

LAW AND ORDER IN ANCIENT EGYPT

The Development of Criminal Justice from the
Pharaonic New Kingdom until the Roman Dominate



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In Honor of Harold Hays

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Introduction

“Concerning Egypt, I am going to speak at length, because it has the most wonders, and everywhere presents works beyond description; therefore, I shall say the more concerning Egypt. Just as the Egyptians have a climate peculiar to themselves, and their river is different in its nature from all other rivers, so, too, have they instituted customs and laws contrary for the most part to those of the rest of mankind. Among them, the women buy and sell, the men stay at home and weave; and whereas in weaving all others push the woof upwards, the Egyptians push it downwards. Men carry burdens on their heads, women on their shoulders. Women pass water standing, men sitting. They ease their bowels indoors, and eat out of doors in the streets, explaining that things unseemly but necessary should be done alone in private, things not unseemly should be done openly. No woman is dedicated to the service of any god or goddess; men are dedicated to all deities male or female. Sons are not compelled against their will to support their parents, but daughters must do so though they be unwilling.”¹

Egypt holds a special place in history. This was as true when Herodotus wrote these words, as it is now still. It was one of the cradles of civilization as well as a long-lived kingdom, which lasted nearly three millennia under the reign of its pharaohs. While the Greeks and Romans certainly stood in awe of the wonders brought forth by the ancient Egyptian culture, they were often far less positive with regard to Egyptian society, i.e. the inhabitants and their customs. This is particularly interesting, since, in due time, both the Greeks and the Romans would gain control over Egypt for considerable periods of time. After the conquest of Egypt by Alexander the Great in 332 BC, the Macedonian Ptolemaic dynasty would rule the country until 30 BC, when Octavian – who was soon to be called Augustus – added Egypt to the Roman Empire. Thus, they got the chance to do things their way, so to speak.

With the exception of the nearly two centuries of Persian occupation between 525 and 332 BC, Egypt was ruled consecutively by the Egyptians, the Greeks, and the Romans for the duration of a period of time spanning more than three millennia. We shall compare these three distinct periods in Egyptian history with regard to the systems that were put in place in order to deal with crime and to maintain the social order. First of all, each of these three civilizations who came to rule over Egypt, are, in some way, closely connected to the concept of justice. Balance, order, and justice played a central part in Egyptian society and they were personified in one of their chief goddesses, *Ma'at*. The Ptolemaic Kingdom, then, would become famous for its advanced bureaucracy, but certainly also for its highly effective law enforcement system. The Romans, to conclude, prided themselves on their laws, which remain influential in European societies to this day.

More importantly, however, the capability to provide effective criminal justice can serve as an indicator for a successful administrative system in general. The results of research into these matters may, therefore, also be of value in other fields of scholarship concerned with ancient Egypt. The question, then, which I set out to answer in this thesis, is: how did the institutionalized systems of criminal law and justice in Egypt develop from the time of the New Kingdom (c. 1550-1069 BC) until the start of the Roman Dominate in 284 AD; and how were these affected by the changes of government? Much scholarly work has already been done in the respective fields of legal history of pharaonic and Greco-Roman Egypt. There has been, however, little crossover between egyptologists and ancient historians with regard to these matters thus far. Studies that consider the evidence from all three civilizations are especially scarce; that is to say, I have not found one.

Frontispiece: *Pharaoh Offering an Image of Ma'at*, 1st century BC Sandstone Sunk Relief, 48.4 x 69.1 cm (Brooklyn Museum, Charles Edwin Wilbour Fund) 37.1525E. Creative Commons-BY.

¹ Herodotus, *The Histories*, II, 5, 35; (unless stated otherwise, all translations used are taken from the Loeb Classical Library, the database of papyri on www.papyri.info, or from the relevant publications listed in the table of sources).

We shall limit our investigation of pharaonic Egypt mostly to the period of the New Kingdom and the later centuries of Egyptian rule. Firstly, the New Kingdom provides by far the greatest amount of relevant source material. Furthermore, in light of the comparative nature of this study, we are mainly interested in finding information on the Egyptian administrative and legal systems, which have the greatest potential of being similar to what the Greeks encountered in the early 4th century. The year 284 AD will, then, mark the end of the period under our investigation; the reasons for which are explained more thoroughly in chapter 3. Suffice it to say that the Roman Empire and Egypt's political position within it were fundamentally changed in the decades following the accession of Domitian. Furthermore, we shall focus our attention for the most part on the developments that took place in the countryside, as opposed to those in Thebes, Memphis, Alexandria and the Greek poleis in Egypt. The aim of this thesis is to find out how criminal justice functioned in the day-to-day lives of common Egyptians. It is, presumably, in their towns and villages where we will be able to observe this.

In order to answer the question at hand, the same line of research will essentially be repeated for each of the three time periods. Criminal law forms an integral part of the legal system as a whole, which, in turn, is inseparable from the general administration of a country. Everything must, therefore, be taken into account. Each chapter, then, shall begin with a study of the Egyptian, Greek, and Roman administrations in Egypt. We will discuss the manner in which Egypt was governed on both a national and on a local level. In addition to this, we will examine the general organization of their legal systems. Who had the authority to adjudicate in legal matters and which jurisdictional bodies were available? Following this, we shall review a considerable amount of papyrological material, in order to ascertain which actions constituted criminal behavior under the different legal systems. After having established this, we will finally turn our attention to the actual subject of this research: the systems of law enforcement and criminal justice, as they functioned in practice. We shall study the events that took place from the moment a crime had been reported to the authorities, until its final resolution through trial or other means. Lastly, some attention will be given as well to the phase of criminal justice which came after a judicial verdict was handed out, namely the execution of punishment. In the end, however, the aim is to not merely establish the dry facts concerning the various legal and administrative systems. Hopefully, taking this systematic approach will ultimately also allow us to formulate an opinion as to why developments took their specific course.

Chapter One - Pharaonic Egypt

1.1 - Justice in Pharaonic Egypt

Justice was an immensely important concept within ancient pharaonic Egypt, known to them by the word *Ma'at* (*M3't*); it was fundamentally embedded within all aspects of its society and culture. Law stood central in the life of the ancient Egyptian and observance of the rules was a universally sought after virtue. Even outside of its own borders, Egypt was known for its lawfulness. In his account of Egypt and the customs of its people, Diodorus reports to us the following:²

“In their administration of justice the Egyptians also showed no merely casual interest, holding that the decisions of the courts exercise the greatest influence upon community life, and this in each of their two aspects. For it was evident to them that if the offenders against the law should be punished and the injured parties should be afforded succor there would be an ideal correction of wrongdoing; but if, on the other hand, the fear which wrongdoers have of the judgments of the courts should be brought to naught by bribery or favor, they saw that the break-up of community life would follow. Consequently, by appointing the best men from the most important cities as judges over the whole land they did not fall short of the end which they had in mind.”³

Justice for ancient Egypt, however, pertained to much more than merely judicial matters. *Ma'at* was personified as a goddess bearing the same name, who played a central part in Egyptian theology. She was the daughter of the Sun God, Re, and consort of Thoth, inventor of writing and the alphabet. She was the goddess of balance, truth and justice. Among others things, *Ma'at* was tasked with maintaining order in the universe and preventing it from collapsing into chaos. In mythology, *Ma'at* played a crucial part in the journey of the deceased in the afterlife: the weighing of their hearts against the sacred ostrich feather – which symbolized *Ma'at* and everything she represented – would decide the fate of the dead and their final otherworldly destination. Depicted as a young woman, often carrying the ostrich feather on her head, *Ma'at* was also one of the most visible aspects of the Egyptian state and its religion.⁴

The importance of *Ma'at* within Egyptian society even surpassed its signification as a powerful deity; it was a concept which pervaded every imaginable aspect of existence. The word *Ma'at* has always been somewhat confounding and difficult to define. It may be translated as justice, law, truth, order or cosmos and somehow it must have represented all of this. Jan Assmann proposed it should be translated as ‘connective justice’ and interpreted as the overarching term for the totality of all social norms. As a concept, *Ma'at* was the guiding principle of Egyptian law. It represented the natural order and cosmic balance; it had religious, ethical, moral, and political connotations. Most importantly perhaps, *Ma'at* can be perceived as a social contract – akin to Natural Law – connecting everything and everyone in existence, from the gods, through the pharaoh, down to the lowliest peasant. It bound the king to be good to his people and his people to be just and righteous to one another and to him, as well as to be virtuous in the eyes of the gods.⁵

Let us now discuss the administration of the Egyptian state and the way in which its legal system was organized. At the head of the state – or even at the center of it – stood the pharaoh, the godly king who seems to have attained this title partly through the magnificence of his residence. He

² Russel VerSteeg, *Law in Ancient Egypt* (Chicago 2002) 3.

³ Diodorus, *Bibliotheca Historica* I, 75.

⁴ Joseph G. Manning, “The Representation of Justice in Ancient Egypt”, *Yale Journal of Law & the Humanities: Vol. 24: Iss. 1* (2012) 114; VerSteeg, *Law in Ancient Egypt*, 19-20.

⁵ Jan Assmann, *The Mind of Egypt. History and Meaning in the Time of the Pharaohs* (Harvard University Press 2002) 127-134; Raymond O. Faulkner, *A Concise Dictionary of Middle Egyptian* (Oxford 2006) 101-102; Manning, “Representation of Justice”, 114-116; VerSteeg, *Law in Ancient Egypt*, 20-23.

presented the highest judicial authority, conveying divine justice on behalf of the gods to the Egyptian people. The pharaohs were ultimately responsible for all legal matters in Egypt and they often issued decrees which were judicial in nature. Directly under the pharaoh stood the vizier, who functioned as his right hand man and as 'Prophet of *Ma'at*'. The pharaoh had placed the vizier at the head of Egypt's mighty bureaucratic administration, in which he served as the most powerful civil servant. Furthermore, in his additional capacity of chief justice he was also in charge of the state's legal system. The pharaoh and the vizier delegated their judicial and administrative responsibilities to local officials.⁶

Ever since the Old Kingdom (c. 2686 - c. 2181 BC) Egypt had effectively been run by a class of educated civil servants who reported to the vizier. Among those were the scribes, those people that had successfully taken up the arduous task of learning to read and write. The scribal class had been instrumental in Egypt's flourishing, especially when it came to the successful execution of their many famous monumental building projects. Scribes played a central role in Egyptian administration and they were universally held in high regard. It should also be noted that Egyptian society was very traditional and extremely conservative, perhaps in part influenced by the lifeblood of their country: the river Nile, which dictated the fixed routines of life through its yearly inundation. As a result of this, Egyptian law evolved only very slowly and laws could remain in effect unaltered for very long periods of time. Their strict adherence to tradition and their tendency to follow precedent, on the other hand, had inspired them to diligently keep records of various administrative proceedings, which were stored in the vizier's archives.⁷

However, from this broad characterization of Egypt's administrative structure, we cannot yet deduce the manner in which law was practiced in actuality. Remarkably, in spite of vigorous recordkeeping by the ancient Egyptians and despite the sheer volume of source material available to us, any example of Egyptian codified law prior to 700 BC is yet to be found. This absence of tangible evidence sparked a discussion among experts as to whether ancient Egyptians made use of codified law at all. Some were convinced elaborate bodies of written laws must have existed, based, in part, on the fact that classical writers as well as Egyptian sources give accounts of their existence.⁸ Others, however, maintain that the simple fact that, as of yet, nothing substantial has been discovered among the copious amount of Egyptian written documents, must lead us to conclude that there was never any codified law in the first place.⁹ Intriguingly, a single Middle Kingdom papyrus, probably dating to the 12th Dynasty (c. 1991-1802 BC), refers to five detailed directives for dealing with fugitives.¹⁰ Even though this may prove the existence of written laws, it is at this time however the closest we can come to any solid evidence of ancient Egyptian codified law. Setting aside the question of the existence of written laws, it is evident that law played a significant role in Egyptian society.¹¹

In the absence of extant codified law, our knowledge of Egyptian law in practice must for now be based upon other available documents, such as contracts, wills, trial records, and royal edicts. These have, regrettably, neither survived in great numbers. Fortunately, one exception to this matter is presented to us by the New Kingdom workmen's community of Deir el-Medina. Over the course of nearly 400 years, the inhabitants of this settlement produced scores of documents which were conscientiously archived. A wealth of written material from Deir el-Medina has been preserved

⁶ Leonard H. Lesko, *Pharaoh's Workers: The Villagers of Deir el Medina* (Cornell University Press 1994) 9; VerSteeg, *Law in Ancient Egypt*, 5-6, 43-44.

⁷ Lesko, *Pharaoh's Workers*, 8; VerSteeg, *Law in Ancient Egypt*, 24, 43.

⁸ James Henry Breasted, *A History of Egypt from the Earliest Times to the Persian conquest* (London 1920) 81, 165; Adolf Erman, *Life in Ancient Egypt* (New York 1971) 141; Diodorus, I, 75, 79.

⁹ Aristide Théodorides, "The Concept of Law in Ancient Egypt", in: J. Harris (ed.), *The Legacy of Egypt*, 2nd ed. (Oxford 1971) 291, 320; John A. Wilson, "Authority and Law in Ancient Egypt", *Journal of the American Oriental Society Supp.* 17 (1954) 5.

¹⁰ P. Brooklyn 35.1446, in: William C. Hayes, *A Papyrus of the late Middle Kingdom in the Brooklyn Museum* (New York 1955) 49-52.

¹¹ VerSteeg, *Law in Ancient Egypt*, 7-10.

through the ages and can now serve as a source from which to draw information on the application of law in the life of the Egyptian commoner. In spite of its importance in light of the relative scarcity of similar documents in Egypt, the evidence provided by the many texts from Deir el-Medina is, however, still rather fragmentary. As such, any further reaching conclusions regarding the legal practice in Deir el-Medina as well as in Egypt as a whole shall necessarily have to be extrapolated to a certain extent from these local sources, scattered through time.¹²

Deir el-Medina, situated west of present day Luxor, was a settlement inhabited by the civil servants, workmen, and artists responsible for excavating and embellishing the royal tombs in the Valley of the Kings and the Valley of the Queens. Together with their respective families, they were between 60 and 120 number. In their own days, the settlement was known by the name *Set Ma'at* (*st M3'it*) or 'Place of Truth' and it inhabited the southern part of the Theban necropolis. It is important to note that the inhabitants of Deir el-Medina were not slaves. They had been appointed by the Pharaoh and stood under the direct supervision of the vizier; they were salaried employees of the state. The settlement had been returned to former glory by the pharaohs of the 18th Dynasty (c. 1543-1292 BC) who succeeded Akhenaten and it remained inhabited well into the 21st Dynasty (c. 1069-c. 945 BC). The records left behind by these people thus span nearly the entire duration of Egypt's New Kingdom. The varied and informative texts present a clear image of everyday life and they have greatly contributed to our knowledge of the ancient Egyptian judicial system.¹³

From the sources we know that – as it was common in ancient Egypt – the daily affairs of the settlement were run by a council (*knbt*), in case of Deir el-Medina comprising two foremen and at least one scribe. In their capacity as administrators (*rwdw*) or chiefs (*hryw*) they were responsible for overseeing the work on the tombs and for maintaining order in the community, which included presiding over the tribunals which dealt with various disputes and complaints. These *hryw* were the most prominent people within their community; they represented the royal authority and formed the link between the inhabitants of Deir el-Medina and outside institutions, such as the central administration and nearby temples. Within the *knbt* the scribes played an instrumental role. In spite of their hierarchical position under the two foremen, it was they who were actually responsible for all administrative duties within the community. It was the scribe who corresponded with the central authority, he drew up all contracts and wills and he also played an important role in the local trial process.¹⁴

The specific proceedings at these trials, as well as the nature of the cases that were judged and the penalties that were imposed, will be discussed in detail in the following. In conclusion, however, it should be mentioned that there existed other courts of law besides these local courts presided over by the *knbt*. Cases which involved particularly grave offenses or which directly involved the state – such as robbery from the royal tombs – were handled by the 'Great Court' (*knbt 3'it*), presided over by the vizier himself. Since the time of pharaoh Horemheb (c. 1323-1295 BC) it became practice to appoint two viziers, who split their responsibilities geographically. Thus for most part of the New Kingdom there were two 'Great Courts', one in the south and one in the north. In addition to the local courts and the two 'Great Courts', special courts could be commissioned ad hoc. This, however, only happened in very few instances and these courts dealt with the most extraordinary of matters, such as the royal tomb robberies during the 20th Dynasty (c. 1187-1064 BC) and the harem conspiracies, which nearly resulted in pharaoh Ramesses III (1186-1155 BC) losing his life.¹⁵

¹² Schafik Allam, "Strafrechtliches im pharaonischen Ägypten", in: Rollinger, Robert, Martin Lang & Heinz Barta (eds.), *Strafe und Strafrecht in den antiken Welten, unter Berücksichtigung von Todesstrafe, Hinrichtung und peinlicher Befragung* (Wiesbaden 2012) 129-130; Lesko, *Pharaoh's Workers*, 1; VerSteeg, *Law in Ancient Egypt*, 10-11.

¹³ Allam, "Strafrechtliches", 129-130; Lesko, *Pharaoh's Workers*, ii-3, 9.

¹⁴ Allam, "Strafrechtliches", 130-131; Lesko, *Pharaoh's Workers*, 9-10.

¹⁵ Allam, "Strafrechtliches", 133; VerSteeg, *Law in Ancient Egypt*, 37-38, 44-45, 50.

1.2 - Criminal Law and Punishable Offenses

Rhetoric and eloquence were highly valued qualities in ancient Egyptian society. Language, both written and spoken, was a central aspect of their culture. Those among them who had mastered reading and writing their sacred alphabet and who could also express themselves in a persuasive way stood in the highest regard. They especially considered the merits of rhetoric and eloquence when it came to judicial matters. This becomes clear through the encouraging words from a formerly shipwrecked sailor, directed at his commander who is summoned at the pharaoh's court:¹⁶

“Listen now to me, commander,
I do not exaggerate.
Wash up, place water on your fingers
So you can reply when you are questioned,
So you can speak to the king with confidence,
So you can answer without stammering.
The speech of a man can save him,
And his words can cause indulgence for him.”¹⁷

It is, therefore, perhaps somewhat paradoxical that the Egyptians never developed a dedicated legal terminology. There was no conceptual uniformity within their language with regard to legal and judicial matters. Law, for instance, is translated as *hp*, but this word can also mean custom, order, justice or right. In some cases this poses a challenge for the modern researcher, who must attempt to link the multiform accounts of Egyptian jurisdiction to modern legal categories, while also interpreting them within their own historical context. In a broader sense, Egyptian society did not have a general theory of law either, although it can be surmised from various sources that through time attempts were made in isolated cases to establish abstract legal norms. This assumption can for instance be supported by the Codex Hermopolis, a collection of legal regulations dating from the Ptolemaic era. Certain stipulations presented within it reach back to pharaonic times and show that Egyptians had been concerned with abstract legal questions for a long time. We can perhaps speak of a scientific legal theory *avant la lettre*, in which the scribal class functioned as scholars who started to develop dogmatic thought.¹⁸

The lack of dedicated terminology and universal theory present the following problem: it is difficult – based on texts such as trial records – to distinguish criminal law from other branches of law. Criminal law was, in practice, not a separate and clearly defined discipline within the Egyptian judicial system. There is however, theoretically, another way to distinctly identify the criminal cases within the legal texts from Deir el-Medina. By evaluating the punishments that were meted out in the various cases, it becomes clear that not all transgressions were equal. In cases which we would nowadays associate with criminal law the punishments could be far more severe, including corporal punishment, banishment and forced labor. A fundamental difference to the ‘civil’ cases, which were solved in a much more agreeable fashion; for instance with the imposition of an economic sanction.¹⁹

What, then, did the ancient Egyptians consider to be crimes? A first impression can be given by the famous negative confession found in the funerary texts from *The Book of The Dead*. In this text dating from the time of the New Kingdom, a deceased addresses the forty-two gods of the

¹⁶ VerSteeg, *Law in Ancient Egypt*, 25-26.

¹⁷ The Shipwrecked Sailor, 13-19, in: W.K. Simpson, *The Literature of Ancient Egypt. An Anthology of Stories, Instructions, Stelae, Autobiographies, and Poetry* (Yale 2003) 47.

¹⁸ Schafik Allam, “Recht im pharaonischen Ägypten”, in: Manthe, U., *Die Rechtskulturen der Antiker – vom alten Orient bis zum Römischen Reich* (München 2003) 23-24; Allam, “Strafrechtliches”, 132; VerSteeg, *Law in Ancient Egypt*, 4.

¹⁹ Schafik Allam, *Das Verfahrensrecht in der Arbeitersiedlung von Deir-el-Medineh* (Tübingen 1973) 40-43; Allam, S., “Recht im pharaonischen Ägypten”, 24; Allam, “Strafrechtliches”, 132-133, 143-144.

underworld individually in order to prove he has led a pious and virtuous life. His statements include the following:

“., I have not robbed with violence.
..., I have not done violence [to any man].
..., I have not committed theft.
..., I have not slain man or woman.
..., I have not uttered falsehood.
..., I have attacked no man.
..., I have not set my mouth in motion [against any man].
..., I have not defiled the wife of a man.”²⁰

The way in which these statements are presented to the reader leads to believe that these types of behavior were considered to be socially unacceptable. This is certainly reinforced by the legal texts from Deir el-Medina, which show that almost all acts listed above were judged by the court and could often result in severe penalties. A widely varying array of transgressions could be met with harsh physical punishment. We shall, however, limit ourselves to those crimes for which the sources offer the most conclusive evidence: theft and extortion, sexual misconduct, assault, slander and defamation of character, disturbing the dead, judicial misconduct, murder, conspiracy and treason, and tomb robbery.²¹

1.2.1 - Theft and Extortion

Theft seems to have been a somewhat regular occurrence in Deir el-Medina, it is featured in multiple trial records recounting the accusations, investigations and, often, the punishments imposed. However, theft *per se* does not seem to have been regarded as a criminal offense by the Egyptians. In the cases where another private individual had been the victim of theft, punishments did not exceed economic sanctions. The convicted thief was first of all forced to return the stolen goods. Additionally he or she would have to pay a compensation which could be as much as four times the original value of the stolen goods. If, on the other hand, goods belonging to the state had been stolen, the punishments were far heavier. Those who stole from the king could expect to be forced to pay eighty to a hundred times the value of the objects in question. Punishments in these cases usually also encompassed a corporal element in the form of a beating, forced labor or, in rare cases, even a death sentence. Going by our earlier criterion for distinguishing civil law from criminal law, these varying forms of punishment makes the classification of theft slightly complicated. In any case, theft seems to have been seen as a wrong, yet the victim of the offense decided the severity of a case.²²

An interesting case of theft found in the Deir el-Medina source material supports the notion that theft from the state was considered a serious offense. In this case, a woman named *Hri3* is brought in front a court of high officials and is accused of stealing a chisel from one of the workers. The man accuses her in front of the judges of being the one who stole the copper tool, as this information had been given to him by a witness to the crime. Upon being asked by the judges to either confirm or deny this, she swears on Amun that it was not she who stole the chisel and if she were to be proven guilty, she would accept punishment. The judges subsequently send a servant of the court to the woman's house for an inspection. There, the stolen chisel is swiftly recovered,

²⁰ E.A. Wallis Budge, *The Book of the Dead: The Chapters of Coming Forth By Day* (London 1898) 193-194.

²¹ Allam, "Strafrechtliches", 133; VerSteeg, *Law in Ancient Egypt*, 158-161.

²² David Lorton, "The Treatment of Criminals in Ancient Egypt: Through the New Kingdom", *Journal of the Economic and Social History of the Orient*, Vol. 20, No. 1, Special Issue on The Treatment of Criminals in the Ancient Near East (1977) 47; A. McDowell, *Jurisdiction in the Workmen's Community of Deir el Medina* (Leiden 1990) 29, 156, 230-233 (with regard to the varying punishments for theft), 134, 227-228, 248-249 (with regard to the abundance of theft); VerSteeg, *Law in Ancient Egypt*, 161-165.

alongside a censer belonging to the temple of Amun. The woman had obviously broken her oath and now seemed to have to face the consequences. The judges declare the worker to be legitimate in his claim and *Hri3* to be a 'criminal worthy of death' (*'d3t š3it mwt*). Theft of state property is in this case considered a capital offense, even though one can wonder which aspect of this crime was found to be most intolerable: was it the fact that an item sacred to Amun had been stolen or perhaps the fact that the women lied under oath. The source does not explain how the judges came to their verdict.²³

While theft from the state was a serious crime, the same was certainly equally true for the opposite: theft by state officials. This becomes very clear in the Edict of Horemheb which gives a long enumeration of possible offenses by state officials and members of the military, as well as the corresponding punishments. This edict was issued out in order to set forth the efforts of his predecessors to undo the changes made in Egyptian society, as a result of pharaoh Akhenaten's rule. During this time, control of local officials had become lax which had led to widespread theft and extortion on their part. Harsh punishments were now put in place for various kinds of misconduct by state officials. With regard to soldiers stealing hides from farmers, it states that "the law shall be executed against him, by beating him a hundred blows, opening five wounds, and taking from him by force the hides which he took."²⁴; and concerning the state official or soldier who confiscated goods that were to be delivered to the pharaoh: "...every officer who seizeth the dues and taketh the craft of any citizen of the army or of any person who is in the whole land, the law shall be executed against him, in that his nose shall be cut off, and he shall be sent to Tha[ru]."²⁵ The latter clause implies that offenders were to be sent to Tjaru, a remote military settlement in the Sinai desert. In conclusion, it can safely be stated that theft which involved the state in any way, was severely punished.²⁶

1.2.2 - Sexual Misconduct

If we are to believe Diodorus, the Egyptians did not look favorably upon those who had committed adultery and/or sexual assault.

"Severe also were their laws touching women. For if a man had violated a free married woman, they stipulated that he be emasculated, considering that such a person by a single unlawful act had been guilty of the three greatest crimes, assault, abduction, and confusion of offspring; but if a man committed adultery with the woman's consent, the laws ordered that the man should receive a thousand blows with the rod, and that the woman should have her nose cut off, on the ground that a woman who tricks herself out with an eye to forbidden license should be deprived of that which contributes most to a woman's comeliness."²⁷

The judicial texts from Deir el-Medina are, however, far more inconclusive regarding the Egyptian legal stance on adultery and rape. First of all, it is difficult to actually distinguish these two offenses from each other within the sources. In the known cases where adulterers were brought in front of the court, the question of the woman's compliance is never discussed. It is, therefore, possible that rape of a married woman automatically constituted adultery; the latter then being considered the greatest offense. Secondly, it is questionable whether adultery by itself was regarded as a legal

²³ O. Nash 1, in: Schafik Allam, *Hieratische Ostraka und Papyri aus der Ramessidenzeit* (Tübingen 1973) (hereafter cited as: *HOPR*) 214-217; for similar cases see: O. Nash 2: *HOPR* 217-219; O. Cairo J. 72465: *HOPR* 69-72.

²⁴ James Henry Breasted, *Ancient Records of Egypt, Vol. III*. (Chicago 1906) (hereafter cited as: *ARE*) 28.

²⁵ *ARE*, Vol. III, 26.

²⁶ VerSteeg, *Law in Ancient Egypt*, 176-177.

²⁷ Diodorus, *Bibliotheca Historica* I, 78, 4-5.

matter at all, as opposed to a matter to be resolved privately. In most cases where adultery is brought before the judges it does not seem to be considered a punishable offense.²⁸

Certainly, however, the Egyptians saw both rape and adultery as wrongful conduct as it was often handled by the courts, perhaps it was only punishable under certain circumstances. As for other conceivable acts of sexual misconduct, such as homosexuality and prostitution; these do not seem to have been criminal offenses. It appears that sexual intercourse between two men, as long as both were consenting and no use of violence was involved, was not prohibited by any law. With regard to prostitution, barely any evidence from the New Kingdom is available; certainly not enough to base any claims concerning its criminalization upon.²⁹

1.2.3 - Violation of Personal Integrity: Assault; Slander; Murder

Physical assault was most certainly a punishable crime in ancient Egyptian society. There are a few cases in which someone was found guilty of battery and in all of these cases the culprit received a corporal punishment of some kind. In one case, a man named Penēb seems to have gone on a rampage of violence and debauchery. Among a lengthy enumeration of committed offenses, including multiple instances of theft, robbery, sexual assault and beating his workers, we find:

“Charge concerning his running after the chief-workman Neferhotep, my brother, although it was he who reared him. And he closed his doors before him and he took a stone and broke his doors. And they cause men to watch Neferhotep, because he said: I will kill him in the night, and he beat nine men in that night. And the chief-workman Neferhotep brought a claim against him before the Vizier Amenmose and he inflicted punishment upon him. And he brought a plaint against the Vizier before Mose, and he had him dismissed from the office of the Vizier, saying: He has chastised me.”³⁰

Penēb, a man of certain social stature, thus reaped what he sowed and he received a beating of his own. Additionally, he does not seem to have learned his lesson, as we find him currently on trial for countless other offenses. Sadly, the text ends before we can find out the sentencing he received for his transgressions. In two other cases of physical assault the court sentenced the culprits to forced physical labor.³¹

Slander, or defamation of character, could be subject to legal sanctions it seems, although there is little evidence to go by. One trial report offers the case of the foreman Ḥȝy, who accuses a woman and three workmen of slandering him by spreading the rumor that he has spoken ill of pharaoh Seti I (c. 1294-1279). Ḥȝy denies the accusations and the defendants are subsequently interrogated by the court. Soon, the four admit that they have not heard the foreman say anything bad. The judges hand down their verdict: the culprits will receive one hundred blows; additionally, they are forced to swear and oath to have their noses and ears cut off, if they ever again slander their foreman or lie in court.³²

The crime of murder, or attempted murder, is well attested in the trial proceedings of two separate harem conspiracies, which we will discuss shortly. Murder of private citizens, however, is hardly featured at all in sources from the New Kingdom. There are no accounts of common murder trials from the Ramesside Period. One text does offer some insight: the 21st Dynasty (c. 1069-c. 945

²⁸ Janet H. Johnson, “The Legal Status of Women in Ancient Egypt”, in: Anne K. Chapel and Glenn E. Markoe, *Mistress of the House, Mistress of Heaven: Women in Ancient Egypt* (Cincinnati 1996) 216, n. 47; McDowell, *Jurisdiction*, 155-156, 170, 210; VerSteeg, *Law in Ancient Egypt*, 172-173.

²⁹ Lorton, “Treatment of Criminals”, 38-39; Schafik Allam, “Legal Aspects in the ‘Contendings of Horus and Seth’”, in: Alan B. Lloyd, *Studies in Pharaonic Religion and Society in Honour of J. Gwyn Griffiths* (London 1992) 137, 141; VerSteeg, *Law in Ancient Egypt*, 172.

³⁰ P. Salt 124, in: Jaroslav Černý (transl.), *The Journal of Egyptian Archaeology*, Vol. 15, No. ¾ (1929) 245-246.

³¹ McDowell, *Jurisdiction*, 187, 226-227, 233.

³² O. Cairo 25572, *HOPR*, 63-65; VerSteeg, *Law in Ancient Egypt*, 179.

BC) Stela of Banishment states the following: “As for any person, of whom they shall report before thee, saying, ‘A slayer of living people [...] (is he)’; thou shalt destroy him, thou shalt slay him.”³³ This implies that the killing of another man was considered a capital offense. However, we do not know whether the Egyptians distinguished between murder and homicide. The modern criterion for this distinction, namely premeditation, does not seem to have been the deciding factor. The Middle Egyptian term for murder is ‘to kill wrongfully’ (*smʿ m nʿf*), thus the fact that a killing had been unjustifiable may have constituted murder under Egyptian law.³⁴

1.2.4 - Judicial Misconduct

As we have previously discussed, *Maʿat* was a guiding principle within ancient Egyptian society. This ‘connective justice’, in a way, linked everyone and everything together. To live in accordance with *Maʿat*’s principles was a collective responsibility. It is, then, not surprising that the integrity and impartiality of judges were considered to be of exceptional importance. The judges were state officials, essentially representing the pharaoh in legal and administrative matters. The pharaoh, on his part, had a divine mission to uphold justice, order, and balance in his domain. Any judicial misconduct would, therefore, reflect poorly upon the pharaoh, to say the least. Thus, precautions were taken in practice to ensure the court’s impartiality, as is shown in multiple cases known from the Deir el-Medina texts. Judges who were somehow involved in the matter at hand, were excluded from further participation.³⁵

To find out the official legal stance on judicial misconduct, we turn again to the Edict of Horemheb. Alongside numerous measures dealing with theft and extortion by state officials, Horemheb also issues a few statements with regard to proper judicial conduct. Firstly, he cautions his newly appointed viziers with the following words:

“Do not associate with others of the people; do not receive the reward of another, not hearing [...]. How, then, shall those like you judge others, while there is one among you committing a crime against justice.”³⁶ And as for the judge concerning whom it is said that “he sits, to execute judgment among the official staff appointed for judgment, and he commits a crime against justice therein; it shall be against him a capital crime.”³⁷

From the time of Horemheb on, then, judicial misconduct appears to have been punishable by death. However, one famous case in which the death penalty was not imposed, shall be discussed in the following section.³⁸

1.2.5 - Conspiracy/Treason

Two accounts of trials involving a conspiracy to kill the pharaoh are currently known to us, both of which involved the pharaoh’s harem. The first took place during the 6th Dynasty (c. 2460-2200 BC), the second under the reign of Ramesses III, pharaoh of the 19th Dynasty (c. 1295-1188 BC). For the sake of relevance in light of the general scope of this research, we shall limit ourselves to discussing the latter. The fragmentary evidence offers us a view of what certainly may have been one of the more high-profile trials in Egypt’s long history.³⁹

³³ The Stela of Banishment, *ARE*, Vol. IV, 320.

³⁴ McDowell, *Jurisdiction*, 225-226; VerSteeg, *Law in Ancient Egypt*, 169.

³⁵ Allam, “Strafrechtliches”, 134; Allam, “Verfahren”, 45-46.

³⁶ *ARE*, Vol. III, 31.

³⁷ *Ibidem*, 32.

³⁸ VerSteeg, *Law in Ancient Egypt*, 175.

³⁹ *Ibidem*, 169.

Near the end of Ramesses' reign, a conspiracy to assassinate the king was formed between one of his queens, a royal butler, and the pharaoh's chamberlain. The plot eventually involved many women of the harem, as well as ten harem officials and their wives. Before the plan could be carried out, however, the conspirators were betrayed and their scheme came to light. Everyone involved was apprehended and the pharaoh ordered their prosecution. Since a case of such magnitude could not be handled by a regular court of law, a special commission of fourteen high-ranking officials was appointed to investigate the crimes and to punish the guilty. Remarkably, Ramesses went to great length in order to distance himself from the further proceedings, giving the appointed judges full discretion with regard to their verdict and the power to execute punishments. He even cautioned the judges to absolutely make certain that the suspected conspirators were guilty before executing them. This might have been because the old pharaoh felt his demise was imminent, the words inaugurating the judicial commission certainly seem to indicate such.⁴⁰ In any case, Ramesses died before the trial was held.⁴¹

In spite of the king's death, the conspirators were still expected to answer for their crimes. Thus, the court held four rounds of prosecution in which absolutely everyone who was in any way involved in the initial plot was found guilty and sentenced to death, even those who had just heard other talking about it. The fourth round of prosecution, however, features a few familiar names as well as different punishments. It had apparently been found out that two of the judges, alongside two officers who were in charge of the prisoners, had been secretly "carousing" with the conspirators. The trial record reads:⁴²

"Persons upon whom punishment was executed by cutting off their noses and their ears, because of their forsaking the good testimony delivered to them. The women had gone; had arrived at their place of abode, and had there caroused with them and with Peyes. Their crime seized them.

This great criminal, Pebes, formerly butler. This punishment was executed upon him; he was left (alone); he took his own life.

The great criminal, Mai, formerly scribe of the archives.

The great criminal, Teynakhte, formerly officer of infantry.

The great criminal, Oneney, formerly captain of police."⁴³

1.2.6 - Tomb Robbery

Egyptians were customarily buried alongside many valuable items, in order to ensure their prosperity in the afterlife. As a result of this, the tombs – especially those of the upper class – were constant targets of robbery. Tomb robbery was certainly considered to be a punishable crime. Robbery of the royal tombs, however, was punished more severely; it was a capital offense. Cases involving theft from the royal tombs were handled by the 'Great Court', presided over by the vizier, for these exceeded the local court's jurisdiction. Perhaps because they involved the state directly or, alternatively, because they were considered capital offenses.⁴⁴

The most well-known trials are the so-called Great Tomb Robberies which took place during the rule of pharaoh Ramses IX (c. 1125-1107 BC). A group of people accused of robbing ten royal tombs was brought before the vizier's court in Thebes. Upon close inspection of the tombs, in fact just one of them appeared to have been raided. The charges were, however, not mitigated and many suspects were coerced into confessing, upon which they were found guilty and sentenced to death by the pharaoh. If, with this course of action, the authorities had hoped to repel future transgressors,

⁴⁰ *ARE*, Vol. IV, 210, 213.

⁴¹ *Ibidem*, 208-210.

⁴² *Ibidem*, 210-211; VerSteeg, *Law in Ancient Egypt*, 170-171.

⁴³ *ARE*, Vol. IV, 219.

⁴⁴ Lorton, "Treatment of Criminals", 31-32.

they were not very successful. Tomb robbery remained rampant, which ultimately forced state officials to collect the mummies of the most renowned pharaohs and hide them. They certainly did a stellar job, as it was not until 1881 that these mummies would see the light of day again.⁴⁵

1.3 - Prosecution and Trial

We shall now move to a detailed, albeit somewhat summarized, account of everything pertaining to the trial of a criminal offense in ancient Egypt: prosecution, composition of the court and trial process, culminating in the judges reaching a verdict. As was noted earlier, the majority of extant evidence hails from the Deir el-Medina community and we shall, therefore, focus mostly on these sources. It must be noted that it is not entirely sure that Deir el-Medina can truly serve as a textbook example of ancient Egyptian legal practice. Mainly for the reason that this community stood under the direct supervision of the vizier, which was uncommon for other settlements of this size. However, no other excavations have yielded such a great amount of judicial documents and so it will, plainly speaking, have to do. Lastly, while a common court and the 'Great Court' were roughly similar with regard to general procedure, the special courts – such as those installed for the harem conspiracy and the Great Tomb Robberies – could differ to a certain extent. Due to constraints of space, as well as the fact that these special courts were appointed very rarely, we shall, for the most part, limit ourselves to discussing the proceedings at the common courts of law.⁴⁶

1.3.1 - Composition of the Court

Egyptian society did not have professional judges; nobody adjudicated conflicts professionally or exclusively. The officials in charge of the community, the *knbt*, formed part of the tribunal. All but the most serious of transgressions were decided upon by this local court, capital offenses were, however, handled by the vizier's 'Great Court'. In case of Deir el-Medina, the three officials – the two foremen and the scribe – were often joined by other people, who would help them in deciding the matter at hand. Sometimes officials from outside of the community would take part, perhaps in order to strengthen the objectivity or authority of the court. Common citizens could, however, also serve as judge in some cases. This responsibility seems to have been taken quite seriously, for the common citizens who would assist in jurisdiction would also be addressed with the formal title of 'magistrate' (*sr*). Almost everyone seems to have been eligible to serve as a judge, even common workers and women.⁴⁷

The number of judges could vary widely for each case. Sometimes as much as twelve judges are listed for a case, although the court was often comprised of just the two foremen and the scribe. On occasion, the scribe would even arbitrate a conflict by himself. There seems to be no pattern in the composition of the courts, hence it is unknown which factors might have influenced the selection process. The actual judicial process was led by the scribe; he served as the chief judge. Despite technically being subordinate to the foremen, his great legal knowledge made him the greater authority in these situations.⁴⁸

In addition to the judges, mention is made in the sources of other legal personnel who carried out various tasks on behalf of the judges. These could include arresting someone and bringing him or her to trial, inspecting crime scenes and confiscating stolen goods. These tasks could sometimes be performed by state officials, but often common citizens were called upon to do the

⁴⁵ Erman, *Life in Ancient Egypt*, 137; McDowell, *Jurisdiction*, 189-200; VerSteeg, *Law in Ancient Egypt*, 165-168.

⁴⁶ VerSteeg, *Law in Ancient Egypt*, 48, 84-87; For an extensive and very detailed research of legal procedure, including 'Great Courts' and special courts, see: McDowell, *Jurisdiction in the Workmen's Community of Deir el Medina*.

⁴⁷ Johnson, "Legal Status of Women", 175, 177; McDowell, *Jurisdiction*, 65-69; VerSteeg, *Law in Ancient Egypt*, 37-38, 54.

⁴⁸ Allam, "Strafrechtliches", 132; McDowell, *Jurisdiction*, 167-168, 170; VerSteeg, *Law in Ancient Egypt*, 54-56.

court's bidding. Two examples of such court officials are 'agents' (*rw'dw*) and 'servants of the court' (*šmsw n knbt*). Agents usually performed simple judicial tasks, while the servants of the court were responsible for carrying messages, confiscating items and carrying out corporal punishments.⁴⁹

1.3.2 - Trial Procedure

Due legal process seems to have always played an important part in Egyptian society, it is unlikely that a completely arbitrary method of jurisdiction was ever used. In general, legal procedures had to be initiated by the citizens themselves. Only in the most serious of cases would the authorities investigate matters on their own initiative. Hence, it was usually up to the victim of a crime to bring the offending party to justice. Only after he had reported the incident to the local officials, would they start an investigation or eventually assemble a court. The right to prosecute someone was, however, not restricted to the victim of a crime alone. Some sources indicate that others could take up this task on behalf of other as well. In one particular case, which appears to have come to trial twice, features a father bringing his own son to trial for committing adultery with a married woman.⁵⁰ Prosecution of injustice was a civic duty and a citizen could represent the interests of the community in this way. After a crime had been reported, the *knbt* would investigate the matter, possibly make arrests, and interrogate people under oath.⁵¹

After it had been decided that a case required adjudication by the authorities, a tribunal was formed. A trial could take place at any day of the week and would usually last the entire day, during which a single case was heard. The only factors which appear to have decided the scheduling of a trial were the severity of the case and the availability of the judges. On the day of the trial, the defendant was brought in front of the judges. One of the judges, usually the scribe, would then declare the court to have concluded its preliminary investigation and formally accuse the suspect. The accused was, however, seemingly presumed innocent until proven guilty. At this time the court would question the suspect under oath, evidence was evaluated and any called upon witnesses were heard. In this process, the scribe functioned somewhat similar to a modern day public prosecutor, interrogating the defendant in order to find the truth.⁵²

Trials in Deir el-Medina were publicly accessible, even when the more severe cases were handled by the court. The entire workforce is sometimes listed as being present and, thus, it seems that local jurisdiction was subject to public scrutiny. In front of the judges and all those attending, both opposing parties could give their testimony. Judges often asked open questions, allowing suspects to elaborate in order to prove their innocence. In principle, everyone was equal in the eyes of the law; social status did not matter at all in court and everyone received due process in equal manner. Both parties in a trial were, however, obliged to tell the truth. To this effect they had to swear an oath and breaking that oath by lying could result in harsh punishments.⁵³ This is shown for instance in a case where someone is sentenced to be beaten with a stick 100 times. He had been brought to court for failure to pay his debt. When under oath, however, he denied having the debt at all. After this was found out to be untrue, the fact that he had committed perjury led to him receiving a beating in a case, which would customarily have been resolved with an economic sanction.⁵⁴

Lawyers did not exist in ancient Egypt; nobody could plead a case on behalf of someone else. Everyone was expected to represent themselves when faced with judicial scrutiny, as they would

⁴⁹ Allam, "Strafrechtliches", 133-134; Allam, "Verfahren", 32-36; McDowell, *Jurisdiction*, 49-51, 59-65; VerSteeg, *Law in Ancient Egypt*, 54, 56-57.

⁵⁰ P. DeM 27, *HOPR*, 301-302.

⁵¹ Allam, "Strafrechtliches", 135-136; McDowell, *Jurisdiction*, 157, 212; VerSteeg, *Law in Ancient Egypt*, 64-65, 68, 72.

⁵² Allam, "Strafrechtliches", 131-132, 137; McDowell, *Jurisdiction*, 69-89 (with regard to the role of the scribe in a trial); VerSteeg, *Law in Ancient Egypt*, 54, 73-76.

⁵³ Allam, "Strafrechtliches", 134; VerSteeg, *Law in Ancient Egypt*, 76.

⁵⁴ O. Cairo 25572, *HOPR*, 63-65; McDowell, *Jurisdiction*, 253-254.

certainly have no one speaking on their behalf when they would be on trial in the afterlife.⁵⁵ Appealing a case was neither an option. Someone accused of a crime had only one chance to prove his innocence and it was not possible to receive a second opinion from a higher authority. In a single case, however, an appeal was made to the pharaoh himself. The father of a man, who had been sentenced to forced labor by a local judge, brought the case under the attention of the king. After some consideration the pharaoh ordered the man's release.⁵⁶ By the time of the 22nd Dynasty (c. 943-716 BC), options of appeal in legal matters were finally instituted. In criminal cases, however, this was limited to consulting with an oracle.⁵⁷

1.3.3 - Reaching a Verdict

Generally speaking, very little is known about the specific rules and laws that were applied during a trial. Hence, we do not know much with regard to the process in which the judges came to a verdict. The judicial sources betray nothing about this; they are always presented in a formulaic manner, more or less along the lines of: "Party A is right, Party B is not right". In whatever way the verdict may have been reached – whether it had been a unanimous decision or one imposed upon the others by a ranking official – it was always presented as a collective decision by the judges. It may be hypothesized that the two greatest influences upon the judges' decision were evidence and jurisprudence.⁵⁸

Evidence was extremely important in the Egyptian judicial process and the most valued form of evidence was the testimony of a witness. Testimonies could be decisive to a great degree; so much so that in practically every known case in which an accused could produce an exonerating witness, the suspect was declared not guilty. Beside evidence, judges appear to have relied heavily on jurisprudence and common law when deciding upon cases. Just as the Egyptians had a great reverence for the past in general, so too in legal procedure the old or customary way was often regarded as the best way. Court rulings were evidently well documented and archived, perhaps in part to facilitate future consultation. After the evidence had shown them which of the litigants was right, the judges formed a verdict based upon jurisprudence, customary law and their interpretation of the pharaoh's will.⁵⁹

The swearing of oaths was another central aspect of Egyptian legal procedure; it could sometimes even replace the court's verdict in the conclusion of a case. Throughout the entire judicial process people were placed under oath while giving testimony, in order to deter them from lying. When an oath replaced the verdict, the suspect swore to either be innocent or to never again repeat his offense; else he would accept a gruesome punishment and a multiplication of any economic sanctions already imposed. In the earlier discussed case of the repeat adulterer, the defendant had to swear to never speak with the married woman again, or else his nose and ears would be cut off and he would be banished to Nubia.⁶⁰ It is unlikely that the corporal punishments mentioned in these oaths were often carried out. These oaths probably served more of a preventive function, whereby the threat of severe punishment was to prevent recidivism. Another reason for concluding cases with these oaths could lie in the fact that the members of the court were part of the same community upon which they passed judgment. Being concerned with maintaining social harmony, they might have felt that harsh punishments could also sow the seeds of discontent among the inhabitants of Deir el-Medina.⁶¹

⁵⁵ Théodorides, "The Concept of Law", 291, 311.

⁵⁶ O. British Museum 5631 recto, *HOPR*, 48-49.

⁵⁷ McDowell, *Jurisdiction*, 135, 186-186; VerSteeg, *Law in Ancient Egypt*, 71, 88-89.

⁵⁸ Allam, "Strafrechtliches", 134, 138-139.

⁵⁹ Allam, "Strafrechtliches", 134; Allam, "Verfahren", 37-39; Johnson, "Legal Status of Women", 175, 177; VerSteeg, *Law in Ancient Egypt*, 52, 76, 77-81.

⁶⁰ P. DeM 27, *HOPR*, 301-302; see also: O. Cairo 25556, *HOPR*, 61-63; and: P. Berlin 10496, *HOPR*, 277-280.

⁶¹ Allam, "Strafrechtliches", 139-143, 143, n. 49; Allam, "Verfahren", 67-71.

Lastly, the consultation of oracles within the context of a trial must be mentioned. This, however almost exclusively happened in cases which we would consider to fall under civil law. We know only of one criminal case in which a god was consulted and requested to point out a thief.⁶² For this reason, not much attention will be given to this phenomenon. Suffice it to say, even when oracles were consulted in a legal setting, they did certainly not have free reign. Even the gods had to abide by the laws and rules of the court and even they were bound to jurisprudence.⁶³

1.4 - Punishment

Sentences imposed in criminal cases almost always entailed some form of corporal punishment. As such, our primary focus shall be placed on this physical aspect of judicial retribution. Furthermore, it may be argued that even the economic sanctions were, to a certain extent, actually corporal punishments in disguise. Egypt, at the time of the New Kingdom (c. 1552-1069 BC), did not have much of a monetary economy. Precious metals were only used as weights to measure the grain with which everyone was paid. A hefty fine or the required payment of criminal damages could often result in the convicted person essentially losing his or her freedom, as they would be forced to work off their debt.⁶⁴

1.4.1 - Corporal Punishment

It fell within the authority of the local state officials, serving as judges, to exact the corporal punishments they prescribed in their verdicts. Only in the most serious cases would the final decision with regard to the punishment have to be taken by the vizier or even the pharaoh himself. Most cases involving criminal offenses were resolved with exacting a corporal punishment, though in cases of theft, economic sanctions would often be included in the sentence. From the time of the New Kingdom on, punishments became, certainly by current standards, far more severe. Physical harm only seemed to have become a structural part of the Egyptian penal system around the beginning of the New Kingdom, for the first beating as a result of a judicial procedure is first attested in a text from this time.⁶⁵ Even though beatings are noted as a punishment in earlier literary texts, the first strictly legal context is presented by this case from the 18th Dynasty (c. 1543-1292 BC).⁶⁶

The Middle Egyptian word for punishment is *sbꜣyt*, which incidentally can also mean 'teaching' or 'lesson'.⁶⁷ Not only was a corporal punishment intended as retribution for a criminal offense, it most certainly also had a deterring and preventive function. The Nauri Decree of Seti I specifies many punishments for various forms of theft, such as beating, opening of wounds, forced labor and amputation of nose and ears. We read, for instance, that upon those who took an animal belonging to the god's estate, "punishment shall be done to him by cutting off his nose (and) his ears, he being put as a cultivator in the Foundation, [...] and putting his wife (and) his children as serfs of (the) steward of this estate."⁶⁸ It appears an offense could be appalling to such an extent, that not only the culprit had to pay for it, but his entire family as well. And as for the state officials, who would illegally conscript any person belonging to the god's estate for their own gain: "punishment shall be done to him by beating him with two hundred blows (and) five pierced wounds."⁶⁹

⁶² O. Gardiner 4, *HOPR*, 151-152.

⁶³ For an excellent exposition of the role of oracles within Egyptian legal procedure, see: McDowell, *Jurisdiction*, 107-141.

⁶⁴ Peter Der Manuelian, *Egypt: The World of the Pharaohs* (Cologne 1998) 372; VerSteeg, *Law in Ancient Egypt*, 154.

⁶⁵ P. Mook, as paraphrased in: Lorton, "Treatment of Criminals", 23-24.

⁶⁶ Lorton, "Treatment of Criminals", 23-24, 50-53; VerSteeg, *Law in Ancient Egypt*, 153, 155.

⁶⁷ Faulkner, *Dictionary of Middle Egyptian*, 219.

⁶⁸ William F. Edgerton, "The Nauri Decree of Seti I: A translation and Analysis of the Legal Portion", *Journal of Near Eastern Studies*, Vol. 6, No. 4 (1947) 224.

⁶⁹ Edgerton, "Nauri Decree", 223.

These are by far the most common forms of physical punishment attested in the legal sources, however sometimes mention is made of the branding of criminals, as well as of forced labor in the stone quarry. Literary sources, furthermore, present us with an array of gruesome punishments, yet these are probably not to be taken too seriously. Egyptians also made sporadic use of imprisonment. When used, it was usually as a means of detaining individuals who were awaiting a trial or punishment. In one extant case of theft, however, imprisonment is listed as a punishment.⁷⁰ Lastly, the distinction between corporal punishment and coercion needs to be made. Both existed in ancient Egypt, although torture is almost exclusively attested during the trials surrounding the Great Tomb Robberies. It is quite evident that the ancient Egyptians made this distinction as well, judging by the terminology involved. For instance, whenever someone received a beating as a punishment, it would always be inflicted upon him with the 'šbd-stick' (the stem of a palm leaf). When, on the other hand, someone was beat into a confession during a trial, this would be done with either the 'bdn-stick' (the spine of a palm leaf) or the 'dndn-rod' (literally, 'the rod of wrath'). Torture within a legal context is, however, so rarely attested that it cannot be considered as part of customary judicial procedure.⁷¹

1.4.2 - Capital Punishment

Finally then, and strictly in the most severe and abominable of cases, the death penalty could be imposed on a convicted criminal. The words 'execute' and 'kill' are translated by the same word in Middle Egyptian: *sm*.³ The term for the capital punishment is a little more descriptive: *sbꜣyt ꜣt n mwt* or 'the great punishment of death'. The only crimes which we know for certain to have been punishable by death are high treason and stealing from the royal tombs, presumably because these were crimes against the pharaoh himself. Murderers would, most likely, also be executed, although there are no extant legal texts which involve murder. Death sentences are also mentioned occasionally in crimes which were committed against temples. It is, however, quite unsure whether capital punishments were consistently imposed in these cases. Other potential capital offenses are often listed in the literary sources, such as adultery within the Westcar Papyrus.⁷² The legal sources, nevertheless, do not support the literary claims in these cases.⁷³

Since the 19th Dynasty (c. 1295-1188 BC), impalement had remained the preferred method of execution in Egypt. The Nauri Decree of Seti states that upon those that sold an animal belonging to the state, "punishment shall be done to him by casting him down, placing him on top of a stake (*rdi hr tp ht*), and dedicating (his) wife, his children, (and) all his property to the Foundation."⁷⁴ It can be surmised from the sources that 'placing on top of a stake' entailed what we would call impaling. Someone would be put upon a sharpened stake, after which the weight of the body would slowly force the stake through the body, resulting in a prolonged and gruesome death. In all instances of capital punishment in which the method is mentioned, this form of punishment is stated. Non-legal texts, again, give an account of many other forms of execution. Decapitation, drowning and feeding to the crocodiles are mentioned in literary and religious texts. These accounts should, however, not be granted too much credence; they are, for one, not supported by the legal source material at all.⁷⁵

Executions took place in public. A letter dating from the early 5th century BC which recounts the events surrounding the destruction of the Jewish temple in Elephantine, states: "And all persons

⁷⁰ O. Turin 57455, in: McDowell, *Jurisdiction*, 73; VerSteeg, *Law in Ancient Egypt*, 154-155, 164-165.

⁷¹ Renate Müller-Wollermann, "Todesstrafe und Folter im pharaonischen Ägypten", in: Rollinger, Robert, Martin Lang & Heinz Barta (eds.), *Strafe und Strafrecht in den antiken Welten, unter Berücksichtigung von Todesstrafe, Hinrichtung und peinlicher Befragung* (Wiesbaden 2012) 154, 157.

⁷² J. Hunt Cooke, "The Westcar Papyrus", *The Biblical World*, Vol. 4, No. 1 (1894) 50.

⁷³ Müller-Wollermann, "Todesstrafe und Folter", 147-149; VerSteeg, *Law in Ancient Egypt*, 154, 163.

⁷⁴ Edgerton, *The Nauri Decree of Seti*, 224-225.

⁷⁵ Müller-Wollermann, "Todesstrafe und Folter", 149-151; VerSteeg, *Law in Ancient Egypt*, 156.

who sought evil for that Temple, all (of them), were killed and we gazed upon them.”⁷⁶ The punishment appears to have been intended as a deterrent of potential further crime as well. We may remember here, then, the alternative meaning of *sbꜣyt* as ‘teaching’ or ‘lesson’. Not only could this form of public execution serve as a teaching for the attending public, it may have been intended as a lesson for the soon to be deceased criminal as well. Death was not considered to be a punishment in and of itself; the truly gruesome fates were customarily wished upon the afterlife of convicted criminals. In this case, the first death was merely a prerequisite for the – in this case – inevitable second death in the afterlife; an event which was dreaded far more in Egyptian society. Perhaps it was, then, thought that the executed would still have an opportunity to reflect on the lesson later.⁷⁷

Nevertheless, execution of criminals was not taken lightly in ancient Egypt. It is likely that only the pharaoh could give the order for an execution, even though this right seems to have been granted to local courts as well in the Nauri Decree of Seti. Even after this, though, local courts would presumably refer capital cases to higher courts of law. All things considered, the death penalty was actually executed relatively rarely in ancient Egypt – at least when compared to other Near Eastern legal systems of that time. The Egyptian stance on justice and capital punishment may, thus, be well reflected in the following passages from the Teachings to Merikare, a Middle Egyptian literary text reciting an instruction for the future pharaoh:⁷⁸

“Beware of punishing unjustly; do not kill, for it will not benefit you. Punish by means of flogging and imprisonment, for thus the land will be kept in good order, except for the rebel who has contrived his plots. But God is aware of the rebel, and God will smite his evil with blood. But the merciful man (will prolong) the length of his days.

Do not execute a man of whose abilities you are aware, one with whom you were educated.

[...]

Do not slay even one man who is close to you, for you have favoured him, and God knows him. He is one of those who prosper upon the earth, for those who serve the king are (as) gods. Implant love for yourself in the entire land, for a good disposition means being remembered, even after years are past and gone.”⁷⁹

⁷⁶ Bezalel Porten, *The Elephantine Papyri in English: Three Millennia of Cross-Cultural Continuity and Change* (Leiden 1996) 142.

⁷⁷ Müller-Wollermann, “Todesstrafe und Folter”, 151-154.

⁷⁸ Müller-Wollermann, “Todesstrafe und Folter”, 152; VerSteeg, *Law in Ancient Egypt*, 76, 155.

⁷⁹ The Teaching for King Merikare (R. Faulkner transl.), in: William Kelly Simpson (ed.), *The Literature of Ancient Egypt. An Anthology of Stories, Instructions, Stelae, Autobiographies, And Poetry* (Yale 2003) 157, 165.

Chapter Two - Ptolemaic Egypt

2.1 - Egypt under Ptolemaic Rule

In the wake of Alexander the Great's fairly peaceful conquest of Egypt in 332 BC, the country would remain under Greek rule for nearly three centuries to come. In this chapter, we shall explore the ways in which this change in leadership impacted Egyptian society and administration and in particular its legal system. As we shall see, Egyptian law enforcement and jurisdiction became far more complex under the Ptolemies, most certainly when compared to the time of the New Kingdom. For one, those who lived in Alexandria or in any of the other Greek *poleis* had access to different judicial institutions, than those who resided elsewhere. This research shall, however, mainly focus on the aspects of criminal law enforcement in the Egyptian countryside or *chōra* (χώρα), for the following reasons. To begin with, in creating a broad analysis of the development of criminal law enforcement in Egypt over the course of more than a millennium, plain limitations of space make it necessary to forego specific details to some extent. Secondly, evidence from rural Egypt will certainly offer more valuable information with respect to potential continuity in the practice of law under the Ptolemies, as opposed to sources from the highly exclusive Greek *poleis*. Lastly, and most importantly, the source material dealing with crime and punishment in Ptolemaic Egypt comes almost exclusively from the Egyptian countryside.⁸⁰

2.1.1 - Administrative Organization

When Alexander the Great entered Egypt in 332 BC he was met with little resistance, both from Egypt's inhabitants as well as from the Achaemenid rulers, who had occupied Egypt for the most part of two centuries. Even though many details of Alexander's stay in Egypt have been romanticized to a great extent, we know that he visited the Oracle of Amun in the Siwah Oasis, where he was declared to be the son of Amun and new ruler of the universe. It is also certain that he founded the city that was to bear his name and which would serve as the capital of the Ptolemaic Kingdom. Alexander departed from Egypt again in 331 BC, leaving a certain Cleomenes of Naukratis in place as satrap to rule in his name. When Alexander died in Babylon in 323 BC, his vast empire was divided among his generals; Egypt was assigned to Ptolemy.⁸¹

For the first twenty years, Ptolemy would rule Egypt as satrap, first in name of Alexander's half-brother Philip Arrhidaeus and later in name of his son, Alexander IV. Already during his rule as satrap, Ptolemy attempts to place himself firmly within ancient Egyptian tradition. This can be seen on the so-called Satrap Stele, which contains a decree issued by Ptolemy in 311 BC honoring his victory over the Antigonids in Gaza, in which he says the following:⁸²

"Ptolemaeus, Satrap of land of Buto, I give it to Horus the avenger of his father, Lord of Pe (and) to Buto, the Lady of Pe-Tep, from this day and forever, with its villages all, its cities all, all its inhabitants, all its meads, all its waters, all its oxen, all its birds, all its cattle herds, (and) all thing produced therein..."⁸³

Only a few years later, in 305 BC, Ptolemy finally relinquished his status as mere satrap and declared himself to be independent king of Egypt; from then on he would be known as Ptolemy I Soter (305-

⁸⁰ John Bauschatz, *Law and Enforcement in Ptolemaic Egypt* (Cambridge University Press 2013) 44-45.

⁸¹ Allan K. Bowman, *Egypt after the Pharaohs, 332 BC – AD 642: from Alexander to the Arab Conquest* (London 1986) 22; Nicolas Grimal, *A History of Ancient Egypt* (Oxford 1992) 382; Günther Hölbl, *A History of the Ptolemaic Empire* (London 2001) 9-14.

⁸² Hölbl, *History of the Ptolemaic Empire*, 18.

⁸³ Tablet of Alexander Ægus II (S.M. Drach transl.), in: S. Birch, *Records of the Past: being English translations of the Assyrian and Egyptian monuments, Vol. X* (London 1878) 73.

283 BC), the self-proclaimed savior of Egypt. The Ptolemies would remain in control of Egypt until the death of Cleopatra VII in 30 BC. During this time, the Ptolemaic Dynasty set up a powerful and intricate bureaucratic system in Egypt, which could serve not only the needs of the royal house, but also dealt with the complexities resulting from an increasingly multi-ethnic society.⁸⁴

The presence of Greeks was not entirely new to Egypt at this time. Already in the 7th century BC, Naukratis was founded as a colony and trading post by the Ionian city of Miletus; and Greek inhabitants of other places, such as Memphis, are also attested from the same period. The first century of Ptolemaic rule saw Greek immigration on a large scale, into Alexandria and all parts of the Nile valley. The Greek newcomers would form the social and political elite within Ptolemaic Egypt, which led to social unrest among the native population and occasional uprisings. The process of cultural integration proved to be slow and complicated, and tensions always persisted. In spite of differences in language, culture and social standing, Egyptian society was, however, not segregated along ethnic lines. Greeks and Egyptians interacted with each other both socially and economically.⁸⁵

The Ptolemies became excessively wealthy from the grain trade and economic exploitation of Egypt was undoubtedly the main objective of their administration. All Egyptian farm land was in royal ownership and rented out in parcels for cultivation. The Ptolemies desired maximum efficiency in production and transport of goods. In order to ensure this, they, however, did not choose to subjugate and oppress the native population; instead they sought to appease the Egyptians and even to stimulate their culture and religion to a certain extent. The way in which they presented themselves to society, as well as the organizational structure of the bureaucratic system they implemented, played a great part in realizing these ideals. Even though the atmosphere at the Ptolemaic court in Alexandria was distinctly Greek-Macedonian, outwardly they presented themselves within a traditional Egyptian context, as rightful successors of the pharaohs. They associated themselves with the ancient Egyptian gods and were customarily depicted in classic Egyptian garb. Remarkably, one of the more defining characteristics of the Ptolemaic dynasty – namely their consanguineous marriages – may have been a result of an improper interpretation of the ancient Egyptian tradition of spouses addressing each other with ‘brother’ and ‘sister’.⁸⁶

The Ptolemies instituted a highly hierarchical and efficient bureaucratic system, all aspects of which ultimately served the primary goal of generating production and revenue. The administration of Egypt was in hands of a vast hierarchical network of state officials, who controlled and documented public affairs on all levels of society. At the head of this all stood the king himself as ‘chief executive’. He was responsible for the conduct and performance of his officials and he could, in theory, be reached by ordinary citizens through petitions. The Ptolemaic kings proclaimed their decisions and policies in royal decrees, occasionally getting involved in seemingly trivial matters. Directly under the king stood an array of powerful high officials, such as a chief finance minister and a chief accountant, who, in turn, oversaw the extensive network of state officials, down to the lowliest village administrator. In spite of the strict hierarchical structure of the Ptolemaic bureaucracy, state officials enjoyed a great deal of independence and autonomy in performing their duties. These state officials could become very powerful and wealthy; and since the domains of administration, law and religion were not separated, they could be involved in a wide variety of public affairs.⁸⁷

Greek was the official language in which all administrative business was conducted and the highest state officials were almost exclusively part of the Greek elite. However, lower echelons of bureaucracy were open to Egyptians to some extent, as long as they spoke and acted Greek. Although Greek culture was undoubtedly favored in the administrative and, as we shall soon see, the legal system of Ptolemaic Egypt, both cultures were fairly well supported by the central

⁸⁴ Bowman, *Egypt after the Pharaohs*, 22-23.

⁸⁵ Ibidem, 22, 31, 61, 121; Hölbl, *History of the Ptolemaic Empire*, 25-26.

⁸⁶ Bowman, *Egypt after the Pharaohs*, 24-27, 29, 56-57; Joseph G. Manning, *The Last Pharaohs: Egypt under the Ptolemies, 305-30 BC* (Princeton University Press 2010) 5, 203.

⁸⁷ Bowman, *Egypt after the Pharaohs*, 56-61.

administration. Despite the fact that the arrival of the Greeks brought about a social revolution as well as the formation of a new dominant elite, traditional Egyptian social and cultural patterns appear to have persisted, even if these are at times difficult to perceive within a body of source material so heavily skewed in favor of the Greek-speaking elite. Greek and Egyptian cultures could coexist fairly peacefully in Ptolemaic Egypt and the boundaries separating them were certainly not impassable. Ultimately, in great part due to the positive economic and social effects of the Ptolemaic administrative system, Egypt would become a highly diverse and sophisticated society with a high degree of economic activity and would remain so throughout antiquity.⁸⁸

2.1.2 - A New Legal Order

Notwithstanding the relative scarcity of source material from the preceding Achaemenid period, it is evident that Egypt's legal system evolved to become much more complex in the early Ptolemaic period, when compared to the pharaonic New Kingdom. The highly efficient bureaucratic system, which the Ptolemies had instituted in order to establish full control over the country and its agricultural production also incorporated the development of a new and advanced legal order. Just as the pharaohs had done in the past, the Ptolemies sought to control Egyptian jurisdiction and other legal matters in order to strengthen their power. The great majority of all bureaucratic and legal reorganization was done on the initiative of Ptolemy II Philadelphos (283-246 BC), who laid the foundations of Egypt's new administrative system through his orders (*πρόσταγματα*, *prostagmata*) and decrees (*διάγραμματα*, *diagrammata*). Shortly before 270 BC, Philadelphos introduced a fairly complex legal system, which featured various privileged self-governing groups on the one hand; and on the other hand several legal institutions which represented royal authority. The Ptolemaic legal system was a combination of unequal elements that did, however, not operate completely separate from each other and in which the local Egyptian norms and traditions were allowed to continue to a certain extent.⁸⁹

The Ptolemaic legal system already recognized the so-called principle of personality, which dictated that the law of a state only applied to its citizens. Thus, Egyptians were bound to Egyptian law, the law of the land (*ὁ τῆς χώρας νόμος*), which was also codified to some degree in the Ptolemaic era. The inhabitants of the Greek *poleis* in Egypt, on the other hand, were bound by their own laws (*πολιτικοὶ νόμοι*), at least until Philadelphos issued his *diagrammata* early in the third century. This situation, however, appears to have resulted in jurisdictional conflicts between Greek and Egyptian law. For in a *prostagma* from 118 BC, Ptolemy VIII Euergetes II (169-116 BC) felt compelled to settle this issue once and for all:⁹⁰

“And they have decreed in cases of Egyptians who bring actions against Greeks and in cases of Greeks who bring actions against Egyptians, or of Egyptians against Egyptians, with regard to all classes except the cultivators of the Crown land and the tax-payers and all others connected with the revenues, that where Egyptians make an agreement with Greeks by contracts written in Greek they shall give and receive satisfaction before the *chrēmatistai*; but where Greeks make agreements by contracts written in Egyptian they shall give satisfaction before the native judges in accordance with the national laws; and that suits of Egyptians against Egyptians shall

⁸⁸ Ibidem, 57, 61-62, 122-124; Manning, *The Last Pharaohs*, 1-5.

⁸⁹ Schafik Allam, “Egyptian Law Courts in Pharaonic and Hellenistic Times”, *The Journal of Egyptian Archaeology*, Vol. 77 (1991) 109, 125; Manning, *The Last Pharaohs*, 167, 177, 180; Hans Julius Wolff, “Organisation der Rechtspflege und Rechtskontrolle der Verwaltung im Ptolemäisch-Römischen Ägypten bis Diokletian”, *The Legal History Review*, Vol. 34, 1 (1966) 4-7.

⁹⁰ Allam, “Egyptian Law Courts”, 123; Bowman, *Egypt after the Pharaohs*, 61; Manning, *The Last Pharaohs*, 166, 177, 184-186, 193; Raphael Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri, 332 B.C. – 640 A.D.* (Warsaw 1955) 2-3, 8-14, 19.

not be dragged by the *chrēmatistai* into their own courts, but they shall allow them to be decided before the native judges in accordance with the national laws.”⁹¹

Thus, the language in which a contract was written decided which laws would apply and also by which judicial institution it could be arbitrated. Many different jurisdictional bodies were available in Ptolemaic Egypt that had either continued to exist in some form since earlier times or that had been instituted on royal initiative. One such institution was the *dikastērion* (δικαστήριον), which is first attested in the Egyptian countryside around 270 BC.⁹² These *dikastēria* arbitrated conflicts within the Greek settler communities. The judges who presided over these tribunals were probably not state officials, but members of the local elite, evidenced by the fact that they are exclusively listed by their own names in the trial records and not by any official title. Proceedings in these courts were conducted in Greek and the judges were of Greek-Macedonian descent. It is more than likely that the *dikastēria* – as well as their jurisdiction and procedures – were sanctioned by the Ptolemies, even if the evidence for this is only circumstantial.⁹³

The Egyptian counterpart of these Greek *dikastēria* was formed by the courts of the *laokritai* (λαοκρίται, ‘the people’s judges’), simply called ‘the judges’ in Egyptian (*n3 wptwy*). These judicial courts served the native Egyptian communities throughout all of Egypt’s nomes, the geographical administrative subdivisions which had been in place ever since the Predynastic period (before 3100 BC). They consisted of three Egyptian judges, who were often members of the clergy. There is no evidence that the *laokritai* were introduced by the Ptolemaic kings and this Egyptian legal tradition, thus, likely predates their reign. Unless their interests were expressly at stake, the Ptolemies did not interfere with the decisions of the *laokritai*. They did, however, keep themselves apprised of the proceedings at these courts by always having a state official present: the *eisagogeus* (εἰσαγωγεὺς). This Greek official, whose title literally translates to ‘he who brings in’, was tasked with presenting the cases before the *laokritai*. The *eisagogeus*, who, as a matter of fact, performed the same task in the Greek *dikastēria* as well, represented royal authority and formed the link between the local judges and the central administration.⁹⁴

The *dikastēria* and *laokritai* were intended for different groups within Egyptian society, but they formed – in spite of their disparities – the integral parts of a single legal system which suited the needs of the Ptolemies. By instituting this system of authorized self-government, Philadelphos hoped to attain two goals. Firstly, by making sure that everyone had their private conflicts resolved by government facilitated judicial institutions, he could establish total control over the country. Secondly, he wanted to appease the Greeks and Egyptians by allowing them to have their cases arbitrated, not only according to their own customs and traditions, but also by trusted people from their own community and in their own language.⁹⁵

Even though this royally authorized system of self-government was certainly one of the most important parts of the Ptolemaic legal order, there were even more jurisdictional options available. Law and jurisdiction pervaded every aspect of Ptolemaic society and, since no such thing as separation of powers existed, state officials could also get involved in legal matters; a privilege they took advantage of eagerly. The initial responsibility for dealing with legal conflicts was held by the *stratēgos* (στρατηγός, , litt. ‘general’). Being the most important civil official in each of the nomes gave him judicial authority and he could be reached by anyone through a petition. Depending on the nature of the conflict, however, various other state officials could get involved. In accordance with the thoroughly Greek idea that officials and magistrates should be able to afford holding a public office, state officials received no compensation from the state. Nevertheless, they often became very

⁹¹ P. Tebt. 5, IX, 207-220.

⁹² P. Hib. 30(d).

⁹³ Wolff, “Rechtspflege”, 7-8, 10.

⁹⁴ Allam, “Egyptian Law Courts”, 122-126; Wolff, “Rechtspflege”, 8, 11-12.

⁹⁵ Wolff, “Rechtspflege”, 9, 13-16.

wealthy and powerful. Something which, when combined with their great operational freedom and autonomy, presented a great risk of corruption and arbitrariness.⁹⁶

In order to deal with these potential risks, Philadelphos instituted one more jurisdictional body: the courts of the *chrēmatistai* (χρηματισταί, litt. 'money getters'). These courts of law, which operated alongside the state officials, directly represented royal authority and were permitted to adjudicate any matter in name of the king. Contrary to a belief long held by experts, the *chrēmatistai* did not form the Greek counterpart of the 'laokritai'. That assumption was based upon an improper interpretation of Euergetes II's *prostagma* of 118 BC, which is cited above. For it was language – and not ethnicity or nationality – that decided the competence of a court.⁹⁷

The *chrēmatistai* are first attested during the reign of Philadelphos and at first only in Alexandria.⁹⁸ From the time of the 2nd century BC onwards, however, they became the principal jurisdictional institution in every nome. *Chrēmatistai* were directly appointed by the king and were chosen predominantly from the Greek elite. Yet, already in the 3rd century BC we can find an Egyptian serving as a *chrēmatistēs*,⁹⁹ which must mean that being Greek was not considered to be a strict prerequisite. The *chrēmatistai* were the king's confidants, their impartiality and objectivity, therefore, had to be guaranteed. For this reason they were not allowed to hold any other office at the same time. Through implementation of the *chrēmatistai*, Philadelphos limited the legal power of his state officials to a certain extent, by making sure that everyone could have access to royal justice.¹⁰⁰

Ultimately, the legal system designed by Ptolemaeus II Philadelphos may have, in fact, simply provided too many different options in order for it to work efficiently in practice. This assumption is based on the fact that already by the end of the 3rd century BC, the *dikastēria* have disappeared; and a little over a century later the *laokritai* underwent the same fate. In the end, only the royal courts of the *chrēmatistai* could withstand the vast power of the state officials. In this somewhat condensed form, the legal system of Philadelphos would persist for the remainder of the Ptolemaic dynasty. A legal order in which judicial verdicts were based upon a combination of royal authority – handed down through various *prostagmata* and *diagrammata* – and local norms and traditions; and, moreover, a legal order in which both the Greek and the Egyptian could find refuge.¹⁰¹

2.2 - Punishable Offenses

For the following survey of the papyrological evidence of criminal offenses in Ptolemaic Egypt, I am heavily indebted to the monumental work done by Raphael Taubenschlag in the earlier half of the 20th century. To this date, his comprehensive and highly systematic examination of all legal papyrological source material, published in 1955 in his monograph *The Law of Greco-Roman Egypt in the Light of the Papyri*, has not been equaled. In spite of the obvious fact that any papyri published in the course of the past six decades are not taken into account in this book, the sheer amount of legal texts Taubenschlag reviews, as well as his extraordinarily detailed and methodical approach, ensure that his work still has great value today.

As we have established in the previous section, the Ptolemaic legal order incorporated both a Greek and an Egyptian legal system in which Egyptians were generally bound by Egyptian law and Greeks by Greek law. In cases of criminal offenses, however, this was not the case. The earlier described system of authorized self-government only applied to private law; crimes in Ptolemaic Egypt were exclusively judged by Greek law, even when native Egyptians were involved. It is doubtful

⁹⁶ Bowman, *Egypt after the Pharaohs*, 59-61; Wolff, "Rechtspflege", 18-22.

⁹⁷ Wolff, "Rechtspflege", 22-25.

⁹⁸ P. Mich. Zen. 39.

⁹⁹ Hans Julius Wolff, *Das Justizwesen der Ptolemäer* (Munich 1962) 73, n. 40.

¹⁰⁰ Wolff, "Rechtspflege", 23-31; Wolff, *Justizwesen*, 169.

¹⁰¹ Manning, *The Last Pharaohs*, 167; Wolff, "Rechtspflege", 32.

whether traditional Egyptian criminal law, insofar as such a category can truly be defined, continued to exist under Ptolemaic rule at all.¹⁰²

While criminal law in pharaonic Egypt was still quite premature and seemingly not considered to be a separate category, we find that this situation has changed greatly under Ptolemaic rule. Certainly when compared to the earlier periods, Ptolemaic criminal law had advanced considerably; it featured a fairly fleshed out terminology and made clear distinction between types of offenses. Five different groups of criminal offenses can be identified under Ptolemaic criminal law: crimes against individuals, fiscal crimes, high treason, and religious crimes. We shall discuss each of these in greater detail shortly.¹⁰³

A further advancement that is made in Ptolemaic criminal law is the distinction between crime and tort, i.e. actions by which someone does wrong and actions by which someone has done harm. In Ptolemaic times these were defined as *hamartēmata* (ἁμάρτηματα, 'faults') and *agnoēmata* (ἀγνόηματα, 'errors').¹⁰⁴ This further classification of crimes influenced who had the right to prosecute various offenses, as well as the types of punishments that could be handed out. This, then, forms a fundamental difference with pharaonic criminal law, under which the distinction between crime and tort does not appear to have been made.¹⁰⁵

2.2.1 - Crimes against individuals

Many different types of crimes and offenses are featured within this category. Not only various crimes committed against persons were considered as such, but also crimes committed against someone's property or rights. We shall discuss these one by one.

The gravest offense one could commit against an individual was murder. Actual cases of murder are, however, barely attested in the papyri. One correspondence between a village official and his superior discusses a murder case, but only indirectly: "You wrote me that I was to give notice to Heras son of Pelatus, an inhabitant of the village, who is arraigned for murder and other offences, to appear in three days' time for the decision to be made concerning these charges."¹⁰⁶ Our knowledge concerning the manner in which murder was judged in Ptolemaic times is, therefore, slight. It is, however, clear from the *prostagma* of Euergetes II that a distinction was made between premeditated and unpremeditated murder.¹⁰⁷ Furthermore, Ptolemaic criminal law appears to have differentiated violent murder from murder by poisoning; and even attempted murder seems to have been considered a separate offense. As is shown in a case from 118 BC, where a group of people is accused of attempted poisoning by their alleged victim, but are later acquitted.¹⁰⁸ Even though we don't know much about punishment for murder in Ptolemaic Egypt, it is likely that the sanction involved confiscation of property. This can be judged by the fact that the village scribe, who authored the fragment cited above, was also ordered to make a detailed list of the defendant's property and to have it placed in bond.¹⁰⁹

The next crime to be considered in this category is *hubris* (ὑβρις), a Greek legal term that does not translate directly into a single modern equivalent. When used in a legal context, the term signified an agglomerate of all the more serious injuries done to a person, yet it also included crimes

¹⁰² Taubenschlag, *The Law of Greco-Roman Egypt*, 20; Taubenschlag, R., *Das Strafrecht im Rechte der Papyri* (Leipzig – Berlin 1916) 1.

¹⁰³ Frédéric Bluche, "La peine de mort dans l'Égypte ptolémaïque", *Revue Internationale des Droits de l'Antiquité* 22 (1975) 144-146; Taubenschlag, *The Law of Greco-Roman Egypt*, 429-430.

¹⁰⁴ P. Tebt. 5₃.

¹⁰⁵ Taubenschlag, *The Law of Greco-Roman Egypt*, 430; Taubenschlag, "Strafrecht", 7-8; VerSteeg, *Law in Ancient Egypt*, 151-152.

¹⁰⁶ P. Tebt. 14₂₋₇.

¹⁰⁷ P. Tebt. 5₃.

¹⁰⁸ P. Tebt. 43₁₆₋₂₂.

¹⁰⁹ P. Tebt. 14₇₋₁₁; Barry Baldwin, "Crime and criminals in Graeco-Roman Egypt", *Aegyptus* 43 (1963) 259; Taubenschlag, *The Law of Greco-Roman Egypt*, 431-432; Taubenschlag, "Strafrecht", 8-10.

by which the victim was shamed or outraged. Alexandrian law from the middle of the third century, for instance, shows that threatening with a piece of metal, violent assault, and slander were considered as *hubris*.¹¹⁰ Certain circumstances, under which the *hubris* was committed, could also increase the severity of the case, such as: “Injuries done in drunkenness. Whoever commits an injury to the person in drunkenness or by night or in a temple or in the market-place shall forfeit twice the amount of the prescribed penalty.”¹¹¹ When the victim of *hubris* was a state official, this was also perceived as an aggravating circumstance.¹¹²

Even though the laws of the *chōra* differed from the Alexandrian laws in many respects, *hubris* seems to have been interpreted under both legal systems in more or less the same manner. Thus, we find that inflicting injury¹¹³ as well as both physical and verbal abuse,¹¹⁴ were criminal acts of *hubris*. Furthermore, committing *hubris* against a state official was considered to be an aggravating circumstance in the *chōra* as well.¹¹⁵ Lastly, *hubris* could also entail offenses which brought great shame or humiliation upon their victim, as is shown in this petition to the king from 115 BC: “They dragged me away with insults and blows, and shut me up in the house of a certain Amenneus, where they stripped me of the garment I was wearing, and went off with it, sending me forth naked.”¹¹⁶ *Hubris* was usually classified as a *hamartēma*, a crime which could be publicly prosecuted and which often resulted in heavier penalties. However, it appears that in certain cases the matter could be resolved with a settlement between the parties involved.¹¹⁷

Another offense against an individual could be made in the form of *bia* (*βία*), which translates to either violence or force. Not only violence used against an individual, but also violence against one’s property could constitute *bia*.¹¹⁸ The category of *bia* incorporated various offenses involving violence¹¹⁹, but also cases in which force was perhaps used in a less physical manner, such as extortion¹²⁰ or preventing a state official to carry out his tasks.¹²¹ *Bia* was always considered a *hamartēma*, for it would be inconceivable that violence or force were used unintentionally. For this reason, cases of *bia* could not be settled between the victim and the accused. This offense was often met with a financial penalty, which was to be paid to the victim and could vary in height according to the severity of the transgression.¹²² Even though extortion was usually regarded as *bia*, cases in which state officials were guilty of this offense were treated separately and those convicted received heavier penalties.¹²³

The legal definition of a person or individual extended to his property as well. Thus, crimes against possessions also fall within this same category. Among these, theft was the principal transgression. It must have been a regular occurrence, as it is often attested in the papyrological evidence.¹²⁴ We can only feel for the unfortunate woman who wrote the following petition to the king in 218 BC:

¹¹⁰ P. Hal. I₁₁₇₋₂₀₃.

¹¹¹ P. Hal. I₁₉₃₋₁₉₅.

¹¹² P. Hal. I₂₀₇₋₂₀₉; Taubenschlag, *The Law of Greco-Roman Egypt*, 435; Taubenschlag, “Strafrecht”, 10-17.

¹¹³ P. Ent. 82.

¹¹⁴ P. Tebt. 44₁₅₋₁₇.

¹¹⁵ B.G.U. 1780₁₀; 1834; for other examples of aggravating circumstances in cases of ‘hubris’, see: P. Tebt. 138 (at night); P. Tebt. 44₆₋₁₀ (in a temple); P. Ent. 81 (severe injuries).

¹¹⁶ P. Fay. 12₁₇₋₂₀.

¹¹⁷ P. Ent. 73; 74; Taubenschlag, *The Law of Greco-Roman Egypt*, 436-439; Taubenschlag, “Strafrecht”, 17-21.

¹¹⁸ P. Lond. 45₁₃; P. Tebt. 785.

¹¹⁹ P. Lond. 106.

¹²⁰ P. Amh. 35.

¹²¹ P. Hib. 34; 35₁₉₋₂₀.

¹²² P. Hib. 34₉ (the penalty for ‘bia’ against a state official is increased threefold);

¹²³ P. Tebt. 41; 183; Taubenschlag, *The Law of Greco-Roman Egypt*, 442-451; Taubenschlag, “Strafrecht”, 84-87.

¹²⁴ See for example: P. Hib 127; 148₃₋₆; P. Ent. 28₂; 75; Baldwin, “Crime and Criminals”, 257-258.

“Greetings to King Ptolemy from Thamounis, of Heracleopolis. I am wronged by Thothortais, who lives in Oxyrhyncha in the Arsinoite nome. In regal year one in the month of December, when I was visiting Oxyrhyncha and went to the bath, the above-mentioned woman entered and seized me as I was bathing in the women’s room, and hurled me out of the bath. I did not leave, but she, abusing me because I was a foreigner, beat me all over and stole my necklace of stone links. After this, I complained to Petosiris the village chief about these things, and Thothortais being summoned told him whatever she wanted. Favoring her, the village chief put me in the guardhouse and held me for four days until he took my cloak, worth 30 drachmas, which the defendant is now wearing, and then released me. Therefore I beseech you, King, to order Diophanes the *stratēgos* to write to Moschion the *epistatēs* and order Thothortais to him and, if these things are true, to compel her to return my cloak or pay the 30 drachmas, and in regards to the violence against me that Diophanes should decide what to do, so that through you, King, I might receive justice.”¹²⁵

Remarkably, it appears there was no universal legal term for theft in Ptolemaic times. Although it is of course conceivable that we may be missing some very subtle differences in signification between the various terms used, which have been lost in time. As was also the case with *hubris*, certain aggravating circumstances were recognized for cases of theft, for example perpetration at night time¹²⁶, while bearing arms¹²⁷ or theft from a temple.¹²⁸ Robbery constituted a special form of theft under Ptolemaic law; it was always referred to by the term *leia* (λεία, ‘attack in a thievish manner’) and it could result in heavier penalties.¹²⁹ Those convicted of theft occasionally had to pay a fine, in addition to the usual return or reimbursement of the stolen goods.¹³⁰

Aside from theft of material belongings, damage done to one’s property could be criminally prosecuted as well. Such cases could involve damage done to cattle¹³¹ or crops¹³², either intentional or not, but also more serious offenses like arson¹³³ and desecration of tombs.¹³⁴ In accordance with the varying graveness of offenses within this category, cases could either be considered as an *agnoēma* or as a *hamartēma*. In case of the former, where harm had been done unintentionally, matters could also be settled without the imposition of a sanction.¹³⁵

We are now left with just a few types of offenses that were considered to be crimes against an individual. First there are the acts which can be categorized as ‘fraudulent behavior’, even though there was no technical term for this in the legal language of the Ptolemaic era. These include, for example, the forging of documents¹³⁶ and defrauding in commercial transactions.¹³⁷ Lastly, then, crimes committed against someone’s rights also constituted an assault made on his person. The main example of this was false testimony. The city law of Alexandria prescribed the course of action that was to be taken in cases of alleged perjury in great detail; and also promised a fine to those that were convicted of this offense.¹³⁸

¹²⁵ P. Ent. 83 (C.E. Muntz transl.), as found on: <http://comp.uark.edu/~cmuntz/classes/hist4013/enteuxeis.pdf>.

¹²⁶ P. Rein. 17₄.

¹²⁷ P. Tebt. 16₇₄.

¹²⁸ P. Ent. 29.

¹²⁹ P. Tebt. 53.

¹³⁰ Baldwin, “Crime and Criminals”, 258-259; Taubenschlag, *The Law of Greco-Roman Egypt*, 452-455.

¹³¹ P. Ent. 70₆; 71₆.

¹³² P. Tebt. 264.

¹³³ P. Petr. 34.

¹³⁴ P. Par. 6₉₋₁₅.

¹³⁵ Taubenschlag, *The Law of Greco-Roman Egypt*, 458-460.

¹³⁶ P. Ent. 49; 50.

¹³⁷ P. Ent. 34; P. Grenf. I 43.

¹³⁸ P. Hal. I_{1ff.}; Taubenschlag, *The Law of Greco-Roman Egypt*, 462-464.

2.2.2 - Fiscal crimes

Fiscal crimes entailed all transgressions that harmed the revenue of the state, either through negligence or intentional action. Even though these crimes were usually classified as *agnoēmata*, punishments could be severe.¹³⁹ This may not be that surprising, since creating maximum revenue was, after all, the chief objective of the Ptolemaic rule over Egypt. The attitude of the central administration with regard to proper management of revenue through the taxation of crops is well reflected in the following letter from the *dioikētēs* (*διοικητής*), the most important financial officer of the country, to a certain Hermias, who was the man locally ‘in charge of the revenues’ (*ἐπὶ τῶν προσόδων*):

“[...] after the severest treatment at the inquiry instituted against you for not having provided at the proper time for the collection of the green stuffs and the other second crops, nor for the custody of the produce, and for not even using men of repute for the offices of *oikonomos* and *archiphylakitai*, but without exception evil and worthless persons, you still continue in the same miserable course with no improvement whatever in your improper procedure. But be sure that you are liable to accusation; and, before it is too late, believing that you will receive no pardon for any neglect, see that suitable persons are appointed to the aforesaid offices, and display unremitting zeal in what tends to increase the revenue.”¹⁴⁰

Misconduct by officials in charge of generating revenue was evidently not taken lightly. Hermias is in this case assured by his superior that punishment is already inevitable. The *prostagma* of Euergetes II, issued in 118 BC, shows us that these punishments could be very harsh, especially in case of intentional interference with the state’s revenue:

“And since it sometimes happens that the *sitologi* (officials who kept records of grain) and *antigraphais* (checking clerks) use larger measures than the correct bronze measurements appointed in each nome ... in estimating dues to the State, and in consequence the cultivators are made to pay (more than the proper number of measures), they have decreed that the *stratēgoi* and the overseers of the revenues [...] shall test the measures in the most thorough manner possible in the presence of those concerned [...], and the measures must not exceed (the government measure) by more than the two ... allowed for errors. Those who disobey this decree are punishable with death.”¹⁴¹

Another such fiscal crime was tax fraud, which could be punished by confiscation of one’s *klēros* (*κληῆρος*), the plot of land which was assigned by the state.¹⁴² Furthermore, crimes committed against the royal domains fall into this category as well, such as theft of sheep from the royal domain¹⁴³ and setting fire to a granary belonging to the king.¹⁴⁴ Transgressions of this sort were taken very seriously and prosecution of these was considered a civic duty. Everyone was expected to notify the authorities of any such misconduct and even to assist in prosecution. Those who aided in successfully convicting someone of fiscal crimes would receive a reward.¹⁴⁵

¹³⁹ Taubenschlag, *The Law of Greco-Roman Egypt*, 466.

¹⁴⁰ P. Tebt. 27₃₄₋₅₆ (113 BC).

¹⁴¹ P. Tebt. 5₈₅₋₉₂.

¹⁴² P. Amh. 32.

¹⁴³ P. Tebt. 64(b)₁₄₋₁₈.

¹⁴⁴ P. Tebt 61(b)₁₈₅.

¹⁴⁵ Taubenschlag, *The Law of Greco-Roman Egypt*, 464-473.

2.2.3 - Religious Crimes and Treason

Since state, kingship and religion were essentially inseparable categories in Ptolemaic Egypt, treason and religious crimes were, with regard to their legal interpretation, quite closely connected to each other. The royal house was identified with the state itself under Ptolemaic law and the Ptolemies, furthermore, professed a close connection to the divine realm. It is, therefore, unsurprising that crimes committed against the state often bore an additional religious connotation; and vice versa.¹⁴⁶

The principal religious crime attested in the papyri is *hierosulia* (*ἱεροσυλία*), commonly translated as ‘sacrilege’ or ‘temple-robbery’. Even though the evidence of this type of offense is scarce, it is evident that it was regarded as one of the gravest offenses possible. For further clarification, we may, yet again, turn to the *prostagma* of Euergetes II. The opening remarks of the lengthy proclamation contain an amnesty decree, by which the king seems to have wanted to present his subjects with a thoroughly clean slate.¹⁴⁷

“King Ptolemy and Queen Cleopatra the sister and Queen Cleopatra the wife proclaim an amnesty to all their subjects for errors, crimes, accusations, condemnations and charges of all kinds up to the 9th of Pharmouthi of the 52nd year, except to persons guilty of willful murder or sacrilege.

And they have decreed that persons who have gone into hiding because they were guilty of theft or subject to other charges shall return to their homes and resume their former occupations, and their remaining property shall not be sold.¹⁴⁸

We see that all *hamartēmata* as well as all *agnoēmata* are issued a royal pardon; practically every conceivable transgression is thereby forgiven, except for murder and *hierosulia*. From this, we may safely hypothesize that sacrilege was, at the very least, equal to premeditated murder with regard to the perceived gravity of a crime. The lack of evidence for *hierosulia* within the papyrological legal texts also makes it difficult to ascertain what exactly constituted this crime. Robbery of temples would, presumably, have been regarded as sacrilege; however, no cases dealing with such matters are attested. What are left are the cases in which it is quite plausible that the committed crimes may have constituted a *hierosulia*. For instance the case in P. Lond. 44., where a certain Ptolemy, son of Glaucias, petitions for protection and requests punishment of those who have physically assaulted him in the Serapeion, on two accounts already.¹⁴⁹ This may, nevertheless, also have constituted a case of aggravated *bia*, as opposed to actual sacrilege. As it stands, not much is known about the nature of this offense.¹⁵⁰

The final type of transgression under discussion here is treason. Once again, however, the papyrological evidence leaves much to be desired with regard to concrete information about this crime. Because the Ptolemies had always presented themselves as descendants of the pharaohs, they too had a close connection to the gods. As such, crimes committed against the sovereign were judged in a religious context and referred to by the term *asebeia* (*ἀσεβεια*, ‘impiety’). We can see the term used within this context in the Memphis Decree by Ptolemy V Epiphanes (204-181 BC), contained on the famous Rosetta Stone. The text, which recites Epiphanes’ many achievements in restoring order to Egypt, describes the quelling of a local insurgency against the king as follows:

“And having gone to Lykopolis in the Busirite nome, which had been occupied and fortified against a siege with an abundant store of weapons, and all other supplies, seeing that

¹⁴⁶ Taubenschlag, “Strafrecht”, 49-52.

¹⁴⁷ Taubenschlag, *The Law of Greco-Roman Egypt*, 477.

¹⁴⁸ P. Tebt. 5₁₋₉.

¹⁴⁹ P. Lond. 44.

¹⁵⁰ Taubenschlag, “Strafrecht”, 15-52, 51, n. 4.

disaffection was now of long standing among the impious men gathered into it, who had perpetrated much damage to the temples and to all the inhabitants of Egypt, and having encamped against it, he surrounded it with mounds and trenches and elaborate fortifications; when the Nile made a great rise in the eight year, which usually floods the plains, he prevented it, by damming at many points the outlets of the channels, spending upon this no small amount of money, and setting cavalry to guard them; in a short time he took the town by storm and destroyed all the impious men in it."¹⁵¹

This case of *asebeia*, then, seems to have been swiftly punished with death by force of the king's armies tearing down the gates. The category of treason, however, also covers the crime of breaking the king's oath (*ὄρκος βασιλικός*)¹⁵², which was presumably merely punished with a fixed fine. In the absence of a Ptolemaic equivalent of the fascinating treason and conspiracy cases from the pharaonic 6th and 19th Dynasties, there is, regrettably, not much more to conclude with regard to treason in Ptolemaic Egypt at this time.¹⁵³

2.3 - Criminal Prosecution and Trial

In the following, we shall discuss the manner in which crime was dealt with in Ptolemaic Egypt; from the moment that a report had been made to the authorities, until the ultimate resolution of the matter by way of either trial or peaceful settlement. With regard to the previously discussed Ptolemaic legal system, one quite important – most certainly, considering the scope of this investigation – observation has not yet been made. The highly diverse system, which featured two coexisting legal systems as well as many jurisdictional bodies, generally did not apply to the field of criminal law. First of all, all cases of criminal offenses were only judged by Greek law, regardless of the nationality of those involved. Furthermore, the courts of the *chrēmatistai* were almost exclusively civil courts of law; they only rarely presided over criminal cases. The task of dealing with crime on all levels of society was mostly in hands of state officials. As we shall now see, in addition to their bureaucratic and legal systems, the Ptolemies created a remarkably advanced and effective system dedicated to maintaining law and order.¹⁵⁴

2.3.1 - Law Enforcement

Even though the term may seem anachronistic at first glance, we can truly speak of a law enforcement system when discussing the treatment of crime and criminals under the Ptolemies. John Bauschatz has demonstrated this expertly in his recent publication on the police system of Ptolemaic Egypt. He justifies this use of yet another modern term by employing the following clear definition: "*I understand a police force as a government body charged primarily with three main tasks: investigation, apprehension, and prosecution. Policing, then, I understand as the performance of the tasks of police.*"¹⁵⁵ Prior to the publication of his monograph, relatively little research had been done on this specific aspect of the Ptolemaic legal system and certainly nothing on such a large scale.¹⁵⁶ For this reason, his book shall serve as a guideline for this exposition of criminal prosecution and trial in Ptolemaic Egypt.

¹⁵¹ Paul Halsall, "The Rosetta Stone: Translation of the Greek Section", *Ancient History Sourcebook* (<http://www.fordham.edu/halsall/ancient/rosetta-stone-translation.asp>) (2000).

¹⁵² P. Amh. 35_{25ff}.

¹⁵³ Taubenschlag, *The Law of Greco-Roman Egypt*, 473-474; Taubenschlag, "Strafrecht", 49-51.

¹⁵⁴ Bauschatz, *Law and Enforcement*, 221; Taubenschlag, *The Law of Greco-Roman Egypt*, 20; Taubenschlag, "Strafrecht", 1.

¹⁵⁵ Bauschatz, *Law and Enforcement*, 4-5.

¹⁵⁶ *Ibidem*, 5.

Ptolemaic Egypt developed a sophisticated law enforcement system, which processed criminal in an effective and efficient manner. The entire process of criminal justice was in hands of dedicated police officials, even if other state officials often got involved in police matters as well. When they became aware of a crime, Ptolemaic law enforcement officers acted swiftly and in a decisive manner: they arrested and detained suspected criminals, conducted any further investigations, and even meted out justice and punishment. As was the case for all state officials, these police officers enjoyed a great deal of operational freedom and autonomy. They acted on orders of their superiors, but also upon request of civilians through petitions. Furthermore, they patrolled Egypt's cities and villages, where they would intervene with matters on their own initiative.¹⁵⁷

Ptolemaic Egypt seems fundamentally different from other ancient cultures in this respect, even if the great disparity in available source material may distort our view. It had a very active legal system, in which victims of crimes were not forced to personally bring those who had wronged them to justice. Furthermore, everyone had clear access to judicial arbitration and law enforcement officials were present on Egypt's every geographical and administrative level. Everyone could report matters to the authorities without much effort and police usually acted swiftly upon those requests. As such, both civilians and law enforcement officers had an active role in dealing with crime. Thus, "the Ptolemaic criminal justice system was a smoothly functioning machine that provided options to victims and allowed its officers to exercise considerable autonomy."¹⁵⁸

The Ptolemaic law enforcement system featured various types of dedicated police officials, whose jurisdiction could range from a mere village to the entire nome and who carried out different tasks. The main body of Egypt's police force was formed by the *phylakitai* (φυλακίται). They were the police officers tasked with the majority of the field work. Directly overseeing the work of these *phylakitai* were the chiefs of police, the *archiphylakitai* (ἀρχιφυλακίται). The last police officials of note, in light of this research, were the *epistatai phylakitōn* (ἐπιστάται φυλακίτων, 'superintendents of the *phylakitai*'), who managed all law enforcement affairs on the nome-level.¹⁵⁹ It was mostly to these state officials that civilians would direct their claims and complaints through petitions. Most actual law enforcement tasks were performed by the *phylakitai* and *archiphylakitai*, but occasionally various other state officials would get involved. Even though they were subordinates in a hierarchical system, these officials operated fairly independently with far-reaching professional capabilities. In most cases, the entire process of law enforcement and jurisdiction was managed on a village-level by local police officials; only rarely would they refer matters to their superiors. In the following section, we shall discuss the entire police process; from the initial report of a crime through a petition, until the ultimate resolution through judicial verdict.¹⁶⁰

2.3.2 - Petitioning, Investigation and Trial

Although police officers could take action on their own accord – and they often did – criminal investigations were customarily initiated through a petition. Everyone was free to petition a state official in order to report a crime or injustice and, as evidenced by the vast amount of petitions available within the papyrological material, it must have occurred very frequently. Furthermore, it appears that knowledge of how to draft these petitions – and who exactly to send them to – was widespread, at least among the scribes to whom many turned for aid in these matters.¹⁶¹

Scribes knew exactly what was important with regard to writing a good petition. First of all, the account had to be very descriptive, containing as much information as possible, in order to

¹⁵⁷ Ibidem, 4, 31, 219-220.

¹⁵⁸ Ibidem, 220; see also: 30-33.

¹⁵⁹ Ibidem, 52-53; See also: 68-78 (for 'archiphylakitai'); 79-90 (for 'epistatai phylakitōn'); 99-159 (for other military and civil police officials).

¹⁶⁰ Ibidem, 54-60, 62-63, 97, 221.

¹⁶¹ Ibidem, 162-165.

prepare police officials for a possible investigation. This included offering detailed information on the alleged criminals, as well as an exact record of any suffered damages. Petitioners also usually knew exactly what was to be done as well as by whom and they often included fairly specified requests for action. Lastly, it appears to have been common knowledge that a bit of added melodrama could never hurt a case. We can see this all embodied in the following petition, dating to 218 BC, from a disillusioned elderly father:¹⁶²

“Greetings to King Ptolemy from Pappos. I am wronged by Strouthos, my son. For, having sent him to school and educated him, when I grew old and became unable to take care of myself [...] I appeared before Dioskurides your (deputy) in the village of Arsinoe, who ordered my son to provide me with an *artaba* of grain and four drachmas each month, conditions that Strouthos himself (accepted). However he never gave me anything as agreed. Contrary [...] whenever we meet he abuses me with the meanest insults. And he breaks into my house and takes pieces of my furniture, treating me contemptuously because I am old and have poor eye-sight. Therefore I beseech you, King, to order Diophanes the *stratēgos* to write to the *epistatēs* of the village of Arsinoe-near-the-dike in the Themistes division to order him to appear before Diophanes, and if the claims of my petition are true, to stop his violent assaults and provide guarantees for the payment of my pension, so that from now on he pays me regularly. This having been done, I will have achieved justice through you King. Farewell.”¹⁶³

Well written petitions ensured that all relevant information was gathered, which could then be handed over to police in a clear and concise manner. Furthermore, everything was documented in writing and could serve as evidence in a possible trial. Petitions were a fast and effective way to move the police to action, because law enforcement officers knew that if they did not act, they could be the subject of a next petition. The higher officials who received these petitions would often forward them to a subordinate, accompanied by further instructions. The remainder of Pappos’ petition contains the following, concerning the further resolution of this case:¹⁶⁴

“To Ptolemaios. Try especially hard to reconcile the father and Strouthos. But if he contests anything, send him to us, so that it not be resolved differently.

(verso)

Strouthos appeared and agreed to give two coppers drachmas a month to Pappos to live on. Pappos was present and agreed to these terms.”¹⁶⁵

After formal claims had been made, the police officials would start an investigation. One of the first steps to be taken in this process was the arrest of the accused individuals. *Phylakitai* often made arrests, either by order of their superiors or in response to a petition, but also in those cases that they witnessed transgressions themselves during their patrols. When an arrest had been planned, officers would seek out the suspects, either alone or with aid of their colleagues, and place them under arrest.¹⁶⁶ Arrests could also be made on the spot, sometimes with aid of civilians.¹⁶⁷ In some cases, civilians would even singlehandedly arrest offenders and hand them over to the authorities.¹⁶⁸ In any case, a *phylakitēs* was never too far way to call upon for help.¹⁶⁹

¹⁶² Ibidem, 176-185.

¹⁶³ P. Ent. 25 (C.E. Muntz transl.), as found on: <http://comp.uark.edu/~cmuntz/classes/hist4013/enteuxeis.pdf>.

¹⁶⁴ Bauschatz, *Law and Enforcement*, 164, 189, 199-203.

¹⁶⁵ P. Ent. 25.

¹⁶⁶ P. Hib. 34.

¹⁶⁷ P. Hels. 2.

¹⁶⁸ P. Ent. 82.

¹⁶⁹ Bauschatz, *Law and Enforcement*, 223-229, 231, 237-238.

When it was decided that a case required further investigation, the law enforcement officials could perform a wide variety of tasks to that end. The same officials that received the petitions and made the arrests would also conduct the further proceedings, which shows the extent of their operational freedom. Nevertheless, it appears from one papyrological source that certain protocols were in place.¹⁷⁰ Regrettably this papyrus is in a poor state of preservation, as a result of which many details have been lost. The *phylakitai* interrogated suspects, took statements from witnesses, conducted searches for evidence, inspected crime scenes¹⁷¹ and confiscated stolen goods¹⁷². As soon as they had gathered all relevant information, they would report back to their superior. At that point, it would be decided whether the matter could be settled peacefully with a *dialysis* (*διάλυσις*, ‘settlement’), or whether a trial was necessary.¹⁷³

The judicial phase began with summoning the defendant to stand trial. If a suspect had been detained pending the investigation, he would be escorted under arms.¹⁷⁴ Otherwise a summons would be served to the accused.¹⁷⁵ In part due to the nature of the available source material, there is, regrettably, little information on actual criminal trial proceedings in Ptolemaic Egypt. Since the petitions form such a large part of our evidence, we know much more about the events leading up to a trial, than about the actual trial itself. In comparison, the situation is practically reversed for pharaonic Egypt, for which trial proceedings constitutes a large portion of the source material. There is no reason to assume that proceedings would be fundamentally different from those at the civil courts. A criminal trial would, thus, presumably entail the following sequence of events: the presentation of the case at hand, perhaps through the reading aloud of the petition; the hearing of the accused as well as the accusing party; the presentation and evaluation of physical and written evidence; the hearing of any witnesses; and, ultimately, the passing of a verdict.¹⁷⁶

Who, then, were responsible for jurisdiction? In this phase of law enforcement as well, no one official could claim a monopoly. Even though the *stratēgos* was the highest judicial authority within the nome, he would often delegate these matters to his subordinates; only intervening when necessary. Most often it was an *epistatēs* who conducted the examinations (*ἐπίσκεψεις*), though in some cases *archiphylakitai* are attested in this role.¹⁷⁷ When an offense involved a specific branch of government, a specialist judge could be requested to evaluate the matter; such as an *oikonomos* (*οἰκονόμος*, ‘steward’), in case of fiscal crimes.¹⁷⁸ Higher officials too would, occasionally, preside over a trial and – in the rarest of cases – the king himself could even do this.¹⁷⁹ The following petition from 118 BC shows some of these different phases in law enforcement in action.¹⁸⁰

“To King Ptolemy and Queen Cleopatra the sister and Queen Cleopatra the wife, gods Euergetae, greetings, from Menches, *komogrammateus* of Kerkeosiris in the division of Polemon in the Arsinoite nome, and his brother Polemon. On the 4th December of the present 53rd year it came to our knowledge that Asklepiades, one of the agents of Aminias, *epistatēs* of the *phylakitai* of the said nome, was come to the village, and in accordance with (custom) we came to meet him [...], we saluted him. But he arrested us and likewise Demetrius and one of the cultivators, Marres son of Petos, alleging that information had been laid against us [...] by Haruotes son of Harsesis, an inhabitant of Krokodilopolis, to the effect that they had dined with

¹⁷⁰ P. Hib. 198.

¹⁷¹ P. Ent. 65; B.G.U. 1253.

¹⁷² P. Cair. Zen. 59145.

¹⁷³ Bauschatz, *Law and Enforcement*, 260-269; Bluche, “peine de mort”, 146.

¹⁷⁴ P. Hib. 41₄.

¹⁷⁵ P. Cair. Zen. 59626₁₁.

¹⁷⁶ Bauschatz, *Law and Enforcement*, 270-271; Erwin Seidl, *Ptolemäische Rechtsgeschichte* (Hamburg 1962) 31-35; Taubenschlag, *The Law of Greco-Roman Egypt*, 545.

¹⁷⁷ P. Ent. 3; P. Hib. 202.

¹⁷⁸ B.G.U. 1244.

¹⁷⁹ P. Lond. 2188.

¹⁸⁰ Bauschatz, *Law and Enforcement*, 271-277.

him at a certain inn in the village and he had been poisoned. Asklepiades brought us before Aminias on the 6th of the same month, and the result of the inquiry [...] was that we were at once released owing to the non-appearance of the other side.”¹⁸¹

Ultimately, the Ptolemaic criminal justice system benefitted the central administration in three important ways. Firstly, most cases were handled on a village-level, as a result of which matters could be resolved quickly and effectively. Furthermore, because everything worked so efficiently and, moreover, independently, it did not require the personal attention of the king. Lastly, the hierarchical nature of the system, combined with the fact that state officials got involved in a wide variety of administrative and legal affairs, ensured that corruption and arbitrariness were limited to a certain degree. As a result of this all, social order was maintained in the Egyptian countryside, allowing both the sovereign as well as his subjects to keep their attention focused on what was truly important: production and revenue.

2.4 - Punishment

2.4.1 - Financial Penalties

It appears that the majority of criminal cases were resolved with the imposition of a financial sanction, either in the form of a fine, or as confiscation of property. Fines would either have to be paid to the state, in which case the amount was always fixed;¹⁸² alternatively, the payment could be awarded to an individual as financial compensation for the committed offense. The amounts to be paid in cases of fines benefitting victims were sometimes fixed by law or custom as well; something which petitioners were apparently well aware of. The previously cited (2.2.1) petition from the man, who was assaulted and subsequently robbed of his clothes, also contains the following request: “that they shall perforce pay me for the illegal abduction 100 drachmae of silver, and for their hubris 420 drachmae of copper, besides the 2700 drachmae of copper.”¹⁸³ In many similar cases, however, the amount of the fine was left to the discretion of the judging official.¹⁸⁴

The most dreaded financial sanction, however, was confiscation of property. Its notoriety perhaps equaled capital punishment, as it was, in a way, the financial death sentence. Confiscation of property could either be imposed as the principal punishment, but it could also be added to another sanction, such as a fine. The amount to be confiscated in these circumstances varied from only a portion of the convicted individual’s property¹⁸⁵, to the entirety of their earthly possessions.¹⁸⁶ The following correspondence concerning the punishment of Protarchus, a neglectful tax collector, can shed some more light on the procedure with regard to confiscation of property.¹⁸⁷

“Horus to the *komogrammateus*, greeting. Appended is a copy of the letter from Irenaeus, the king’s cousin and *diokētes*. Make out therefore a return of the property in your districts belonging to Protarchus, and send it to me with full details, by the messenger showing this order, so that the other arrangements may be accomplished in accordance with the instructions. Goodbye.

Irenaeus to Horus, greeting. Appended is a copy of the letter to Asklepiades. Take care therefore that its directions are followed.

¹⁸¹ P. Tebt. 43_{1ff}.

¹⁸² P. Amh. 33₂₂; P. Hib. 29, fr. (a)₁₁.

¹⁸³ P. Fay. 12₃₁₋₃₂; See also: P. Hib. 34₉.

¹⁸⁴ P. Ent. 75₁₄; 79₁₂; 83₁₀; Taubenschlag, *The Law of Greco-Roman Egypt*, 556-557.

¹⁸⁵ P. Amh. 32₁₀; P. Tebt. 53₂₄₋₂₆; 61(b)₂₈₅₋₂₉₄; 64(b)₁₄₋₁₈.

¹⁸⁶ P. Amh. 33; P. Tebt. 24₉₇; 5₉.

¹⁸⁷ Taubenschlag, *The Law of Greco-Roman Egypt*, 555.

To Asklepiades. Appended is a copy of the letter to Apollonius. Give good heed therefore that its instructions be carried out.

To Apollonius. I have read your letter concerning the case of Protarchus, how after receiving orders from Asklepiades, the overseer of the revenues, to pay down in money the amount owing for the *epigraphē* in his department, and to behave in a more decorous manner in his house until he should take counsel with himself and provide for the management of the revenues. Instead of doing this, he sailed down to the city. Owing to the great confusion that would manifest in the collection of the rest of the debts for the tax, for Asklepiades might be careless concerning his affairs, I have therefore duly instructed the officials concerned with such matters so that he may be summoned by proclamation, and, if he does not appear, be proclaimed a defaulter, and I have directed Asklepiades (to seize) his property to meet the debts in his department.”¹⁸⁸

2.4.2 - Corporal and Capital Punishment

Sources concerning either corporal punishment or the death sentence in Ptolemaic Egypt are quite scarce; any conclusions with regard to this subject are based on fragmentary evidence and conjecture. Nevertheless, it seems that, at least in Alexandria, corporal punishment had been institutionalized long before the early Roman Principate. In his treatise against Flaccus, the Roman prefect of Egypt under Emperor Caligula (37-41 AD), the Jewish philosopher Philo writes:

“[He] ordered them to all to be stripped of their clothes and scourged with stripes, in a way that only the most wicked of malefactors are usually treated, and they were flogged with such severity that some of them, the moment they were carried out, died of their wounds, while others were rendered so ill for a long time that their recovery was despaired of.

[...]

How then can it be looked upon as anything but the most infamous, that when Alexandrian Jews, of the lowest rank, had always been previously beaten with the rods, suited to freemen and citizens, if ever they were convicted of having done anything worthy of stripes, yet now the very rulers of the nation, the council of the elders, who derived their very titles from the honor in which they were held and the offices which they filled, should, in this respect, be treated with more indignity than their own servants, like the lowest of the Egyptian rustics, even when found guilty of the very worst crimes.”¹⁸⁹

It seems, then, that beating with rods was the punishment given to Greek civilians, while the native Egyptians would be flogged. This is, however, our only source on physical harm as a punishment during the Ptolemaic era. There is a little more evidence on the use of physical force in the form of coercion, during a criminal investigation or trial. Apart from a reference in Euergetes’ *prostagma* from 118 BC¹⁹⁰, just a few papyrological sources mention this practice.¹⁹¹ It appears that physical coercion was somewhat accepted as a means to obtain the truth from the accused, certainly when that person was a slave.¹⁹²

To a certain extent, imprisonment can be classified as a corporal punishment as well. Prisons and prisoners are often attested in the sources.¹⁹³ Nevertheless, imprisonment was never imposed as

¹⁸⁸ P. Tebt. 27, VI.

¹⁸⁹ Philo, *In Flaccum*, X, 75; 80 (C.D. Yonge transl.).

¹⁹⁰ P. Tebt. 5₅₈.

¹⁹¹ P. Tebt. 789 (first attested case of coercion); P. Amh. 31₁₁ (coercion in a case concerning a fiscal crime); P. Oslo 17 (beating with rods to obtain the truth); P. Lill. 29, I_{21ff} (coercion during interrogation of slaves).

¹⁹² Raphael Taubenschlag, “Folterung und Geisselung im Rechte der Papyri”, *Études de Papyrologie VIII* (1957) 97-99.

¹⁹³ For more information on the various types of prisons in Ptolemaic Egypt, see: Bauschatz, *Law and Enforcement*, 244-249; for information on the experiences of being a prisoner, see: *ibidem*, 249-257.

a punishment, but only used to detain accused individuals pending investigation and trial.¹⁹⁴ As we have seen in the case of the woman whose necklace and coat were stolen, wrongful imprisonment could happen as well.¹⁹⁵ In general, people would spend only a short time in prison. In rare cases, however, considerably longer prison stays are attested; up to multiple months or even years.¹⁹⁶

Ptolemaic law prescribed the death penalty for a few criminal offenses, such as using false weights and measures¹⁹⁷ as well as various crimes against the royal monopolies.¹⁹⁸ While there is evidence that execution was specified as a punishment, no source actually attests that the death sentence was carried out; and if it were, by which method. Any clarification with regard to this matter shall thus have to be reached through informed speculation. Many methods of execution were used throughout the ancient world, such as: stoning, impaling, drowning, burying alive, strangling, hanging, and different forms of crucifixion. Only four distinct methods have been attested in Greek culture; by process of elimination we might find out the preferred method of the Ptolemies.¹⁹⁹

The methods of execution known from the Greek world are: stoning, throwing someone of a cliff, poisoning, and *apotympanismos* (*ἀποτυμπανίσμος*, 'cudgeling to death'). Even if Alexander used stoning as a method of execution during his conquests, it is implausible that this punishment was used in Ptolemaic Egypt. By this time, the punishment had already disappeared from most Greek cities and Egyptian sources make no allusions to it whatsoever. Throwing someone of a cliff, which was the Athenian punishment for certain political and religious crimes, is another unlikely candidate. This method of execution would be, to say the least, quite impractical in Lower Egypt; the best alternative would be to roll someone gently down the muddy bank of the Nile. Poisoning had been famously used to execute Socrates, but vanished without a trace from Greek history after the 4th century BC. We are left, then, with *apotympanismos* and it is likely that this method would have been used.²⁰⁰

Apotympanismos consisted of chaining someone to a vertical post, with shackles around his feet, wrists and neck. The convicted criminal would be publicly exposed and subsequently beaten to death with cudgels, although some scholars hypothesize that the shackle around the neck may have been used to strangle the condemned. It is probable that death through this method would be quite slow, possibly taking days even. In that respect, then, it bears similarities to the Persian and Roman executions. What would happen to the body of the deceased is unclear as well. It would stand to reason that the body was publicly exposed, considering that the execution was also performed out in the open. On the other hand, funerary rituals and the integrity of the body were very important in Greek culture. Ultimately, as with so much concerning the death penalty in Ptolemaic Egypt, we simply don't know.²⁰¹

The lack of evidence may lead us to conclude that capital punishment must not have been carried out frequently during the reign of the Ptolemies, certainly when compared to other cultures in the ancient world. Remarkably, we have seen the same reserve towards the death sentence in pharaonic Egypt. The notion that this assumed Ptolemaic philosophy towards capital punishment could possibly be a continuation of the pharaonic stance on this subject is certainly very enticing.

¹⁹⁴ P. Cair. Zen. 59626.

¹⁹⁵ P. Ent. 83.

¹⁹⁶ P. Coll. Youtie 12; Bauschatz, *Law and Enforcement*, 239-243, 257-258.

¹⁹⁷ P. Tebt. 5₉₂.

¹⁹⁸ P. Cair. Zen. 59202; Taubenschlag, *The Law of Greco-Roman Egypt*, 554.

¹⁹⁹ Bluche, "peine de mort", 155-156.

²⁰⁰ Ibidem; See also: Louis Gernet, "Sur l'exécution capitale. À propos d'un ouvrage récent", in: Louis Gernet and Jean-Pierre Vernant (eds.), *Anthropologie de la Grèce antique* (Paris 1968) 308-314; Douglas Maurice MacDowell, *Athenian Homicide Law in the Age of the Orators* (Manchester 1963) 305-306.

²⁰¹ Bluche, "peine de mort", 157-159; Gernet, "Sur l'exécution", 305; MacDowell, *Athenian Homicide Law*, 112.

Chapter Three - Roman Egypt

3.1 - Egypt under Roman Rule

Near the end of the 3rd century BC, Ptolemaic Egypt already began to develop close ties to the Roman Empire, resulting in the first shipments of grain to Rome soon thereafter. When, in the course of the Sixth Syrian war (170-168 BC), the Seleucid king Antiochus IV conquered parts of Egypt and threatened to take Alexandria, the Roman ambassador Gaius Popilius Laenas intervened on behalf of the young Ptolemy VI Philometor (180-145 BC). Antiochus met the Roman commander on the outskirts of the capital.

“At the time when Antiochus approached Ptolemy and meant to occupy Pelusium, Gaius Popilius Laenas, the Roman commander, on Antiochus greeting him from a distance and then holding out his hand, handed to the king, as he had it by him, the copy of the *senatusconsultum*, and told him to read it first, not thinking it proper, as it seems to me, to make the conventional sign of friendship before he knew if the intentions of him who was greeting him were friendly or hostile. But when the king, after reading it, said he would like to communicate with his friends about this intelligence, Popilius acted in a manner which was thought to be offensive and exceedingly arrogant. He was carrying a stick cut from a vine, and with this he drew a circle round Antiochus and told him he must remain inside this circle until he gave his decision about the contents of the letter. The king was astonished at this authoritative proceeding, but, after a few moments' hesitation, said he would do all that the Romans demanded. Upon this Popilius and his suite all grasped him by the hand and greeted him warmly. The letter ordered him to put an end at once to the war with Ptolemy.”²⁰²

The Romans, thus, restored order to Egypt and from that time on, the Ptolemaic Kingdom effectively became a protectorate of Rome. The glory days of the Ptolemaic dynasty had definitely come to an end. In practice, the differences between being either a province or a client state of Rome turned out to be minimal; Rome exerted great influence on Egypt's administration. This situation would remain unchanged until the death of the last ruler of the Ptolemaic dynasty, Cleopatra VII Philopater (69-30 BC).²⁰³

In sharp contrast with many of her predecessors, Cleopatra proved herself to be a capable and ambitious ruler. Furthermore, her powers of persuasion over Roman generals became legendary. When her father had passed away in 51 BC, the Senate appointed the Roman commander and politician Pompey to act as regent over the boy king Ptolemy XIII (51-47 BC). Cleopatra subsequently enlisted the aid of Caesar in her aspirations to reclaim the throne. Caesar pursued Pompey to Egypt and, after Pompey had been assassinated at the behest of Ptolemy XIII, instated Cleopatra as sole queen of Egypt.²⁰⁴

Caesar was, however, not the only Roman general who fell for Cleopatra's charms. Her longer lasting romance with Marcus Antonius would prove to be more consequential, eventually leading to the fall of the Ptolemaic Kingdom and the Roman annexation of Egypt. The power struggle between Antonius and Octavian was finally settled in 31 BC with the Battle of Actium, in which the latter secured a victory. When Octavian invaded Egypt ten months later, both Antonius and Cleopatra committed suicide in a series of events somewhat reminiscent of Romeo and Juliet. With that, the Ptolemaic dynasty came to a conclusion and Octavian, known as Emperor Augustus from 27 BC onwards, added Egypt to the Roman Empire.²⁰⁵

²⁰² Polybius, *The Histories*, 29, 27.

²⁰³ Bowman, *Egypt after the Pharaohs*, 32-33.

²⁰⁴ *Ibidem*, 34.

²⁰⁵ *Ibidem*, 34-37.

The Romans made significant changes to the administrative and legal systems of Egypt. However, before we can move on to discussing these, some limitations of time and place must be put in place. Roman rule in Egypt was characterized by an ever growing disparity between the various groups within the population. Therefore, with regard to administration and jurisdiction, Alexandria was quite different from the nome capitals, the *mētropoleis* (μητρόπολεις); and vastly different from the towns and villages in the *chōra*. Thus, for the same reasons listed in the previous chapter – except for the argument concerning the availability of sources – the principal focus shall be placed on bureaucratic and legal changes within the Egyptian countryside, as opposed to those in Alexandria. Furthermore, because the Byzantine era is not intended to fall within the scope of this research, the period of time under investigation must be restricted.

The beginning of the Roman Dominate, with accession of Diocletian in 284, is commonly considered to be an important breaking point between Roman Egypt and Byzantine Egypt. Alternatively, the founding of Constantinople in 324 could be designated as the watershed, for it marked the definitive division of the Roman Empire into a western and an eastern part. Constantinople surpassed Alexandria to become the most important city in the East and the coinciding power relations forever changed Egypt's political role within the Roman Empire. Between 284 and 324, however, many far-reaching administrative changes were made in Egypt, through which the foundations for its Byzantine era were laid. For that reason, we shall restrict this discussion of Roman Egypt to the period between 30 BC and 284 AD.²⁰⁶

3.1.1 - Administrative Changes

Even if Augustus was initially still worshipped as a pharaoh, from 30 BC onwards, Egypt was no longer ruled as a kingdom. It had become a Roman province and the Ptolemaic court was replaced with Roman officials with equestrian status. Shortly thereafter, a law was passed which designated Egypt as one of the 'imperial' provinces. This meant that Egypt became the emperor's personal domain and its governor would be directly appointed by him. In order to prevent Egypt becoming a base of power for his opposition ever again, Augustus appointed a *praefectus* from the equestrian class as governor, instead of, as was customary, a senator. Furthermore, he forbade any senators and prominent equestrians to set foot in Egypt without explicit permission. The majority of land in Egypt remained state-owned; it was leased out and heavily taxed. Roman rule brought order and stability to Egypt, through which its economy could flourish. Egypt would serve as the breadbasket of the city of Rome, annually transporting millions of *modii* of grain to the overpopulated capital.²⁰⁷

For a long time, the accepted view of Roman rule in Egypt has been that there was a large degree of continuity and that the Ptolemaic bureaucratic structure remained more or less in place.²⁰⁸ It is indeed true that certain elements of the Ptolemaic administration continued to exist and many titles and terms remained the same. Behind that façade, however, the Romans effectuated radical and fundamental changes within Egypt's bureaucratic and legal systems, as well as within its social order. There are also some indications that Egypt's administrative system was already in decline during the late Ptolemaic period. Suetonius, for instance, reports that Augustus ordered his soldiers to clear the canals which had become choked with mud in the course of many years.²⁰⁹ Furthermore, the priests who wrote a petition in 51/0 BC, describe their village to be in decline and increasingly deserted.²¹⁰ Even if we don't know to what extent this situation was spread throughout Egypt, it may

²⁰⁶ Ibidem, 45-46, 77-78.

²⁰⁷ Ibidem, 37-38, 67-77; Allan K. Bowman and Dominic Rathbone, "Cities and Administration in Roman Egypt", *The Journal of Roman Studies*, Vol. 82 (1992) 110-111.

²⁰⁸ See for instance: Wolff, "Rechtspflege", 34.

²⁰⁹ Suetonius, *Augustus*, 18.

²¹⁰ B.G.U. 1835.

strengthen the case that the Romans did not simply leave matters in the way they had encountered them.²¹¹

A Roman prefect now governed Egypt from the Ptolemaic palace. He was ultimately responsible for all administrative and legal matters, in which he also held the highest authority. The prefect handled petitions and he issued decrees which were spread throughout Egypt, to be posted or read aloud in public. His word, then, was law. Even though prefects rarely remained in office for more than three or four years, during this time they possessed far-reaching executive and legal powers. However, not to the extent that they can be regarded as autonomous viceroys of Egypt. They were representatives of the emperor and their position was strictly defined by law.²¹² Because Egypt had great economic and strategic importance for Rome, prefects also were to stay beyond reproach. When a prefect did not perform satisfactorily, he was often swiftly relieved of his duties by the emperor.²¹³

Most of the old Ptolemaic court posts and their titles either disappeared or were reformed under Roman rule. In addition to his, some new posts were introduced, such as the *dikaiodotēs* (δικαιοδότης), a high ranking judicial official who aided the prefect in matters of civil law. The highest echelons of the new Roman bureaucracy were exclusively staffed by members of the equestrian class. These men were generally not well versed in the specifics of traditional Egyptian government affairs; instead they were chosen for their military experience and their knowledge of Roman law and administration. Directly under the prefect stood several top officials, who were responsible for managing the countries legal, fiscal and religious affairs. The third tier of equestrian state officials was formed by the four *epistratēgoi* (ἐπιστράτηγοι), the 'senior *stratēgoi*' who oversaw the various nomes within their districts. Lastly, on the nome-level, government business was handled by members of the Greco-Egyptian elite, who were appointed to their posts and were prohibited from serving in their home districts. This, then, constituted the top layer of the Roman bureaucratic system in Egypt. It is important to note that these were also salaried government officials, while most of the lower administrative posts were unpaid civic duties.²¹⁴

By far the most consequential changes were, however, made on the local level of administration. In line with the customary Roman method of provincial administration, a system of limited local self-government was instituted, which was based on the oligarchical model of the hellenistic Greek *poleis*. In doing so, the Romans wished to alleviate the administrative duties of the highest officials. The nome capitals were to play an instrumental part in this new state of affairs. The inhabitants of these cities, the metropolitans, became the privileged class that was tasked with managing various government affairs on a local level. The two most significant and formative changes that came with this reorganization, were the emergence of the elite gymnasial class within the *mētropoleis* and the institution of the elaborate system of unpaid and obligatory public duties.²¹⁵

The so-called gymnasial class was formed by those that held the membership to a gymnasium. These gymnasia had already existed during Ptolemaic times, but, during Augustus' reign, they were reformed in order to become urban centers of administration and hellenization. Gymnasia were also made to be very exclusive institutions: only a metropolis could have a gymnasium, all others were summarily closed. The members of the gymnasial class formed the privileged elite among the already privileged metropolitans. They received even greater fiscal benefits and were tasked with day to day government affairs in and around the metropolis, such as the collection of taxes. In 200/1 AD, this process of politicizing the gymnasial class was formalized by Septimius Severus with the institution of town councils (*βουλαί*), which were to see to it that the nomes met

²¹¹ Bowman/Rathbone, "Cities and Administration", 107-108; Bowman, *Egypt after the Pharaohs*, 37, 65-66.

²¹² Tacitus, *Annales*, XII, 60.

²¹³ Bowman/Rathbone, "Cities and Administration", 110; Bowman, *Egypt after the Pharaohs*, 41, 73; Deborah W. Hobson, "The Impact of Law on Village Life in Roman Egypt", in: B. Halpern and D.W. Hobson (eds.), *Law, Politics and Society in the Ancient Mediterranean World* (Sheffield 1993) 195-196.

²¹⁴ Bowman/Rathbone, "Cities and Administration", 110-112; Bowman, *Egypt after the Pharaohs*, 66-68.

²¹⁵ Bowman, *Egypt after the Pharaohs*, 37, 67-70.

their fiscal obligations. This moderate degree of self-government did not mean, however, that the gymnasial class and the town councils possessed any meaningful executive power. The equestrian officials used the *stratēgoi* to keep tight control over many of their responsibilities and would certainly intervene when they deemed it necessary.²¹⁶

Just as it had been for the Ptolemies, the primary aim of the Roman administration was the maximization of revenue through taxes. However, in addition to the customary taxation of agricultural production, the Romans introduced a poll tax (*tributum capita*) as well. Virtually all men in Egypt, including slaves, had to pay this tax; only Alexandrians, Egyptian priests and certain officials were exempted. Social status formed a deciding factor with regard to how much one would have to pay. It was, essentially, a system of social control through fiscal sanctions based on status and property. As a result of this, five distinct social groups would emerge in Roman Egypt, with varying duties and privileges. They are, in descending order of importance, Romans, Alexandrians, the gymnasial class, metropolites, and the common Egyptians in the *chōra*. The advantages of being a Roman citizen, however, only lasted until 212, when Emperor Caracalla granted citizenship to practically every inhabitant of the empire.²¹⁷

The Egyptian countryside was effectively ruled by Alexandria in the 1st century AD. Many Alexandrian officials are attested in high government posts and, for a long time, the office of *stratēgos* was exclusively held by an Alexandrian. Villages could also govern themselves to a certain degree. In practice, however, local administrative power was held by the *mētropoleis*. In part, because their gymnasial class was heavily favored by the central administration; more importantly, however, because the metropolites performed many liturgical duties throughout the nome. The introduction of these liturgies and other forms of forced labor were another crucial aspect of local administrative reform by the Romans. Liturgies can be defined as: “public services and enforced labor, in concept voluntary display of public munificence, in practice compulsory exaction of personal service or financial contribution, based upon property qualification and spreading all the way down the social and economic scale.”²¹⁸ This was different from anything that had existed under the Ptolemies. Even though the Ptolemaic Kingdom had also known occurrences of forced labor and unpaid state officials, the Roman system instituted these at a far greater scale.²¹⁹

A final important change that affected Egyptian society as a whole after the Roman conquest was the constant military presence within the borders. After 23 AD, two Roman legions were permanently stationed in Egypt. The soldiers aided in various government affairs, such as the transporting of grain, and officers performed some administrative and judicial duties. In comparison to the Ptolemaic era, in which Egypt certainly had a standing army as well, the Roman legions barely integrated with the local population at all. Per Roman custom, recruits did not serve in the province from which they came. Furthermore, members of the military were prohibited from acquiring land in Egypt. The soldiers stationed in Egypt would, therefore, have been unaccustomed to Egyptian culture. Most importantly, though, the civilian population was made responsible for the maintenance of the legions. The increasingly frequent requisitions of goods, by which the sizeable military would be supported, led to a growing resentment among the native population.²²⁰

While the Roman ideals of local government in Egypt were initially realized, in great part, by the politicization of the *mētropoleis* as well as the liturgical system, both of these – as well as the strain placed upon the population by the stationed Roman legions – would ultimately also lead to the decline of local administration in the course of the 3rd century AD. The liturgies formed an increasingly heavy burden upon those who carried them out, which is attested in a papyrus from 147/8 AD: “The property of (liturgical) officials who were reported to have resorted to flight from

²¹⁶ Bowman/Rathbone, “Cities and Administration”, 108, 121-124; Bowman, *Egypt after the Pharaohs*, 71-72, 125-126.

²¹⁷ Bowman/Rathbone, “Cities and Administration”, 111-113; Bowman, *Egypt after the Pharaohs*, 76, 127-128.

²¹⁸ Bowman, *Egypt after the Pharaohs*, 69.

²¹⁹ Bowman/Rathbone, “Cities and Administration”, 111, 125-126; Bowman, *Egypt after the Pharaohs*, 69.

²²⁰ Bowman/Rathbone, “Cities and Administration”, 110; Bowman, *Egypt after the Pharaohs*, 74-76.

their homes, starting from the 6th year of Antoninus Caesar the Lord and the following years, and not to have returned even after proclamation was made in the cities, had been reported confiscated.”²²¹ The prefect evidently offered no respite to those who were overwhelmed by the duties imposed on them. The oppressive nature of taxation and the liturgies, combined with the fact that local officials had great responsibilities but lacked any actual power, would ultimately lead the system into dysfunction and necessitate the later reforms under Diocletian.²²²

3.1.2 - Legal Changes

“Several times in this year, the emperor was heard to remark that judgments given by his procurators ought to have as much validity as if the ruling had come from himself. In order that the opinion should not be taken as a chance indiscretion, provision — more extensive and fuller than previously — was made to that effect by a senatorial decree as well. For an order of the deified Augustus had conferred judicial powers on members of the equestrian order, holding the government of Egypt; their decisions to rank as though they had been formulated by the national magistrates.”²²³

Not long after he had brought the country under his rule, Emperor Augustus laid the foundations for the Roman administrative and legal systems in Egypt, which would largely remain in place until the Diocletian reforms of the late 3rd century. The equestrian officials were to speak on his behalf, or more specifically in case of Egypt, the prefects. Augustan law in Egypt would, in the course of the three centuries of Roman rule, be supplemented with amendments from later emperors, Senate decrees (*senatus consulta*), and prefectorial edicts. In some respect, the preconditions for the legal system which Augustus instituted in 30 BC were already in place. By that time, the self-governing courts of the *laokritai* — one of the distinguishing characteristics of the Ptolemaic legal system — had already ceased to exist for some time. With that, all jurisdiction had fallen into the domain of the central authority. Furthermore, the disappearance of Egyptian self-government resulted in the diminishing of cultural differences between Greeks and Egyptians. Both developments corresponded well with the general Roman concept of provincial administration: central and authoritative power over a homogenized populace. In this respect, the coming of Roman law did not bring about revolutionary change. Nevertheless, the Egyptian legal system certainly underwent many changes, but many of these were under guise of preexisting practices.²²⁴

While some cultural differences faded, within a legal context the Romans maintained the social disparities between Greek, Egyptians, and other groups in society. Social status was a hugely important factor in the Roman legal system. This can be seen clearly in the Code of Regulations of the emperors’ Special Account (*Idios Logos*, Ἴδιος Λόγος), which collected, among other things, the proceeds from the sale of confiscated property.

“The property of freed slaves of metropolitans who die childless and intestate is inherited by their former owner or the owners’ son, if there are any and they make legal claim, but not by their daughters or anyone else; over them the Special Account takes precedence.

A metropolitane cannot bequeath to his freed slaves more than five hundred drachmae or an allowance of five drachmae a month.

²²¹ Eric G. Turner, *The Papyrologist at Work (Greek, Roman, and Byzantine Monographs 6)* (Durham 1973) 44-45.

²²² Bowman, *Egypt after the Pharaohs*, 69-70, 76-77; see also: 78-83.

²²³ Tacitus, *Annales*, XII, 60.

²²⁴ Taubenschlag, *The Law of Greco-Roman Egypt*, 27-28; Wolff, “Rechtspflege”, 32-34.

Romans are not permitted to marry their sisters or their aunts, but marriage with their brother's daughter had been allowed. Pardalas, indeed, when a brother married a sister, confiscated the property.

Children of a metropolite mother and an Egyptian father remain Egyptian, but they can inherit from both parents.

Children of a Roman man or woman married to a metropolite or an Egyptian assume the lower status.

Children of Egyptians falsely claiming Roman citizenship in writing for their deceased father forfeit a quarter of their property."²²⁵

Roman citizens formed the elite; it was to them that Roman law applied in matters of civil law and they had the right to be adjudicated by an equestrian official. Beneath the Roman citizens, then, a wide array of social groups was to be found, with varying legal and fiscal privileges. Beside Roman law, Greek and Egyptian civil law continued to be used, but they were clearly treated as inferior in both practice and theory. The Romans considered everything that was not Roman law to be simply 'Egyptian law'. Roman law influenced local laws and customs through imperial legislation, prefectorial edicts, and judicial practice. Nevertheless, as long as local arbitration was not at variance with Roman law, the equestrian officials rarely intervened.²²⁶

The primary characteristic of the legal system introduced by the Romans was the complete centralization of judicial authority into the office of the prefect. His jurisdiction was all-encompassing and he was free to intervene in any matter. The Egyptian population was allowed the petition him and three times a year the prefect would hold *conventus* in different places in Egypt, where he would decide upon these petitions. Outside of these formal hearings, the prefect could – in theory – also be reached with requests for adjudication. In practice, however, he would often delegate cases to lower officials, most often to the *epistratēgoi* and *stratēgoi*. For most other state officials, this centralization of legal authority bore great consequences. Under Ptolemaic administration, they had always formed the first line of judicial defense and they could provide swift and effective government redress on their own initiative. Now, however, the *stratēgos* was mostly just petitioned with requests to prepare cases for the prefect. Roman state officials merely arbitrated in legal conflicts under the prefect's authority and, by the end of the 1st century AD, they were completely dependent upon him. State officials under Roman rule were nothing more than representatives, possessing no actual decisional power.²²⁷

The centralization of power also had consequences for the Ptolemaic courts of the *chrēmatistai*. Their high degree of, albeit local, freedom and autonomy was contradictory to the Roman ideal of central power. Even though, on paper, the Ptolemaic kings may have had all power; in practice, the state officials had effectively become the local administrative authorities before the Roman conquest. The *chrēmatistai* are last attested in a petition from 6/5 BC²²⁸ and they must have disappeared not long after that. Only in Alexandria would a court of *chrēmatistai* continue to exist, yet with significantly limited jurisdiction and function. In this way, then, the Romans realized the legal aspect of their centralistic ideals. The prefect was Egypt's highest and, in some respects, only authority; he embodied all executive, judicial, and legislative powers. The law of Roman Egypt, which he was to uphold, became a complex conglomerate of edicts, decrees, and Greek and Egyptian laws and customs. All ultimately superimposed by *ius civile*, the laws governing the Roman citizens.²²⁹

²²⁵ B.G.U. 1210, sections 9, 14, 23, 38, 39, 43, as cited in: Bowman, *Egypt after the Pharaohs*, 127-128.

²²⁶ Bowman/Rathbone, "Cities and Administration", 113, Bowman, *Egypt after the Pharaohs*, 126-128; Taubenschlag, *The Law of Greco-Roman Egypt*, 41.

²²⁷ Bowman, *Egypt after the Pharaohs*, 73; Wolff, "Rechtspflege", 37-40.

²²⁸ S.B. 6663.

²²⁹ Bowman, *Egypt after the Pharaohs*, 73; Hobson, "The Impact of Law", 195; Wolff, "Rechtspflege", 34-36.

3.2 - Punishable Offenses

The list of actions considered to be crimes in Egypt under Roman law is quite similar to what we have seen from the Ptolemaic Kingdom. Aside from the fact that certain actions, such as theft or violent assault, are likely to be viewed as criminal offenses under any legal system, the high degree of continuity may also be explained by the gradual hellenization of Roman law in Egypt. Influence between the Roman and Greco-Egyptian legal systems was certainly not a one-way street. Thus, Roman law – at least insofar as its practice in Egypt is concerned – incorporated many Greek elements as well, in both civil and criminal law.²³⁰ In addition to this, Greek had remained as the official language in which government business was conducted. Greek legal terminology, therefore, remained still quite prevalent in the Roman era. For instance, the distinction between *hamartēmata* and *agnoēmata* was made under Roman criminal law as well.²³¹

The categories of crime that can be identified in Roman Egypt are: crimes against individuals, fiscal crimes, political crimes, crimes against the social order, abuses of rights, and religious crimes. When compared to the Ptolemaic era, we see that political crimes have replaced treason as a category and crimes against the social order are now recognized as well. As for the category of abuse of rights: while similar offenses were presumably already prosecuted under the Ptolemies, evidence in favor of such is scarce.²³² We shall discuss the different types of offenses which were considered to be crimes under Roman law, in varying degree of detail. The dissimilarities, in this respect, between the Roman and Ptolemaic era will receive most attention.

3.2.1 - Crimes against Individuals

The crime of murder is fairly well attested in the evidence from Roman Egypt. As can be seen in a 2nd century letter from a woman, explaining how her son came to be guilty of a homicide, in Roman Egypt too the distinction was made between premeditated and unpremeditated murder²³³, as was the case for violent murder²³⁴ and poisoning.²³⁵ Incidentally, the task of proving someone guilty of the latter could be quite difficult in ancient times. This much can be gathered from a lawyer's speech, dating from c. 130 AD, in which the orator easily shifts the suspicion away from his accused client.²³⁶

“For it was from his house that he came out saying that he had been poisoned, and when he came out of Hermione's house he neither told anyone that he noticed anything nor had he the least suspicion, but it was from the house of himself and his son and future heir that he came forth saying that he had been poisoned. He had indeed reasons for administering poison to himself, which many others have had in preferring death to life; for he was ruined by creditors and at his wit's end: but if anyone really plotted against him, his son is the most likely person.”²³⁷

In case of murder, it was usually up to the family of the victim to find the killer and bring action to him in court.²³⁸ Yet in some cases, such as the murder of a state official, the state would prosecute the accused.²³⁹ The earlier cited code of the *Idios Logos* specifies voluntary exile as the punishment

²³⁰ For a detailed analysis of the hellenization of Roman civil law in Egypt, see: Taubenschlag, *The Law of Greco-Roman Egypt*, 47-51.

²³¹ B.G.U. 1210, section 36; Taubenschlag, *The Law of Greco-Roman Egypt*, 430.

²³² Taubenschlag, *The Law of Greco-Roman Egypt*, 475.

²³³ P. Mich. 473.

²³⁴ P. Amh. 66, I; B.G.U. 75, col I₁₆; 1061₉₋₁₁.

²³⁵ P. Oxy. 486₂₁₋₂₂.

²³⁶ Taubenschlag, *The Law of Greco-Roman Egypt*, 432.

²³⁷ P. Oxy. 472₁₋₉.

²³⁸ P. Oxy. 486; P. Tebt. 333.

²³⁹ P. Brem. 26; 37.

for murder.²⁴⁰ Only after the 3rd century AD are heavier punishments for murder attested, such as crucifixion and forced labor in the mines (*damnatio in metallum*).²⁴¹

The crime of *hubris* was interpreted in much the same way that it had been in Ptolemaic Egypt. The term covered a variety of transgressions that could 'cause someone an outrage', such as slander, abuse, or insult. Some clarification may come from the following citation, taken from a late 2nd century papyrus dealing with – what appears to be – an extremely lengthy and complicated legal battle between a father and his daughter. The papyrus as a whole is actually a petition from the daughter, Dionysia, but it also features an earlier petition by her father, Chairemon.²⁴²

“From Chairemon, son of Phantias, former gymnasiarch of Oxyrhynchos. My daughter Dionysia, my lord prefect, having committed many impious and illegal acts against me at the instigation of her husband Horion, son of Apion, I sent to his excellency Longaeus Rufus in which I claimed to recover in accordance with the laws the sums which I had made over to her, expecting that this would induce her to stop her insults. The prefect wrote to the stratēgos of the nome on the 22nd May, enclosing copies of the documents which I had submitted, with instructions to examine my petition and to act accordingly. Since therefore, my lord, she continues her outrageous behavior and insulting conduct towards me, I claim to exercise the right given to me by the law, part of which I quote below for your information, of taking her away against her will from her husband’s house without exposing myself to violence either on the part of any agent of Horion or Horion himself, who is continually threatening to use it. I have appended for your information a selection from a large number of cases bearing upon this question.”²⁴³

Violence was also considered a crime in Roman Egypt; it was also still signified by the term *bia*. The interpretation of *bia* did not change significantly during the Roman era, still incorporating various transgressions in which violence was involved. Like in Ptolemaic criminal law, *bia* could be constituted by extortion²⁴⁴, violence against property²⁴⁵ or preventing state officials from carrying out their duties.²⁴⁶ The evidence from Roman Egypt, however, offers a lot more variety with regard to violent offenses. We can see *bia* mentioned within the contexts of: destruction of documents²⁴⁷, plunder by state officials²⁴⁸, restriction of freedom²⁴⁹, and deprivation of burial.²⁵⁰ Extortion by officials is again treated as a separate offense.²⁵¹ Furthermore, it appears that violence could also be suffered in the form of having one’s slave taken away unwarranted. An early 3rd century AD petition reads:²⁵²

“Concerning the outrage suffered at his abode by my son-in-law Polydeuces, I presented to the officials a petition against the emperor, Eudaimon; but his influence procured the failure of the petition, so that he should not seem indictable. I accordingly testify to his violence, being a feeble widow woman. For Thonis, the curator of Seuthes, rushed into my house and dared to

²⁴⁰ B.G.U. 1210, section 36.

²⁴¹ B.G.U. 1024; Taubenschlag, *The Law of Greco-Roman Egypt*, 434.

²⁴² Taubenschlag, *The Law of Greco-Roman Egypt*, 440.

²⁴³ P. Oxy. 237, col. VI₁₂₋₂₀.

²⁴⁴ B.G.U. 378; P. Amh. 77; 84.

²⁴⁵ B.G.U. 1060₁₃₋₂₀.

²⁴⁶ B.G.U. 1138.

²⁴⁷ P. Oxy. 1120₁₋₁₀.

²⁴⁸ P. Strassb. 5₁₃.

²⁴⁹ P. Flor. 61 I.

²⁵⁰ S.B. 7205₁₃₋₂₁.

²⁵¹ P. Oxy. 284; 285; P. Amh. 81₅₋₇.

²⁵² Taubenschlag, *The Law of Greco-Roman Egypt*, 446-447.

carry off my slave Theodora, though he had no power over her, so that I am subjected to unmitigated violence.”²⁵³

Perhaps unsurprisingly, in Roman Egypt too, theft is the most commonly occurring case of crime against property attested in the papyri. The transgression is still not covered by a single legal term, but the contexts in which the various words are used, make perfectly clear the injustice that had been suffered.²⁵⁴ Many cases also offer aggravating circumstances under which the theft took place, such as by night.²⁵⁵

“Some persons made a thievish incursion into my house in the village on the night before the 18th of the present month November, taking advantage of my absence on account of my mourning for my daughter's husband, and extracting the nails from the doors carried off all that I had stored in the house, a list of which I will furnish on the stated occasion. I accordingly present this petition and beg that due inquiry should be made of the proper persons, that so I may receive your succor.”²⁵⁶

Or by using brute force in order to enter a house:

“They broke down the door that led into a public street and had been blocked up with bricks, probably using a log of wood as a battering ram. They then entered the house and contented themselves with taking from what was stored there, 10 *artabae* of barley, which they carried off by the same way. We guessed that this was removed piecemeal by the said door from the marks of a rope dragged along in that direction, and pointed out this fact to the chief of the police of the village and to the other officials.”²⁵⁷

Damage against property is also still attested as a crime in the papyrological evidence from the Roman era. It was interpreted and prosecuted in the same manner as in the previous centuries.²⁵⁸ Furthermore, arson too continued to be perceived as a special kind of damage against property.²⁵⁹ A petition from 192 AD reads:²⁶⁰

“On the night of the 7th May, my threshing floor near the village of New Ptolemis was set on fire by persons unknown. I therefore submit this letter, so that it can be put in the records, so that the amount can remain against the persons responsible, when they are known.”²⁶¹

3.2.2 - Public Offenses

Since the evidence of fiscal crimes in Roman Egypt is, remarkably, quite scarce, it does not warrant its own section here. We shall, therefore, combine all remaining crimes into a category of crimes against the public. For all of these transgressions, in some way, harmed either the state or the public interest.²⁶²

²⁵³ P. Oxy. 1120.

²⁵⁴ See for instance: B.G.U. 322₂₇; P. Oxy. 282₁₂; 472₁₅.

²⁵⁵ Taubenschlag, *The Law of Greco-Roman Egypt*, 456-457.

²⁵⁶ P. Tebt. 332.

²⁵⁷ P. Oxy. 69₁₋₁₅.

²⁵⁸ B.G.U. 2; 72; 146.

²⁵⁹ P. Oslo 23.

²⁶⁰ Taubenschlag, *The Law of Greco-Roman Egypt*, 460-461.

²⁶¹ B.G.U. 651₄₋₁₀.

²⁶² Barbara Anagnostou-Canas, “La documentation judiciaire pénale dans l’Égypte romaine”, *Mélanges de l’École Française de Rome: Antiquité* 112-2 (2000) 774-777.

It is remarkable, then, that an administration which was so completely geared towards the maximization of revenue, provides so little evidence of fiscal crimes in the records it left behind. Of course, it may be hypothesized that crimes against the treasury occurred more often, but people just didn't care to report it to the state officials. At any rate, the cases in which people did feel obliged to speak up feature one instance of alleged embezzlement by magistrates²⁶³, as well as the following petition from 139 AD concerning fraudulent behavior by a customs officer. We may wonder whether the priest who wrote this accusation truly acted with pious sincerity, or whether he wished to ingratiate himself with the *epistratēgos*.²⁶⁴

“To his highness the *epistratēgos* Julius Petroianus from Pabous, son of Stotoëtis, son of Panomieus, a priest of the village of Soknopaiou Nesos in the division of Heraklides of the Arsinoite nome, Arab archer at the custom-house of the said Soknopaiou Nesos. While not seeking an occasion of accusation, but because I saw the treasury being defrauded by Polydeuces, who contrary to the prohibition has now for four years been in charge of the aforesaid custom-house, and by Harpagathes, son of Er[...], I presented to the overseers of the nomarchy a copy of Harpagathes' autographed returns, which are in my possession, of the imports and exports passing through the custom-house, requesting that an examination of them should be held in order to determine whether the taxes upon these had been added to the treasury account.”²⁶⁵

Political crimes replace the former category of treason, as we have seen it during pharaonic and Ptolemaic times. Aside from single trial concerned with actual *lèse-majesté*²⁶⁶, i.e. an offense against the emperor himself, the most important crime by far within this context was banditry. Roving bands of highwaymen along Egypt's more uninhabitable border regions were a constant problem to the Roman administration, and thereby to the prefect himself. The urgency of the matter is evident in this prefectorial letter from 212/4 AD to his *stratēgoi*.

“I have already in a previous letter ordered you to conduct an industrious search for bandits, which, I warned, you would neglect at your own peril. And now I have decided to confirm my resolve by issuing an edict, so that all throughout Egypt may know that I do not regard this task as one of secondary importance but am in fact offering rewards to any who choose to help and threatening peril to any who choose to disobey. I wish my edict to be publicly displayed in the *mētropoleis* and in the most conspicuous places of your nomes, and you will be liable to penalties as well as risk [of dismissal] if any malefactor commits an act of violence and goes undetected. I bid you farewell.”²⁶⁷

Abuse of one's rights comes up in the Roman era as a punishable offense. There were countless rules and regulations which upheld the Roman economic and social order, violation of these resulted in hefty penalties. The Code of Regulations of the *Idios Logos* specifies a variety of these rules, which were all punished by a confiscation of part of one's property.²⁶⁸

“Those who style themselves improperly are punished with confiscation of a fourth [of their estate], and those who knowingly concur therein are also punished with confiscation of a fourth.

²⁶³ P. Amh. 79.

²⁶⁴ Taubenschlag, *The Law of Greco-Roman Egypt*, 469.

²⁶⁵ P. Amh. 77₁₋₁₆.

²⁶⁶ Taubenschlag, *The Law of Greco-Roman Egypt*, 474, n. 285.

²⁶⁷ P. Oxy. 1408; Naphtali Lewis, *Life in Egypt under Roman Rule* (Oxford 1983) 204.

²⁶⁸ Taubenschlag, *The Law of Greco-Roman Egypt*, 475-476.

Persons failing to register themselves and those that are required to in a house-by-house census will have one fourth of their property confiscated, and if they are reported as having failed to register in two censuses, they are fined another quarter.

Those who fail to register slaves forfeit only the slaves.

Those who called to account because they failed to register in the preceding census are pardoned if a late return is filled within three years.²⁶⁹

With regard to sacrilege, only *hierosulia*, or temple robbery, is attested in a case of stealing sacred trees from a holy site.²⁷⁰ What is left, then, are the crimes against the social order. This category features actions which are not so much crimes against a person or against the state, but are considered to be an outrage to society. Incestuous marriage, as we have already seen in a previously cited excerpt from the *Idios Logos*, was one such offense.²⁷¹ Furthermore, in addition to many other claims, the earlier mentioned Dionysia also accused her father of incest.²⁷² The most remarkable case, however, comes to us through an advocate's speech from the 2nd century AD. It is seemingly directed at a high state official and it openly questions his relationship with a certain young boy.²⁷³

"For why did a boy of 17 years dine with you every day? Each of these witnesses whenever he was invited to join the banquet [...] saw the boy at the party, both with his father and alone, and each saw the shameless look and shameless goings to and fro of the lovers. [...] Why did he greet him every day? They bear evidence swearing by your Fortune, my lord, that while they were waiting to salute him and gathered at the door, they saw the boy coming out the bed-chamber alone, showing signs of his intercourse with him."²⁷⁴

3.3 - Law Enforcement under Roman Rule

Thus far, our research of Roman Egypt has presented us with all the elements that can form an effective system of criminal justice within a society. To begin with, there were laws in which criminal offenses were defined. Secondly, as is evidenced by the numerous citations in the previous sections, the writing of petitions was still a common practice to report matters to the authorities. Lastly, state officials were tasked with overseeing the process of criminal justice, both through adjudication by senior administrators as well as through local policing by lower state officials. Should, then, from this evidence be concluded that law enforcement in Roman Egypt was an effective process, as it had been in the preceding Ptolemaic era?

Some scholars certainly have come to this conclusion based on the papyrological evidence.²⁷⁵ I feel, however, that simply presenting a factual account of the legal procedures that are attested in the papyri – i.e. the method used in the preceding chapters – will not do justice to the actual situation in Roman Egyptian society. The problem with the papyrological material is that it can serve as a basis for diametrically opposing views and conclusions. When, however, we try to read between the lines and take comparative and indirect evidence into account, then a different picture of Roman law enforcement in Egypt arises; that of a system which functioned fairly ineffectively. This view has gained increasing support from scholars in recent decades. The following will, therefore, serve as an

²⁶⁹ B.G.U. 1210, sections 42, 58, 60, 63; Lewis, *Life in Egypt*, 33, 157.

²⁷⁰ P. Brem. 35.

²⁷¹ B.G.U. 1210, section 23.

²⁷² P. Oxy. 237.

²⁷³ Taubenschlag, *The Law of Greco-Roman Egypt*, 477.

²⁷⁴ P. Oxy. 471₅₀₋₇₇.

²⁷⁵ Richard Alston, "Violence and Social control in Roman Egypt", in: A. Bülow-Jacobsen (ed.), *Proceedings of the 20th International Congress of Papyrologists, Copenhagen, 23-29 August 1992* (Copenhagen 1994) 520 ;R.W. Davies, "The investigation of Some Crimes in Roman Egypt", *Ancient Society* 4 (Leuven 1973) 199.

explanation as to why criminal justice in Roman Egypt did not work; at least not in the way that it had in the preceding centuries of Ptolemaic rule.

3.2.1 - The Effectiveness of Roman Justice

A first measure that could be taken in order to establish whether the Roman system of law enforcement worked in practice, is finding out to what degree violence and crime were rampant in Egypt. This has, however, proven to be fairly complicated to ascertain, because scholarly research of the papyrological evidence has thus far resulted in wildly varying conclusions. The ancient Roman literary sources are, in any case, quite one-sided in their negative depiction of Egypt and its inhabitants. Juvenal, for instance, writes in his Satires:²⁷⁶

“Who knows not, O Volusius of Bythinia, the sort of monsters Egypt, in her infatuation, worships? One part venerates the crocodile: another trembles before an Ibis gorged with serpents. The image of a sacred monkey glitters in gold, where magic chords sound from Memnon broken in half, and ancient Thebes lies buried in ruins, with her hundred gates. In one place they venerate sea-fish, in another river-fish; there, whole towns worship a dog; no one Diana. It is an impious act to violate or break with the teeth a leek or an onion. O holy nations! Whose gods grow for them in their gardens. Every table abstains from animals that have wool: it is a crime there to kill a child, but human flesh is lawful food.”²⁷⁷

Ammianus Marcellinus, furthermore, describes the appearance and demeanor of Egyptian men as follows.

“Now the men of Egypt are, as a rule, somewhat swarthy and dark of complexion, and rather gloomy-looking, slender and hardy, excitable in all their movements, quarrelsome, and most persistent duns. Any one of them would blush if he did not, in consequence of refusing tribute, show many stripes on his body; and as yet it has been possible to find no torture cruel enough to compel a hardened robber of that region against his will to reveal his own name.”²⁷⁸

The traditional method of measuring the degree of criminal activity in Roman Egypt has been to make a list of crimes from the extant papyri, in an attempt to either prove or disprove the ancient authors.²⁷⁹ However, the problem with this approach is twofold. Firstly, we should be careful with giving too much credence to literary sources – which often have a generalizing tendency – and even more so, when the author himself designates his writings as satire. Secondly, the papyrological evidence, which mostly consists of petitions by civilians, provides far too narrow a basis to draw such general conclusion upon. Nevertheless, upon further and more systematic research of the papyri and with comparative evidence from societies similar to Roman Egypt taken into account, the general scholarly consensus has now become that Egypt was indeed a fairly violent place; especially in the more uninhabitable parts of the *chōra*.²⁸⁰

More important than the question of how often criminal offenses were committed, is, however, the question whether crime was actually dealt with by the Roman administration. As is

²⁷⁶ Roger S. Bagnall, “Official and Private Violence in Roman Egypt”, *Bulletin of the American Society of Papyrologists* 26 (1989) 202-203.

²⁷⁷ Juvenal, *Satires*, XV (L. Evans transl.), in: Lewis Evans, *The Satires of Juvenal, Persius, Sulpicia, and Lucilius, Literally Translated into English Prose, With Notes, Chronological Tables, Arguments, &c.* (London 1860) 180-181.

²⁷⁸ Ammianus Marcellinus, *The Roman History*, XXII, 16, 23.

²⁷⁹ Baldwin, “Crime and Criminals”, 256, 262-263.

²⁸⁰ Alston, “Violence and Social Control”, 517-518; Bagnall, “Official and Private Violence”, 202-203, 214-215; Deborah W. Hobson, “The Impact of Law on Village Life in Roman Egypt”, in: B. Halpern and D.W. Hobson (eds.), *Law, Politics and Society in the Ancient Mediterranean World* (Sheffield 1993) 204.

customary in the event of such questions, we firstly turn to the vast body of petitions. The sheer number of these petitions must certainly stand testament to the existence of formal procedures of resolution in criminal justice. Moreover, the petitioning process shows many similarities to what we have seen from the Ptolemaic era; a time when criminal law enforcement appears to have functioned remarkably well. Many officials could still be reached through a petition and they often report similar transgressions. Furthermore, the structuring of these written requests has remained in large part the same: from properly addressing the recipient, to recounting all relevant information. Nor had the scribes of this era forgotten the importance of adding a certain amount of *pathos* into their presentation of the matter, as can also be seen in some of the previously cited excerpts. Yet, when these petitions are more carefully studied, it becomes clear that they were in fact not the effective means to an end, which they may have appeared to be at first glance.²⁸¹

Many petitions describe a long and unsuccessful process of obtaining government redress. P. Oxy. 1032, for instance, shows a simple property dispute that remains unresolved even after fourteen years of litigation.²⁸² More than anything else, the petitions come across as a cry for help; as a final resort, only to be taken when all other options had been exhausted. Many petitions refer to previous levels of adjudication of the conflict, as for instance in the earlier cited case concerning the unlawful seizing of a slave.²⁸³ Furthermore, in various instances we see the same petition being sent to multiple state officials at once.²⁸⁴ This might be taken as evidence that the petitioners were, so to speak, at their wit's end or perhaps that they knew their requests often fell on deaf ears anyway. The latter notion can also be supported by the fact that the petitioners hardly ever sought the punishment of the guilty. Almost exclusively, they were out for financial satisfaction or restoration of their honor; they wanted to be made whole. Lastly, then, petitions often give an account of the actions that were already taken privately in order to rectify the matter.²⁸⁵ This may indicate that the inhabitants of the Egyptian *chōra* preferred to resolve conflicts locally, before they involved the central authorities.²⁸⁶

In no way, however, does the papyrological evidence offer an explanation as to the manner in which this supposed local conflict resolution could have taken place. This had lead Roger Bagnall to enlist the aid of anthropologists, in order to obtain information on conflict resolution within societies that had many similarities to Roman Egypt. He concludes that: "twentieth-century Egyptian villagers have tended to prefer to settle disputes and violent altercations by local, informal means, rather than resorting to the authority of the state. [...] In fact, the preference for avoiding legal process in connection with ordinary actions that we would call crimes has become almost a standard description for preindustrial societies."²⁸⁷ Taking this into account as well, it appears that the Egyptian villagers only reluctantly turned to the Roman authorities for aid. But why exactly was this case?²⁸⁸

To begin with, the Romans dissolved Egypt's professional police force, the *phylakitai* and *epistatai*, quickly after they had brought Egypt under their rule. Providing the costly public service of local police protection did not serve their administrative philosophy. Nevertheless, as Davies and Alston note, there were still other state officials in Roman Egypt who were responsible with certain police duties, namely the *archepodoi* (ἀρχέφοδοι, superiors of the *ephodoi* or 'wayfarers') and *phylakes* (φύλακες, 'guards').²⁸⁹ *Ephodoi* and *Phylakes* were, however, by no means new to Egypt

²⁸¹ Bagnall, "Official and Private Violence", 215; Hobson, "Impact of Law", 200-201, 214.

²⁸² P. Oxy. 1032; Hobson, "Impact of Law", 215.

²⁸³ P. Oxy. 1120.

²⁸⁴ Hobson, "Impact of Law", 201, n. 5.

²⁸⁵ P. Tebt. 331; P. Oxy. 2234; 2672.

²⁸⁶ Bagnall, "Official and Private Violence", 209-210; Hobson, "Impact of Law", 201-202, 209-210, 212-214.

²⁸⁷ Bagnall, "Official and Private Violence", 206-207.

²⁸⁸ Alston, "Violence and Social Control", 218-219; Bagnall, "Official and Private Violence", 204-207, 214-215; See also: Benjamin Kelly, *Petitions, Litigation, and Social Control in Roman Egypt* (Oxford University Press 2011) 244-285.

²⁸⁹ Alston, "Violence and Social Control", 520; Davies, "The Investigation of Some Crimes", 199.

after 30 BC. Both of these state officials are fairly well attested in the papyrological evidence from the Ptolemaic era. Assuming that their duties have not undergone very drastic changes under early Roman rule, the Ptolemaic source evidence may offer some clarity.²⁹⁰ *Phylakes* were attested all throughout the *chōra* under Greek rule, to a certain extent they were the military counterparts of the *phylakitai*. They are best described as privately hired military guards, sometimes in service of the state, who were most often tasked with guarding specific buildings or areas.²⁹¹ *Ephodoi* also had certain police duties, but – as their name already betrays – these mostly pertained to roads. Even if it appears that they enjoyed a higher social status than the *phylakitai*, they are most often found as military escorts and as bodyguards to the *phylakitai*.²⁹² One may certainly question the investigative capabilities of these military security officials.²⁹³

A further problem is constituted by the manner in which these officials were appointed to their duties, namely through the liturgical system. Even though Benjamin Kelly asserts that the individual police officers had a solid work ethos, the forced and oppressive nature of the liturgies surely will have had some negative effect on morale.²⁹⁴ We have already seen the liturgical system playing a great part in the ultimate decline of local administration in the 3rd century; it seems unlikely that law enforcement was exempt to this. However, the liturgies presented another problem, one which is especially relevant in light of this research. These public duties were assigned based on the value of someone's property, their *poros* (πόρος). Yet, many regions of Egypt were extremely poor, such as the southern Thebaid nome. Since the inhabitants of this area, which was less densely populated and had only barely hellenized, could not afford to perform these liturgies, we find here that the Romans have appointed so-called *skopelarioi* (σκοπελάριοι) to carry out local police tasks. These men were presumably all simple Egyptian peasants, who were appointed to their duties by Roman military officials. There is evidence of an extensive administrative record of all able-bodied men in this nome, a kind of list that "had been kept in the past by pharaonic governments for purposes of rotation of corvée."²⁹⁵ Based on this evidence, it seems highly unlikely that the more remote parts of the Egyptian countryside had significant access to criminal justice.

Throughout all of Egypt, police duties were also the responsibility of the Roman armed forces; they are, however, also unlikely to have been worthy replacements of the Ptolemaic *phylakitai* and *epistatai*. Soldiers, for instance, policed the streets of Alexandria and their officers often received petitions. Army bases, called *stationes*, were placed throughout Egypt and from which order in the region was maintained. Doubtlessly they were very well suited to maintaining order in the region, even though these *stationes* were often situated far away from towns and villages. However, from our earlier characterization of Roman military presence in Egypt as well as their general relationship with the native population, it certainly does not seem very plausible that these foreign military men would have formed a skilled police force that was very much involved in the local communities.²⁹⁶

The last problem with the system of criminal justice in Roman Egypt was, in a way, the system itself. More specifically, the way in which it had completely centralized legal authority. Since only the prefect had the right to adjudicate conflicts, while all other state officials could merely arbitrate with his permission, the process of litigation became very slow and complicated. To give an idea of the extent to which the prefect was overloaded with requests for redress, during a *conventus*

²⁹⁰ For detailed information on *phylakes*, see: Bauschatz, *Law and Enforcement*, 133-145; and for *ephodoi*: 148-152.

²⁹¹ P. Ent. 84 (guarding a jail); P. Heid. 428₂₋₁₈ (a river); P. Tebt. 848₁₋₃ (a granary); S.B. 10448 (guard duties in the border regions); Bauschatz, *Law and Enforcement*, 138-144.

²⁹² P. Petr. 128₁₀₋₁₂.

²⁹³ Roger S. Bagnall, "Army and Police in Roman Upper Egypt", *Journal of the American Research Center in Egypt* 14 (1977) 67-68.

²⁹⁴ Kelly, *Petitions, Litigation, and Social Control*, 78, 120.

²⁹⁵ Bagnall, "Army and Police", 76.

²⁹⁶ Alston, "Violence and Social Control", 518-519; Bagnall, "Army and Police", 70-71; Bowman, *Egypt after the Pharaohs*, 74-76; Davies, "The Investigation of Some Crimes", 199-200.

in Arsinoe in the early third century, no less than 1804 petitions were presented to him.²⁹⁷ In addition to this, because the other state officials had no actual legal authority, they would forward any petitions they received to higher officials. This process would repeat until the prefect had been reached, after which the prefectorial order would be passed down the chain of command. For an example of how cases could get lost in the bureaucratic woods, we can look at this petition from 198 AD, which has passed through the hands of multiple state officials.²⁹⁸

“To his Excellency Calpurnius Concessus, *epistratēgos*, from Gemellus also called Horion, son of Gaius Apolinarius, Antinoite. Of the petition which I submitted to the most illustrious prefect, Aemilius Saturninus, (2nd hand) and (3rd hand) of the sacred subscription which I obtained from him, I have appended a copy. I request, if it seem good to your Fortune, that you write to the centurion stationed in the Arsinoite nome to send the defendant for your examination and that you hear my complaint against him, in order that I may obtain justice. It is as follows:;To Quintus Aemilius Saturninus, prefect of Egypt, from Gemellus also called Horion, son of Gaius Apolinarius, Antinoite, and however I am styled. I appeal, my lord, against Kastor, tax collector's assistant of the village of Karanis in the division of Herakleides of the Arsinoite nome. This person, who held me in contempt because of my infirmity [...] for I have only one eye and I do not see with it although it appears to have sight, so that I am utterly worthless in both [...] victimized me, having first publicly abused me and my mother, after maltreating her with numerous blows and demolishing all four doors of mine with an axe so that our entire house is wide open and accessible to every malefactor. These were demolished and we were beaten although we owed nothing to the fiscus, and for this reason he dared not even produce a receipt lest he be convicted through it of injustice or of extortion. Wherefore, since our savior has ordained that those who are victims of injustice shall approach you without fear in order to obtain justice, I request, my lord, that I be heard and avenged by you, so that I may be the object of your beneficence, and that the defendant be sent by your authority for your examination. I, Gemellus, have submitted this petition. I, Germanus, wrote for him. The 6th year, 29th July. Petition his Excellency the *epistratēgos*, who will not be found wanting in matters within his jurisdiction. Return to the petitioner.;(4th hand) I, Gemellus also called Horion, have submitted this petition, as aforesaid. I, [...] son of Panebtichis, wrote for him since he is illiterate.; (5th hand) The 6th year, 25th August. Petition (me) when I have arrived in your locality. (6th hand) Return to the petitioner.”²⁹⁹

In conclusion, then, it appears that the Roman criminal justice system in Egypt was ineffective. It lacked the resources to adequately handle crime, as its police officials were not well suited to their task and most state officials did not have the actual power to decide upon matters. Because of this, law and justice seem to have had less meaning at lower levels of administration and throughout the Egyptian countryside. Furthermore, since Roman Egypt became a self-help society to a certain extent, this meant that its weaker members, i.e. the common peasants and those living in remote areas, were the first to experience the disadvantages of a criminal justice system in decline. Roman law was omnipresent in Egypt, but only when it came to what the administration needed: production and revenue. When, however, protection or criminal justice was required, the Roman system seems to have been remarkably ill equipped for the task.³⁰⁰

²⁹⁷ P. Yale. 61.

²⁹⁸ Bowman, *Egypt after the Pharaohs*, 73; Hobson, “Impact of Law” 211-215; Kelly, *Petitions, Litigation, and Social Control*, 77-83.

²⁹⁹ P. Mich. 425.

³⁰⁰ Alston, “Violence and Social Control”, 518; Bagnall, “Army and Police”, 76; Bagnall, “Official and Private Violence”, 210-211; Hobson, “Impact of Law”, 210, 213-216; Kelly, *Petitions, Litigation, and Social Control*, 120.

3.3.2 - Punishment

In light of this all, it shall be no surprise that there is little evidence of the actual execution of criminal punishment in Roman Egypt. With regard to this topic, Bagnall states: “Criminal punishment, it turns out, was a negligible matter, because so little ‘crime’ was actually prosecuted as such.”³⁰¹ Just because a crime was mentioned in a petition, does not mean that it was subsequently resolved in the requested manner as well. For the sake of completeness, however, a brief summary shall be presented of what we do know.

Financial penalties are still attested in Roman Egypt, most notably in the Code of Regulations of the *Idios Logos*,³⁰² which was the recipient of confiscated property. There is, however, little evidence of the existence of monetary fines, apart from the fact that Augustus apparently fixed fiscal fines at the maximum of 500 drachmas.³⁰³ Most financial sanctions involved the confiscation of property.³⁰⁴

With regard to corporal punishment, there is not much evidence that can lead us to believe that it was used very frequently, or even at all. First of all, the *Lex Julia de vi publica*³⁰⁵ – an imperial law concerning public violence which was passed during the reign of Emperor Augustus – prohibited the use of corporal punishment against Roman citizens. Therefore, in almost all cases where mention is made of physical harm as a judicial sanction, it merely constituted the threat of violence.³⁰⁶ Physical force within the process of criminal justice is only attested for slaves, both as coercion and judicial punishment. P. Flor. 61, a record of the proceedings at a *conventus*, establishes flogging as the punishment for public violence committed by slaves.³⁰⁷ The ultimate form of physical punishment, the death penalty, is simply not attested at all in the source material from Roman Egypt. It is illustrative that premeditated murder, which would presumably be perceived as one of the gravest offenses, was merely punished with voluntary exile or confiscation of property.³⁰⁸ What – if not that – would constitute a capital offense? Yet, crucifixion as a punishment is only attested in Egypt after the end of the third century AD and, thereby, outside of our field of investigation.³⁰⁹

³⁰¹ Bagnall, “Official and Private Violence”, 210.

³⁰² B.G.U. 1210.

³⁰³ Taubenschlag, *The Law of Greco-Roman Egypt*, 29.

³⁰⁴ *Ibidem*, 467, 556-557.

³⁰⁵ *Digestorum Seu Pandectarum*, 48, 6, 7.

³⁰⁶ P. Oxy. 653 descr.; 706; S.B. 7523 (a case where the *stratēgos* of Herakleides is accused of having flogged an army veteran).

³⁰⁷ P. Flor. 61.

³⁰⁸ B.G.U. 1210, section 36.

³⁰⁹ Kai Ruffing, “Körperstrafen und Gesellschaft im Römischen Reich”, in: Rollinger, Robert, Martin Lang & Heinz Barta (eds.), *Strafe und Strafrecht in den antiken Welten, unter Berücksichtigung von Todesstrafe, Hinrichtung und peinlicher Befragung* (Wiesbaden 2012) 78-79; Taubenschlag, “Folterung und Geißelung”, 98-99; Taubenschlag, *The Law of Greco-Roman Egypt*, 434.

Conclusions

We have set out to discover how Egyptian criminal law and justice developed in the course of nearly two millennia and, moreover, how it was affected by the changes in administration that were a result of the respective Greek and Roman conquests. We will commence with a brief review of everything we have been able to observe with regard to this.

Justice was a central concept within ancient Egyptian society, personified as *Ma'at* it bound all Egyptians to maintain balance and order in society. It was the pharaoh's divine mission to uphold justice. He, then, stood at the center of the Egyptian bureaucratic and legal systems. He alone possessed the true legal authority to adjudicate matters. In practice however, he delegated many tasks to his right hand man, the vizier. The vizier, then, oversaw the Egyptian bureaucratic network, in which the scribal class played a crucial role. The sources for Deir el-Medina have taught us that local administration was carried out by the *knbt*, which was formed by two foremen of the workers and a scribe. These councils also handled any local conflicts that would arise in the domains of both civil and criminal law. Only the most serious cases were referred to the vizier's 'Great Court'.

Law in pharaonic Egypt remained in a pre-scientific state: criminal law was not distinguished from civil law and, moreover, law does not appear to have been codified at all. Many actions which we would consider to be criminal offenses are, however, attested in the trial records. It becomes clear that the ancient Egyptians reserved their greatest contempt for those offenses that had perhaps the most adverse effect on the divine order: judicial misconduct, treason, and robbery of the royal tombs. When a crime had been reported, the *knbt* – usually headed by the scribe in legal matters – would take the initiative towards investigation and resolution of the case. After the preliminary investigations had been completed, a public trial would be held under supervision of the scribe. Both parties in the conflict presented their case in front of the court, which was formed by the members of the council as well as by other state officials and common workers. During a trial any relevant evidence and available testimonies from witnesses would also be taken into consideration. Ultimately, the judges based their verdict on a combination of their interpretation of the pharaoh's will, local customs, and earlier judicial decisions.

Since pharaonic Egypt did not have a monetary economy, even economic sanctions were essentially a form of physical punishment. The use of physical force in the more customary sense was certainly also an important element of Egyptian criminal justice, both in the form of torture and as punishment. The most frequently attested punishments are: beating with sticks, amputation of nose and ears, and inflicting of wounds. Impalement was the preferred method of execution; it appears, however, that the ancient Egyptians were quite reluctant with regard to its application.

After 305 BC, Egypt became the Ptolemaic Kingdom. The Ptolemies, most notably Ptolemy II Philadelphos, quickly instituted an effective and highly hierarchical bureaucratic system to serve the primary goal of the new Greek administration: the generation of wealth through taxation of agricultural production. It may be presumed that the early developmental stages of Ptolemaic bureaucracy were based on extant Egyptian administrative structures. In order to achieve their goals, the Ptolemies chose to appease the native population by various means. Even if the Greeks certainly formed the social and administrative elite, Egyptian culture had a place in society. The Ptolemies would even style themselves in traditional pharaonic fashion. This can also be observed in their legal system, which was very diverse and in great part revolved around a principle of authorized self-government. Thus, the Greek settlers had their *dikastēria*, while conflicts between Egyptians were generally arbitrated by the *laokritai*. In addition to this, the government provided access to official judicial authority by instituting the courts of the *chrēmataistai*, as well as by having various state officials involve themselves with legal matters. These state officials enjoyed a great deal of independence and autonomy in carrying out their duties, but the varied and hierarchical nature of the legal system as a whole kept corruption in check. In this way, the Ptolemies created a legal system in which the Greek and Egyptian laws and customs could continue to coexist. In the end,

however, the power of the state officials proved to be greater, which led to the disappearance of the *dikastēria* and *laokritai*.

All crime in Ptolemaic Egypt fell under Greek jurisdiction. It is very doubtful that traditional Egyptian criminal law continued to exist after 305 BC. We can find ample evidence of criminal behavior in the vast body of petitions, which constitutes the majority of the available papyrological evidence. Two noteworthy conclusions may be drawn from our review of punishable offenses under Ptolemaic law. Firstly, criminal law had advanced considerably since the time of the pharaohs. For one, it seems to have been considered as a category separate from civil law, but we also see the distinction now being made between faults and errors, between *hamartēmata* and *agnoēmata*. Secondly, a change can be observed in what were perceived to be the gravest offenses. Where the pharaohs had reserved their harshest punishments for corrupt judges and those who robbed the royal tombs, Ptolemaic criminal law was by far the least tolerant of crimes which hurt the revenues of the state. With the institution of the *phylakitai* and as a result of the jurisdictional prowess of various other state officials, the Ptolemies established a very effective system of law enforcement. The professional police force played a crucial role in every stage of criminal justice, from making the arrest to eventual adjudication. The criminal justice system, furthermore, revolved around the petitioning process. Everyone could make their grievances known to the authorities through petitioning a state official and this certainly seems to have been common practice.

The design of the Ptolemaic legal system ensured that cases were handled swiftly and often locally, which proves to be a very effective means of maintaining social order and thereby providing the most favorable circumstances for the maximization of revenue. Money certainly made the Ptolemaic world go round. Accordingly, with regard to punishment, we have seen the emphasis shift heavily towards economic sanctions, mostly in the form of confiscation of property. Corporal and capital punishment are actually barely attested, which – primarily with regard to physical punishment – forms a significant change from pharaonic penal practice.

After more than a century of being a Roman protectorate, Egypt finally fell to the Romans in 30 BC. To some extent under the guise of continuity, they made many changes to the Ptolemaic administrative and legal systems. Egypt became the personal domain of the emperor, who appointed a prefect to govern the country in his name and placed members of the equestrian class in the highest administrative positions. The most significant changes were, however, made on a local level. In order to pull Egypt in line with their other provinces, they actively promoted the emergence of a new urban elite, the gymnasial class, which was tasked with local administration. These local administrators, nevertheless, did not possess any actual authority. Furthermore, the introduction of the liturgical system of compulsory public duties significantly affected Egyptian society; as did the increasingly oppressive Roman taxation system. Combined with the strain put on the population as a result of the Roman military presence, the taxes and liturgies would, in fact, come to play an important part in the decline of local administration during the 3rd century.

The Roman legal system in Egypt allowed Greco-Egyptian law to continue to exist; Roman law, however, clearly superseded all other law. Jurisdiction in Roman Egypt became centralized to an extreme degree: only the prefect could authoritatively decide upon legal cases. In spite of the fact that he would delegate some cases to his subordinates, this centralization severely slowed and complicated the process of obtaining government redress. If it weren't for the fact that the *laokritai* had already disappeared some time before 30 BC, we would not expect them to have lasted very long in this new state of affairs. Because the *chrēmatistai*, who still existed at the time of the Roman conquest, have vanished from the records within a few decades as well.

Our investigation of the papyrological evidence with regard to criminal offenses has resulted in a largely similar list. Nearly everything that was considered a crime under Ptolemaic law was still perceived as such by the Romans. Remarkably, fiscal crimes appear to have nearly vanished as a category of crime in Roman Egypt. Furthermore, crimes against the social order as well as political crimes are types of offenses which had not been attested previously. With regard to the criminal justice system in Roman Egypt, we have been able to conclude that it did not work very effectively. The Romans had quickly dissolved the professional police force of the *phylakitai*, merely leaving

former military security officials in place to carry out their duties. In addition to this, these public policing duties were assigned as liturgies. Aside from the possible adverse effect this may have had on morale, it also meant that, in certain parts of Egypt, nobody could afford these posts. The military was also tasked with local police duties. The Roman legions were, however, not well integrated into Egyptian society; nor were they very much liked.

All of this, combined with the slow, complicated, and often unsuccessful process of obtaining government redress through the petitioning system, resulted in a significant decline of effectiveness in law enforcement and criminal justice. As a result of this, criminal punishment is barely a relevant subject in Roman Egypt. Because so little crime was actually successfully prosecuted, the evidence for the execution of penalties is slight; especially for cases of physical or capital punishment.

With regard to the central question of this thesis, we can now assert that criminal justice was already considerably advanced in pharaonic Egypt, certainly in comparison to other legal systems of that age. Even if there was not much theory of law to speak of, the ancient Egyptian's inherent tendency towards order and justice appears to have actually played a part in ensuring a fair and effective system. Pharaonic criminal law, however, came to an abrupt end with the coming of the Greeks. The Ptolemies quickly evolved the pharaonic administration into a smoothly functioning bureaucratic machine tailored towards the generation of wealth. This system also contained their revolutionary police force. These professional police officers, combined with the ubiquitous judicial authority of the state officials, formed the most important parts of the Ptolemaic criminal justice system, which was far ahead of its time. The Romans, however, quickly discontinued this practice, because it did not fit their model for provincial administration. They mostly relinquished direct control over local administration, leaving it in the hands of state officials without real power or authority. These officials, then, performed their tasks through a system of obligatory public duties, which were assigned based on wealth. The lack of professional law enforcement, combined with the inability of most state officials to adjudicate matters, resulted in a steep decline in the quality and effectiveness of criminal justice in Roman Egypt.

Ultimately, it appears to me that the extent to which a system of criminal justice functioned in practice, was determined – at times inadvertently – in great part by the general philosophies behind the various administrations of Egypt and by the very purposes that they served. Thus, we have seen a remarkably well organized system during the New Kingdom, because maintaining balance and order not only formed the general philosophy behind the pharaonic administration, but it was also its main objective. While generating production and revenue certainly were the primary aims of the Ptolemaic kings, they determined that establishing an appeased and orderly society best served these needs. As such, their remarkably advanced law enforcement system was simply a means to a different and greater end. The Roman government of Egypt, in conclusion, had much the same goals as their Ptolemaic predecessors. Their administrative philosophy was, however, completely different and precisely those elements that made earlier systems so successful, proved to be irreconcilable with the Roman ideals. Finally, the fact that, after 30 BC, Egypt became part of a greater empire – as opposed to being a kingdom which was completely run from the inside – was doubtlessly also an important factor in the decline of criminal justice in Roman Egypt.

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