

**Teacher: Mekhaneg Abdallah**

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**Module: History of Law**

**Lecture 1 Ancient Egyptian Legal System**

## **Introduction**

Egypt was a vast kingdom of the ancient world. It was unified around 3100 BC, and lasted as a leading economic and cultural influence throughout North Africa and parts of the Levant until it was conquered by the Macedonians in 332 BC. It is also one of the most famous civilizations in history. The ancient Egyptians built huge pyramids, temples, palaces, and tombs. Their paintings and carvings are among the most splendid ever created. They also produced art with simple scenes of everyday life, work, and play that shows many details of their lives. Ancient Egypt contributed to modern-day society with its many cultural developments.

### **1. Egyptian Law: an overview**

Ancient **Egyptian culture** flourished through adherence to tradition and their legal system followed this same paradigm. Basic laws and legal proscriptions were in place in **Egypt** as early as the Presynaptic Period (c. 6000- c. 3150 BC) and would continue, and develop, until Egypt was annexed by **Rome** in 30 BC. **Egyptian law** was based on the central cultural value of **Maat** (harmony) which had been instituted at the beginning of time by the gods. In order to be at peace with oneself, one's community, and the gods, all one had to do was live a life of consideration, mindfulness, and balance in accordance with **Maat**.

No Egyptian law code has as of yet been found which corresponds to Mesopotamian documents like the **Hammurabi's Code** but it is clear that one must have existed because precedent in deciding legal cases was set by the time of the **Early Dynastic Period** (c. 3150- c. 2613 BC) as evidenced by their established use in the early years of the **Old Kingdom** (c. 2613-2181 BC).

These precedents were then used in judging cases during the **Middle Kingdom** (2040-1782 BC) and onward through the rest of the country's history.

### **2. The sources of Egyptian laws**

The sources of Egyptian laws are as follows:

#### **2.1. The customs**

They were preserved by the gods, kings, the political system, and society. **Maat** represents the symbol of justice, and there is a reference to the laws.

## **2.2. Kings' laws**

These include their orders, teachings, and decrees.

## **2.3. Legal documents.**

## **2.4. Reforms and their decrees**

Such as the reforms of (Horem Moheb), which referred to courts and courts.

## **3. Structure of the Legal System**

At the top of the judicial hierarchy was the **king**, the representative of the gods and their divine justice, and just beneath him was his **vizier**. The **Egyptian vizier** had many responsibilities and one of them was the practical administration of justice. The vizier heard court cases himself but also appointed lower magistrates and, sometimes, involved himself with local courts if circumstances required it.

It was only during the Middle Kingdom that professional judges were installed to preside over courts and the judicial system operated on a more rational, recognizable paradigm. This period also saw the creation of the first professional police force which enforced the law, took suspects into custody, and testified in court.

In general, **ancient Egyptians** seem to have been law-abiding citizens throughout most of the **culture's** history but, still, there were arguments concerning land and water rights and disputes over ownership of livestock or the rights to a certain hereditary job or title.

## **4. The types of courts**

There are two types of courts:

### **4.1. Religious courts**

Its headquarters were in the temples, including the temples of Memphis, especially the temple of Ptah, and the priest was the judge who ruled according to the law of the goddess **Maat**.

### **4.2. Civil Courts**

It was called the city court, which consisted of judges and was headed by the employees of the regions, while in the capital it was headed by the minister. There were special courts formed by order of the pharaoh. The investigation was carried out first, and the judges examined and scrutinized the investigation, then issued a brief decision stating that the accused was on the side of truth or on the side of falsehood, and then came the confession of the accused and sentencing him.

## 5. Crimes and Punishments

In general, if the crime was serious - such as rape, murder, theft on a large scale, or tomb robbing - the penalty was death or disfigurement. Murderers were beaten and then fed to crocodiles, burned to death, or executed in other unpleasant ways. Thieves usually suffered amputation of the nose, hands, or feet. Diderot mentioned some of these Crime and Punishment

5.1. The death penalty for anyone who commits one of these crimes (perjury, failure to provide assistance to someone who is subject to death while he is able to help, premeditated murder).

5.2. Amputation of the hand of anyone who commits one of these crimes (forging a measure or scale, forging seals and money, cheating on transactions, a clerk who alters the texts of public records).

5.3. Flogging with whips and deprivation of food for anyone who commits one of these crimes (failure to report a crime, accusing an innocent of a crime, parents who kill their children in public).

5.4. Flogging with a thousand lashes for the adulterer

Through this information of the Egyptian texts on crimes and punishments, we notice that there is a kind of great cruelty in the criminal law.

## 6. The marriage Contract

Marriage contracts were written by contract writers since the era of the New Kingdom, especially on papyrus. The marriage contract included the following:

- The husband's undertaking, in which he writes his saying: I have taken you as a wife...etc

- Determining the dowry that the husband pays as a gift to his wife, which is usually a quantity of silver.

- Husband's obligations with his wife's right to feed and clothe her

A list of the wife's possessions, which she brings with her, apparently from her father's house

- The husband's commitment that if he leaves his wife, he must compensate her and her children and return her property that she brought.

**Perjury** : the voluntary violation of an oath or vow either by swearing to what is untrue

**Forge**: to make or imitate falsely especially with intent to defraud: counterfeit

## References

<https://hurghadalovers.com/law-in-ancient-egypt/>

[https://www.worldhistory.org/Egyptian\\_Law/#google\\_vignette](https://www.worldhistory.org/Egyptian_Law/#google_vignette)