probably, like any other human-administered system, a goal rather than an accomplishment. As discussed below, in the analysis of the Tale of the Eloquent Peasant, one of the parties in that dispute came to the table with a lot more status and power, and tried to use it to the detriment of the eloquent peasant. Then, as now, a special effort on the part of the less empowered party was required to bring about justice. Justice was, if we are to believe our ostraca, was done, and furthermore, must have been done on a regular basis for a system to function with as much continuity as did the Egyptian system.

From various other documentary evidence, as well as slight variations in the vizier’s job description that appear in sources other than Rekhmi-Re’s tomb, it is known that records of judgments were kept and that the court could be expected to enforce judgments. Procedurally, complaints and answers, petitions and responses, had to be in writing. Diodorus said that writing was required to avoid influential rhetoric. Luckily Diodorus was writing long after the aggrieved eloquent peasant had gone home happy and before the creation of the Egyptian Bar Association.

INDIVIDUAL RIGHTS

Over time, the level of individual freedoms enjoyed by ordinary Egyptians appears to have varied somewhat by gender, birth order, and socioeconomic standing. It is difficult to reliably chart any sort of trend owing to the length of time involved and the relative scarcity of documentation. However, it appears that early in the Old Kingdom and certainly during the Third and Fourth Dynasties, all children, regardless of gender, enjoyed legal equality. This lack of legal differentiation based on gender seems to have been diminished over time. By the Sixth Dynasty, it appears that, at least in so far as the noble class was concerned, that the consolidation of money and power in the hands of that class resulted in a diminution in the legal status of women. Evidence for this decline in feminine legal status appears in wills and trusts of the period where a wife who is clearly old enough to have produced a son who has reached majority is treated as a legal incompetent, with a guardianship in the form of her son being established over her. Further evidence appears in the rise of the concept of primogeniture at about this same time. The concept of the eldest son emerged in the Sixth Dynasty. The Eldest Son was entitled to certain advantages as well as being burdened with certain responsibilities. The status of Eldest Son could devolve upon the next in age, owing to infirmity or inability to meet the requirements of the job, so long as the next in age was a son.

However, the good old days were back by the time of the Twelfth and Thirteenth Dynasties when the rights of primogeniture again fell into disuse and the status of women returned to its earlier level. The Papyrus Brooklyn 355.1446, dated by some at circa 1785 BC, involves a case in which a married woman brings a lawsuit against her father in order to protect strictly private property interests. This document implies that married women once again enjoyed completely independent legal personalities by the time of Thirteenth dynasty. The right of a married woman to sue in her own name, let alone contract or hold property, was unknown to many U.S. citizens of the feminine gender, resident particularly in the eastern part of this country, up through the first world war. Western states, like Colorado and Wyoming, for reasons that are best discussed in another paper, seemed to have adopted a more traditional ancient Egyptian model than their eastern counterparts in recognizing these same rights in women from the start.

One class of the population that doesn’t currently correlate to U.S. society involves prisoners of war and slaves. While prisoners of war were bought and sold, just like chattel; they could hold property in their own names and bear witness at law. As such, their status was more akin to that of a European serf. Slaves’ rights were fewer, however they could marry free individuals or be adopted by a free individual to be emancipated. Interestingly, it is contracts for the labor of slaves or guaranteeing the quantity or quality of their work that provide much of the documentary evidence of contracting terms and styles during this period.
THE TALE OF THE ELOQUENT PEASANT

The Tale of the Eloquent Peasant is an especially popular Middle Kingdom fable pieced together from four incomplete papyri. The eloquent peasant is a fairly average fellow by the name of Khun-Anup, (hereafter "Joe"), who has set off to market with a donkey train carrying a large quantity of goods which he intends to barter for food. Joe is literally cut off at the pass by a noble property owner, (Nemtynakht), who forces Joe to trespass onto his property. In the course of the trespass, one of Joe's donkeys takes a bite, "a wisp" of Nemtynakht's barley. The penalty for theft of the barley is the seizure, by Nemtynakht, of all that Joe has brought with him. In addition, the nobleman beats Joe up.

The fable is quite factual: the quantity and quality of Joe's goods, as well as Nemtynakht's covetous nature and social status are clearly stated. Nemtynakht's acts in response are also laid out in a factual matter. No values are expressed or implied. Consequently, a reader could simply presume that the penalty fit the crime by the standards of the time and move on to the next interesting story. Such a response is certainly logical. It is not, however, persuasive or satisfying. The fable evokes an emotional response; what this writer will call a natural reaction to an unfair act. The reader automatically roots for Joe, the good guy, and condemns the acts of the noble, Nemtynakht. Not now and not four thousand years ago was it fair to seize another's property or assault him under these circumstances. The source of this natural reaction rejecting Nemtynakht's acts as unfair exemplifies the universal concepts of fairness and justice, (ma'at), that also formed the basis of Egyptian legal theory. Modern readers, just like ancient Egyptians, know in their gut that this is not the way their world is supposed to be. The ancient Egyptians had a good explanation for this: ma'at, one of the precepts established when the world was created, made it so. Ma'at and the power of the pharaoh to make things right, hu, means Joe is going to come out all right in the end, and he does.

Joe, deprived of his property and injured unjustly, spends the next ten days trying to talk Nemtynakht into returning his things. Unsuccessful, he heads into town to file his complaint with the local vizier equivalent, (Rensi), who is just stepping out of his house on the way to his courthouse barge when Joe meets up with him, (part of the vizier job description). Joe asks to file a complaint and is given leave to do so. Unbeknownst to Joe, Rensi accepts the validity of Joe's complaint even in the face of opposition by his magistrates who attempt to explain away Nemtynakht's actions by suggesting that Joe is actually a serf who belongs to Nemtynakht. In accepted Joe's complaint, Rensi indicates that he has the authority to compel Nemtynakht to repay Joe but is so taken with Joe's oratory that, while making provisions for Joe's wife and kiddies back home, he forces Joe to return to court nine times to plead his cause. Joe ultimately triumphs, as the good guy always does. The fact that Joe's social status was far lower than Nemtynakht's complicates achieving the desired end but does not change or diminish what that outcome should be: the restoration of Joe's wrongfully seized property.

The difference in social status between the two parties clearly gives Nemtynakht a significant advantage, one that he was probably cognizant of when he initiated the conduct complained of. Rensi's own magistrates appear to dismiss the matter out of hand with little more to go on than the difference in the parties' social standing. One can also take some affront at the prospect of Joe being forced to continue his performance when, unbeknownst to him, his cause is already won. Were the issues reversed, one can wonder if Nemtynakht wouldn't have had a far easier time at bar. The hurdles that Joe must overcome as a result of his low status call into question the true universality of justice espoused in both the concept of ma'at and the vizier job description item that requires strict impartiality.

The Tale of the Eloquent Peasant also illustrates some of the procedural aspects of the Egyptian legal system. Joe files his complaint with Rensi, the vizier equivalent. He is given his day in court - in fact, nine days in court, as he returns each day to appeal the decision of the previous day. No appeals courts are known to exist in ancient Egypt. From the Tale of the Eloquent Peasant and other records, most authorities believe that the appellate process consisted of returning to the same court or council, hopefully with new evidence or a better argument, for so long as they'd let you in. Finally, Rensi indicates that he has both the authority to render judgment and the power to enforce it, indicating that both venue and jurisdiction were sufficient in him.

CONCLUSION

Much ado has been made about the lack of a codex, set of laws, or some written documentation of ancient Egyptian law. This writer would suggest that the only lack is a lack of understanding of the basis of ancient Egyptian law. Just as we harken to the somewhat abstract concept of the "common law", so did ancient Egyptians refer to the set of laws established by the pharaoh at the creation of the world. Both systems rely on the principle of precedent, (stare decisis), or rendering of decisions in conformity with earlier decisions. In our system, the common law is recorded in the written decisions of courts. Arguably, the ancient Egyptians recorded their set of laws in the same way: by writing up the facts, arguments, holding, and rationale of various cases. In this light, the Tale of the Eloquent Peasant emerges as ancient Egyptian case law. Ma'at is done as it was universally understood to be. Then as now, social and economic standing sometimes hasten the speed with which justice is rendered. The hope remains, then as now, that average Joes will get their day in court just like average nobles like Nemtynakht.
Splendors of Ancient Egypt is a major touring exhibition, and Phoenix will be its closest stop to Denver. Here are the basic facts, compiled from text on the Phoenix Art Museum's Web site:

Phoenix Art Museum is the only venue in the Southwest to present Splendors of Ancient Egypt, the largest exhibition of ancient Egyptian treasures ever to tour America and one of the most spectacular collections in the world.

This blockbuster exhibition features over 200 ancient Egyptian works of art from the Roemer-Pelizaeus Museum in Hildesheim, Germany, one of the best collections of Egyptian art in the world. The show has been touring while its home in Germany has undergone renovation. Its U.S. tour, organized by Florida International Museum, has taken it to St. Petersburg, Fla.; Houston; Detroit and Portland, Ore., before coming to Phoenix, where it is on view from Oct. 4, 1998 through March 28, 1999. It has been drawing record-breaking crowds in the select American cities on this rare tour.

Drawn from finds in such archaeologically significant areas as Giza, Splendors of Ancient Egypt provides a sweeping view of one of history's greatest civilizations, from Egypt's predynastic period 5,000 years ago to the seventh century A.D. Not only can one relish in the splendor of such great rulers as Ramesses II, but in the whole of ancient Egyptian life. Included are mummy cases, statues, jewelry, wall carvings and ceramics, representing the age of the pharaohs, political unrest, technical achievements, the afterlife, and the pervading influence of the gods on Egyptian daily life. Among the highlights are the half-ton tomb statue of dignitary Hem-iunu, created more than 4,500 years ago and an alabaster head of the Pharaoh Chephren, whose image graces the Sphinx on the Giza Plateau near the Great Pyramids. An audioguide tour accompanies the exhibition.

Splendors of Egypt is certainly a very impressive exhibition, from the huge funerary statue of Hem-iunu to the exquisitely carved burial amulets on display. Just about every period of ancient Egyptian history is represented; one of the two mummys is from the Roman era with a face-portrait, and some Coptic textiles are also on display. There are tomb models, a Book of the Dead, and a coffin-lid painted with an astronomical chart. Most of the objects are in superb condition - the mummy-case for a mummified ibis and some wooden statuettes of Isis and Anubis were especially striking - and the exhibition includes some everyday items, such as cooking pans, alongside a wealth of funerary objects.

An Egyptian-themed gift shop accompanies the exhibition, offering all kinds of merchandise including coin-operated computers that will print out your name in hieroglyphs. Very little of the merchandise was anything out of the ordinary, and I was particularly disappointed at not being able to find a catalogue of the exhibition. Most striking was a shelf of coffee mugs with a frieze design of Egyptian deities, drawn as skeletons in the Mexican Day of the Dead style - presumably in tribute to the exhibition's visit to the Southwest!

Tickets for Splendors of Ancient Egypt are available from Phoenix Art Museum, and must be booked in advance for a specific day and time. Even once you have your tickets, you must be prepared to stand in line for a while. Separate lines are set up for each admission time; over the Holiday period, the lines were long, and seldom made it through the doors at the specified time. The exhibition was fairly crowded, and some patience was required to see some of the items; it was necessary to anticipate people's movements and step into gaps as they opened up, before anyone else did! That said, the crowds did move fairly well through the exhibit, most of them going from one case to another as dictated by the audio tour commentary.

ESS members who find themselves in the Phoenix area over the next couple of months will find much to interest them in this exhibition. With the recent exhibition at Denver Art Museum of objects from the University of Pennsylvania (reviewed in the Summer 1998 issue of The Ostracon), our part of the world has been favored - long may it continue!
MARITIME EGYPT
Presented by John McGann
ESS Meeting, October 20th 1998

If Egypt was the gift of the Nile, then the Nile was the highway of Egypt, and shipping was a vital part of the ancient Egyptian economy. John McGann treated us to a fascinating look at the commercial shipping and royal barges of ancient Egypt, as distinct from the countless ritual boats known from papyri, tomb paintings and burials.

Acacia and sycamore were the only two woods freely available to the ancient Egyptians for shipbuilding, and reeds were also an important material. The first boats in Egypt were simple reed rafts; as time went by, they developed a raised stem and stern and a steering oar, and this type of boat was used throughout Egyptian history.

Heavier vessels were needed to transport the stone used in building Egypt's great monuments, and since plank decks had already been added to reed boats, it was a short step to building entirely in wood. The vessel's shell was built first, and a strengthening inner frame was added afterwards - although not all vessels were provided with frames. Khufu's boat from the Fifth dynasty had a lashed wooden shell on a wooden frame, but the 12th dynasty boats from Dasshur had no frames and were held together with mortise and tenon joints instead of rope lashing.

The tomb of Ti, a mastaba near the step pyramid of Djoser at Saqqara, has detailed scenes of shipbuilding among its wall paintings. The paintings show that the adze was the tool most commonly used to shape the wood; planes or rasps are not shown being used. A bipod mast, with the lower yard wider than the upper, was set well forward, to sail before the wind. In the Sixth dynasty, the rig was lowered to improve stability.

Seagoing ships, as distinct from river vessels, were developed in the Old Kingdom, and scenes of a naval battle with the Sea People can be seen at Medinet Habu. The Middle Kingdom tomb of Meket-re from Thebes includes a wide variety of boats among its impressive collection of models. The tomb of Tutankhamun boasted no less than seventeen ship models.

Particularly interesting were John's comments on the different types of rigging that have been suggested by archaeologists and inferred from wall paintings and inscriptions, and his reconstruction of a massive barge built by Hatshepsut for transporting a pair of obelisks, from the inscriptions at her funerary temple at Deir el Bahri. John argued convincingly that this scene, showing a very long vessel transporting two obelisks set end-to-end, used artistic license to overcome the limitations of the standard two-dimensional side view, and suggested that the vessel was in fact shorter and wider, with the two obelisks set side by side.

Report by Graeme Davis

Volunteers Wanted!
We need people to help with this section of the Ostracon. The publications committee would love to hear from anyone who is interested in writing brief reports on ESS lectures and other activities. You don't have to commit yourself to covering every single lecture - once or twice a year would be fine. If you are interested, please contact any member of the publications committee.
This edition of HOUSE OF SCROLLS is a little different. Instead of the usual book reviews, below you will find a set of guidelines for contributors to the ESS' two publications, THE OSTRACON and THE SCRIBE'S PALETTE. If you enjoy reading them and want them to continue - especially THE OSTRACON - we need your help. Finding material is a constant problem, and not too long ago, an issue of THE OSTRACON had to be cancelled, because we had nothing to print!

So please help us out by contributing. We hope the guidelines below will inspire you. And even if you don't feel up to penning an erudite treatise, you can still help out enormously. We desperately need people to help out with lecture reports, book reviews for HOUSE OF SCROLLS, and reviews of Egyptological online resources, CD-ROMs and videos for THE ELECTRIC PAPYRUS.

We in the Publications Committee are proud of the job we do. Please help us ensure that we can keep on doing it.

ESS Publications

Contributors' Guidelines

The ESS produces two publications: the Scribes' Palette and the Ostracon. The Scribes' Palette is a monthly newsletter, and the Ostracon is a quarterly magazine offering articles and reviews as well as a record of the Society's proceedings.

ESS members are invited to contribute material to both the Society's publications. The publications committee is committed to making sure they are both regular and informative, which means we have a never-ending demand for publishable material!

Submission Formats

We prefer material on 3.5" disks in a popular word-processor format such as Microsoft Word or Word Perfect, or plain text (ASCII) files.

For shorter material such as Scribes' Palette tidbits, lecture reports or reviews, typescript is fine, so long as the lines are double-spaced and typing is on one side of the paper only. For longer typewritten articles, please let us know in advance.

If in doubt, consult your friendly publications committee - we only bite occasionally!

The Scribes' Palette

As well as providing a calendar of upcoming events of interest to ESS members, the Scribes' Palette carries short notices and news items of all kinds - so long as they relate to Egypt, of course!

The Scribes' Palette is edited by Frank Pettee (303-777-5494). Material intended for a particular issue must be submitted no later than the first day of the previous month - so for the June issue, for instance, all material must be submitted by May 1st.

The Ostracon

We are looking for material in the following categories:

Feature Articles: A feature article is about 3,000-4,500 words or 10-15 pages of double-spaced typescript, including references and bibliography. Depending on the amount of illustration, they can be a little more or less. Feature articles take a single topic and look at it in detail, with a sharper focus and a greater depth of information than mass-market books on Egypt. Remember that your audience is already somewhat knowledgeable.

Lecture Reports: The Ostracon includes brief summaries of recent ESS lectures, both for the benefit of those who could not attend (to make them wish they had!), and to fulfill the Ostracon's secondary mission as a record of the Society's proceedings. The key word here is brief - no more than 500 words, or a page and a half of double-spaced typescript, per lecture. If you want to make friends in the editorial committee, this is a good place to start!

Reviews: The Ostracon also carries reviews of books, exhibits, videos, CD-ROMs and online resources. Again, these are short - about 500 words or a page and a half of double-spaced typescript. If you review a book, it must be in print (and ideally, no more than a year old), and likewise videos and CD-ROMs should be sufficiently recent that your review will not be old news. When reviewing museum exhibits, either try to make sure that the exhibit will still be running when your review is published, or make it clear that your review is a retrospective.

The Ostracon is edited by Graeme Davis (tel. 303-413-8892 day, 303-422-5342 evens; email graemed@vr1.com). Electronic submissions are warmly encouraged.

Denver Museum of Natural History, 2001 Colorado Blvd, Denver, CO 80205