Contributions to the law of succession in Ancient Egypt

(Part 1)

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Contents

Part I

Part II (Catalogue)

Abbreviations

AnIsl	Annales islamologiques, Institut français d'archéologie orientale, Le Caire, 1966
ASAE	Annales du Service des Antiquités de l'Egypte, Le Caire.
AnOr	Analecta Orientalia, Roma.
BAR	BREASTED, J. H. Ancient Records of Egypt, 5 vols., Oxford, 1906-7.
BdE	Bibliothèque d'Étude, Le Caire.
RHD	Revue historique de droit français et étranger (1922)
RHR	Revue de l'histoire des religions, Paris.
BIFAO	Bulletin de L'Institut français d'Archéologie orientale, Le Caire.
Bi. Or	Bibliotheca Orientalis, Leiden.
BM	British Museum, London.
BSAK	Studien zur Altägyptishen Kulture, Beihfte, Leiden.
CdE	Chronique l'Égypte. Bulletin périodique de la Fondation égyptologique Reine Elisabeth, Bruxelles.
CRIPEL	Cahier de Recherches de l'Institut de Papyrologie et d'Egyptologie de Lille.
DE	Discussions in Egyptology, Oxford.
DeM	Deir el-Madineh.
Dyn.	Dynastie.
Enchoria	Enchoria. Zeitschrift für Demotistik und Koptologie, Wiesbaden.
GM	Göttinger Miszellen, Göttingen.
J. Am. Inst. Crim. L. & Criminology	Jounal of the Amrican Institute of Criminal Law and Criminology, Northwestern University School of Law (United States) 1910.
JAOS	*Journal of the American Oriental Society,* American Oriental Society, 1843.
JEA	Journal of Egyptian Archaeology, London.
JESHO	Journal of the Economic and Social History of the Orient, Brill.
JNES	Journal of Near Eastern Studies, Chicago.
JSS	Journal of Semitic Studies, Manchester.
HO	ČERNÝ, J./GARDINER, A. *Hieratic Ostraca*, Oxford, 1957.
HOPR	ALLAM, S. *Hieratische Ostraka und Papyri aus der Ramessidenzeit*, Tübingen, 1973.
Inscr.	Inscription.
KRI	KITCHEN, K. Ramesside Inscriptions – Historical and Biographical 8 vols. (Oxford: Blackwell, 1969-90).
KRITA	KITCHEN, K. Ramesside Inscriptions – Translated & Annotated – Translations 7 vols. (Oxford: Blackwell, 1993-2012).
LÄ	HELCK, W. OTTO, E. and WESTENDORF, W. (eds), Lexikon der Ägyptologie, 7 vols, Wiesbaden.
LEM	GARDINER, A. H. Late Egyptiam Miscellanies, Brussels, 1937.
Ling Aeg	Lingua Aegyptia: Journal of Egyptian Language Studies, Göttingen.

LRL	ČERNÝ, J. Late Ramesside Letters, Brussels, 1939.
MDAIK	Mitteilungen des Deutschen Archäologischen Instituts, Abteilung Kairo, Wiesbaden.
NEA	Near Eastern Archaeology, American Schools of Oriental Research (United States) 1998.
O	Ostracon bzw. Ostraca.
O DeM	ČERNÝ, J. Catalogue des ostraca hieratiques non litteraires de Deir el Medineh, vols I-V and VII, continued by SAUNERON, S. vol. VI and P. Grandet, vols VIII-XI, Cairo, 1935-2010
OEAE	REDFORD, D. (ed.) The Oxford Encyclopedia of Ancient Egypt, Oxford, 2001.
OLA	Orientalia Lovaniensia Analecta, Leuven, 1975.
P	Papyrus bzw. Papyri.
PACE	Bulletin of the Australian Centre for Egyptology, 2006.
Pl/Pls	Plate/plates.
PSBA	Proceedings of the Society of Biblical Archaeology, London.
RdE	Revue d'Égyptologie, Paris.
Rec.	Recto
Rec. trav.	Recueil de traveaux relatifs à la philologie et à l'archéologie égyptiennes et assyriennes, Paris.
RHR	Revue de l'Histoire de Religions, Paris.
RHD	Revue historique de droit français et stringer, Paris.
RIDA	Revue Internationale des Droits de L'Antiqué, 3e série, Bruxelles.
SAK	Studien zur Altägyptischen Kultur, Hamburg.
SASAE	Supplément aux Annales du Service des Antiquités de l'Egypte, Le Caire.
SD	Studia et documenta ad jura orientis antiqui pertinentia, Leiden.
SSR	Studien zur spätägyptischen Religion, Wiesbaden, 2010.
Sta	Statue.
Ste	Stela, Stéla.
StudDem	Studai Demotica (Leuven, Paris).
TSBA	Transactions of the Society of Biblical Archeology, London, 1877.
Urk I	SETHE, K. Urkunden des Alten Reichs, Leipzig, 1903.
Urk IV	SETHE, K. Urkunden des Neuen Reichs, historisch-biographische Urkunden, Heft 1-16, Leipzig, 1906-9, continued by W. HELCK, Heft 17-22, Berlin, 1955-8.
Urk VII	SETHE, K. Historisch-biographische Urkunden des Mittleren Reiches Leipzig, 1935.
VDI	Vestnik Drevnej Istorii (Revue d'Histoire ancienne) (Moscow /Leningrad).
Ver.	Verso
Wb	ERMAN, A./GRAPOW, H. Wörterbuch der ägyptischen Sprache, 7 vols, Leipzig and Berlin, 1926-63.
WZHU	Wissenschaftliche Zeitschrift der Humboldt-Universität zu Berlin

ZÄS	Zeitschrift fur Ägyptische Sprache und Altertumskunde, Leibzig/Berlin.
ZRG	Zeitschrift für Religions-und Geistesgeschichte, Brill.

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Introduction

Inheritance is a recognized principle among ancient and modern people; it is also long-standing in each nation's history, with varying systems, inconsistencies, and ineligibilities. It has also been practiced by ancient Near Eastern civilizations, such as ancient Egyptian and Mesopotamia, and by old western cultures such as Greek and Roman.

This research addresses a study of one aspect of ancient Egyptian law, i.e., the succession act. The barriers to pursuing such a topic are represented by lack of scholarly literature on the topic, and the lack of documentary evidence in pharaonic Egypt. Furthermore, the study of law in ancient Egypt is still in its early stages, as it is in dire need for further consideration by legal scholars and Egyptologists alike. As the texts concerning succession in ancient Egypt are very few and often incomplete, sometimes we find them hard to read and understand. Despite that, they are the only source for learning about the common tradition at that time.

We note that the legal instruments are generally related to individualized situations, and they are sporadic cases from distant ages. The Greek historians indicated in their annals that there is an Egyptian law written in eight books; SICILIAN SAN DIODORUS stated that the Egyptians had told him that the holy legal books were put into practice by the god Thoth, god of wisdom. On the other hand, he indicated that some laws were implemented by wise kings. It seems that Egyptian law was elaborately and carefully expanded during the prosperous period (like New Kingdom for example) of the nation's history. Twenty thousand volumes are said to have been written on the Divine Law of Hermes, the traditional lawgiver of Egypt, whose position is similar to that of Menu in relation to the laws of India[1]. There are three principal sources of ancient law as follows:

Customs and Norms: in fact, the legal regimes, which were applied in pharaonic Egypt, were not established in a vacuum; but were a continuation of norms and customs established and practiced in early periods before pharaonic times.

Legislation: the king has the exclusive power to enact a law; several decrees issued by the kings e.g., the exemption of temples from taxes, serve as evidence.

Legal precedents: there is no reference that the court decisions (court verdicts/sentences) were a source of law. However, the legal precedents assisted in the interpretation and application of the law.

[1] See REYNOLDS, J. B., Sex Morals and the Law in Ancient Egypt and Babylon, *J. Am. Inst. Crim. L. & Criminology* 5, 1914, 20.

Although inheritance is one of the most important topics in ancient Egyptian culture, only four scientific articles have been published. The first two are PESTMAN, *The Law of Succession in Ancient Egypt* (1969) and ALLAM, *Inheritance in Ancient Egypt* (1999). These two studies were followed by two other significant works, LIPPERT, *Inheritance* (2013) and MUHS, B., *Gender Relation and inheritance in Legal Codes and Legal Practice in Ancient Egypt* (2015). Recently, an important study was produced by NICOLAAS JOHANNES VAN BLERK, *Aspects of succession law in ancient Egypt with specific reference to testamentary dispositions* (2017).

Outline

My study deals with the law of succession during the pharaonic period and intends to produce a new contribution on this topic. The work for this dissertation is two parts. The first part consisted of three chapters:

For the first chapter, I deal with the properties inherited. I begin by examining the texts, identifying the terms that the testator used to refer to the inherited property. Yet, these terms still require an in-depth consideration to verify the differences between them. After that, I look at the properties passed from the testator to his heir; these can be movables or immovables. Most Egyptologists affirm that the Egyptians could bequeath the immovables like land and architectural structures as well as movables like pieces of furniture, clothes, tools, grains, etc. Yet no Egyptologist has engaged in an earnest endeavour to organize these items into either category. So, one of the purposes of this study is to give a separate account of the items of property. For example, which kinds of land, architectural structures, and animals could have been inherited.

In the second chapter, I deal with the elements and means of succession. Firstly, I shed light on the family members, to determine the role of each of them in the inheritance process: for example, who could be a testator and who has a right to inherit. Then I examine on the systems of succession law developed in pharaonic times: customary intestate succession (traditions) and testate succession (by way of testamentary disposition).

The third chapter deals with litigation and disinheritance and consists of three sections. The first concerns the statutory bodies processing with inheritance matters and their tasks when quarrels flare up between the heirs; that is besides the legal proceedings taken by the testator, heirs, and trustee in the succession process. The second section provides an analysis of examples of disputes over inheritance across time. Finally, the third section discusses disinheritance and the reasons that made the heirs forfeit their rights to a share of the inheritance.

This study is an attempt to analyse all of the known testamentary dispositions' examples. Its importance and significance lie in application of a personal legal background of a jurist (law student) in studying the testamentary disposition in ancient Egypt and the analysis of some of the ancient Egyptian texts in order to see whether there are any elements, characteristics, etc. present that show similarity to present-day concepts of succession law.

The second part of this dissertation is *Catalogue*. In this part, I have collected the legislative texts and other sources and designated them as the prime evidence of the study. In addition to the legislative texts, the *Catalogue* contains some of the literary texts, which contain references to inheritance.

Research problems and questions

We do not yet have a complete legal manuscript that addresses all provisions of the law of succession in pharaonic Egypt. We only know some sporadic legal items regarding inheritance matters in different texts. These items deal with certain inheritance cases. Even the surviving legal manuscripts, like the Demotic *Codex Hermopolis*, dealt, among other things, with some of the inheritance rules, but they are not a comprehensive and inclusive succession law. Moreover, the traditional inheritance practices are not always documented in written records, and therefore we cannot say we have a complete understanding of all aspects of what constitutes an "inheritance norm".

Can we, through these surviving items that are written in the legal and literary texts, and through the known testaments, through inheritance phases of litigation before the statutory bodies, derive key aspects of the succession law applied in pharaonic time and identify the scope of its application?

This study aims to answer the following research questions:

1. What types of property are inherited and bequeathed in pharaonic times, and how did the Egyptians classify the property inherited?
2. What was the terminology used by Egyptians to express legacy in the form of inheritance? For example, in the English language, we find estate, property, possessions, goods, etc. Did the Egyptians use similarly complex items to refer to the inherited property; and are there differences between these terms, or were they synonymous?
3. What types of land, buildings, animals, household goods, personal effects, etc., did the Egyptians inherit through their bloodline?
4. Which systems of succession law were developed in pharaonic Egypt?

5. What were the legal instruments, under which the testator transferred the inheritance to the heirs, and what were the differences between these documents?
6. Was there a separate legal body to address inheritance matters only?
7. Did the Egyptians practice disinheritance, and what situations led to disinheritance?

Significance of the study

The significance of this study is that it indicates the important contribution of succession law in pharaonic times, which is one of the least known topics in Egyptology. This study aims to close the knowledge gap relative to this law, a challenging task due to the lack of surviving legal documents. Moreover, previous research relied on only a handful of "standard" texts to develop ideas about this topic. In the present study, I add new texts to the repertoire of the original "standard collection" to broaden the scope and contribute to a better understanding of the concepts, principles, and elements of succession law in pharaonic Egypt. This sheds more light on the texts on testamentary dispositions and the short references dealing with inheritance matters, which were mentioned in literary texts, such as autobiographical texts, marriage contracts, and letters to the dead.

These hieroglyphic and hieratic texts are re-translated in a way that serves the legal principles, and not merely to reproduce on the translations of previous researchers. That is because most of these translations are old and contain a lot of errors that affect neither the core concepts nor the structures of the text[2]. Additionally, the recent progress made by Egyptologists in legal matters aids in yielding translations of the highest quality, but reference will be made to the original hieroglyphs and transliterations where necessary.

Aims and objectives

The main aim of this research is to identify the elements and principles of the succession law in pharaonic Egypt and to shed more light on the systems of succession developed in the country and practiced by the population. Furthermore, the study investigates how these systems continued throughout the pharaonic period, or how they disappeared over time and replaced others instead. Also, the present study examines whether the concepts and elements of any Egyptian succession law are a source or inception point of the legal concepts that currently exists in our modern time.

[2] For example see ste. Juridique, many of its points have been corrected in my translation.

Methodology

The study depends on a philological and comparative analytical approach and descriptive framework. It analyses hieroglyphic and hieratic texts, to determine the elements, characteristics, and terminology similar to those of succession law – especially the texts identifiable as testamentary dispositions, like *wḏt-mdw* and *jmj.t-pr*, *ḥ3ry, sḫ*, and *sḫr* documents – both to identify certain elements of testamentary dispositions and to understand the form, function, and significance of these documents.

The texts dealing with the same topic are subjected to a comparative analysis in order to gain a comprehensive idea about this topic.

Furthermore, this study follows a socio-anthropological approach to highlight the social relations among the testator and inheritors, and to define the role of each family member in an inheritance process, with particular emphasis on the role of women, matters of inheritance in general, and inheritance litigation in particular. Also of interest is a comparison among the special privileges bestowed on men and women in the inheritance process, especially when the woman becomes a testatrix. Comparisons will also made concerning the social relations between the testator's household and his blood relatives, especially during the disputes over inheritance.

The ancient Egyptians did not live-in isolation, and there were intercommunications between them and other civilizations in social and economic matters. It is evident then that at least during the imperial period, there were standard customs and norms which governed the right of inheritance throughout Egypt and its foreign possessions. There is a case of a certain testator who was married to a foreign woman, with whom he had several children, while he also had an Egyptian wife. The documents themselves come from Lower, Middle, and Upper Egypt and Nubia. Therefore, the development of some inheritance laws that might have occurred as a result of human interaction accross a vast cultural landscape also validates a socio-anthropological approach, which focuses on the social an organization of a particular people and the elements that influence such an organization in ancient cultures.

Finally, where necessary, a brief description of pictorial illustrations accompanying the legal texts is also provided to better understand the matter recorded in the text in question.

Recommendations for Future Research Directions

This thesis has led to some useful results and conclusions on succession law and the inheritance process in pharaonic times; however, it has also uncovered areas that need additional study. Essential questions and promising new directions for future research may, among other issues, include the following:

1. To study inheritance offices during the pharaonic period in order to identify which types of offices are inheritable, and through which systems of succession law the Egyptians could bequeath their offices to their heirs, and to know the restrictions imposed on persons who inherited the office.
2. A comprehensive study of Demotic texts dealing with the law of succession, namely from the Twenty-Seventh Dynasty, as an attempt to complete the project of the current study.
3. In-depth study of legal terminology and legal phrases which are attested in the texts produced here to identify the use of these terms and their meaning.
4. An in-depth study of other literary texts not included in the present study, possibly alongside religious texts, may add new insights about the inheritance process during the pharaonic period.
5. To study the succession texts in Greco-Roman Egypt to define the commonalities between the succession system in pharaonic Egypt and those of Greco-Roman Egypt, and to highlight the influence of Egyptian law on the Roman succession law.
6. To re-translate and reconstruct the articles of the *Codex Hermopolis*, which deal with the law of succession in the light of vital information achieved by this thesis, since I saw many articles still need some redrafting to avoid confusion and to understand them more clearly.

First chapter

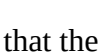
THE BEQUEATHED PROPERTIES

What is Property?

The word property is a term of broad and extensive application. It may have different meanings depending on the context and the purpose for which it is used[3]. The general consensus is that property in antiquity is all material things that a person leaves behind after death, whether they were movables, such as money, furniture and weapons, or immovable property such as architectural structures, land parcels, and all other real estates[4]. It seems that immaterial things, like legal and social rights, were considered personal property in antiquity[5].

The present chapter seeks to define the types of property bequeathed in pharaonic Egypt, and to discuss the Egyptian terminology for property, in its definition as inheritance. The study will depend on examining all the afore-mentioned documents in the catalogue, along with some other literary texts. Egyptian inheritance documents provide specific terms for "property" that will be bequeathed. These terms still need to be studied extensively in order to define the differences between them. In the following discussion, I will address these terms.

ḫt/3ḫt

In inheritance documents, the term *ḫt* was a common expression for bequeathed properties. It was consistently written as  throughout pharaonic Egypt with the exception of two forms appeared in the Seventeenth, Nineteenth and Twentieth Dynasties. The writing  is attested only in three texts, one from the Seventeenth Dynasty (ste. Cairo JE 52456), another from the Nineteenth Dynasty (oDeM 764[6]), and third from the Twentieth Dynasty (oPetrie 16), meanwhile the spelling  was found in five texts from the Twentieth Dynasty (pAshmol. Mus. 1945.97; oGardiner 36; oGardiner 55; oPetrie 18; pTurin 2021+pGeneva D 409). However, GUNN believed that the writing  was considered to be a variation of [7].

It can mean property, possessions, goods, things, and even offerings[8].The earliest recorded use of the term *ḫt* as "inherited property/things" is on clay Tablet 3689-7+8+11 from Balat. It dates

[3] CHAUHAN, A., What is movable property? https://www.academia.edu/25358844/WHAT_IS_MOVABLE_PROPERTY (last visited 11March 2021)

[4] For example see ROMERO, A. R., *Property Law for Dummies*, New Jersey, 2013; IDEM, *Distinguish between Real Property and Personal Property*, viewed 10 May 2020; https://www.dummies.com/education/law/distinguish-between-real-property-and-personal-property/ (last visited 11 March 2021)

[5] For further details about property, see BHALLA, R. S., *The Institution of property: legally, historically, and philosophically Regarded, Lucknow*, Eastern Book Comp., 1984.

[6] The word *ḫrt* in this ostracon is not fully clear because there is a lacuna in the text.

[7] GUNN, 'A Middle Kingdom stela from Edfu', *ASAE* 29, 1929, 8.

[8] *Wb* I 13, 7; *Lesko* I, 9; WILSON, *Ptolemaic Lexikon*, 105 f.

back to the Sixth Dynasty and records the division of an inheritance of 16 water wells (*šdwt*) among four children of the royal dignitary *Tšjw*[9]. However, it seems that during the Sixth Dynasty *ḫt* designated objects inside the house as well, as indicated in a letter to a dead, i.e., Linen Cairo CG 25975: 5. The letter is a complaint from a widow with her son, asking for the deceased's intervention against those who seized their part in a household *ḫt*.

In the Twelfth Dynasty, *ḫt* is attested in an *jmj.t-pr*-document, where it refers to objects in rural and urban areas (pKahun I.1: 1-4). Also, the Twelfth Dynasty autobiographical text of *Jntf* reveals that the *ḫt*-property was made up of people (*rmṯ*) with children (*ms.w*) of the house[10]. But a stela, from the Seventeenth Dynasty, shows that the *ḫt*-property consisted of one cubit of land (*sꜣtw*) (ste. Cairo JE 52456: 9-10). Interestingly, the Ramesside document, oGardiner 55 ver.: 4-5, reverts to the Old Kingdom designation of *ḫt* as things in the house. In addition, oDeM 108 from the Nineteenth Dynasty indicates that the *ḫt*-property contains simple things such as copper tools, two wooden baskets, grains, ship oars, mirror, cauldron, and some vessels made of greenstone, as well as an unidentified *šmḫb*-jar and *šm*. Also, oGardiner 23: 6-8 from the Ramesside Period shows that the *ḫt*-property included structures, such as a *pr*-house, an *ꜥt*-house, a *ḫnw*-building, and a *mꜥḥꜥt*-tomb[11]. Moreover, pAshmol. Mus. 1945.97 doc. I, col. 3: 11, dating to the Twentieth Dynasty, lists some plants, such as emmer, and an amount (*hin*) of fat as *ḫt*-property.

The designation of *ḫt*-property extended to things in temples in the Twenty-second Dynasty (sta. Cairo 42208 front: 11), and even included slaves, cattle, household furniture, and valuables found in water and on land, as registered in sta. Cairo CG. 42208, front: 12 from the Twenty-second Dynasty.

Through the inheritance documents, we can see that the *ḫt*-inheritance was transferred by a legal order of succession or through testamentary disposition. There are two kinds of legal instruments that have been drawn up for the sake of regulating the transfer of the property in question. The first is a specific document called *jmj.t-pr* (to be discussed in Chapter 2/p.135ff.). The related texts disclose that there were seven cases of bequeathing the *ḫt*-inheritance through

[9] See LIPPERT, 'Inheritance', in Elizabeth Frood, Willeke Wendrich (eds), *UCLA Encyclopedia of Egyptology*, Los Angeles 2013, 7.

[10] For the autobiography of *Jntf*, see FRANKE, 'The good shepherd Antef (Stela BM EA 1628)', *JEA* 93, 2007, 149 ff.; LANDGRAFOVA, *It is my good name that you should remember: Egyptian Biographical Texts on Middle Kingdom Stelae*, Prague, 2011, 266.

[11] *Wb* II 49, 7-14 renders *mꜥḥꜥt* "funerary chapel for offerings or a stela", but *Lesko* (I, 213) translated it as "rock-cut tomb".

this legal document[12]. The other legal instrument is called *ḥ3ry* (to be discussed in Chapter 2/p.147ff.), which is attested only in pAshmol. Mus, 1945.97 from the Twentieth Dynasty. It is worth mentioning here that this is the only recorded case for the use of a *ḥ3ry*-'document'. It seems that the purpose of a *ḥ3ry*-'document' was to bequeath the *ḫt*-property to some legitimate heirs and deprive others (see, pAshmol. Mus, 1945.97 doc. I, col. 1: 4-5).

In addition to the two documents mentioned above, there are two legal acts done for transferring *ḫt*-inheritance to the heirs, i.e.,  "hearing the statements/deposition" and  "deposition, statement" (to be discussed in Chapter 2/p.157ff.). The oGardiner 36 from the Ramesside period is the only attestation for transferring and distributing the *ḫt*-inheritance through the legal act *sḏm-r3*. The fragmentary character of this text does not allow us to understand properly this statement. But it seems that the testator *Stḫj*, son of *Jmn-m-jnt* transferred his inheritance by means of this act. In the case recorded on ste. Amarah from the Twentieth Dynasty, both *ḫt*-property and joint-property (*sḫprw nb*) of the married couple *P3-sr* and *T3-mḥyt* were conveyed as an inheritance to their daughter through the legal act *r3*.

With testamentary disposition documents, the inherited *ḫt* could be passed undivided to the heirs. For example, pKahun I.1: 2 from the Twelfth Dynasty reveals that *ḫt*-property was transferred to the wife by her husband. Ste. Cairo CG 34016 discloses that the husband transferred his *ḫt*-property undivided to his wife and his four minor children, but on the condition that it be divided after the death of the wife.

Similarly, by a testamentary disposition document, the *ḫt*-inheritance could be divided. In oDeM 108 of *P3-šd* from the Nineteenth Dynasty, the *ḫt* was divided among six heirs (male and female children). In fact, there are several incidents from the Nineteenth and Twentieth Dynasties that record the transfer of *ḫt* and its division among heirs through testamentary disposition documents (see, oDeM 764; pAshmol. Mus. 1945.97 doc. 1, col. 3; pAshmol. Mus. 1945.96 ver.: 8-9).

[12] Cf. oDeM 108; pKahun I.1; sta. Cairo CG 42208; ste. Juridique; ste. Cairo CG 34016; ste. Ahmose-Nefertari; ste. Cairo JE 36327).

ḥnw

Inheritance documents exhibit two specific spellings for the word *ḥnw*; the writing  is attested in pKahun I.1 from the Twelfth Dynasty, while the spelling  was found in oGardiner 55 and oDeM 108 from the Nineteenth and Twentieth Dynasties.

Several interpretations were offered for the term *ḥnw*. The Wb rendered it as "Hausrat, Sachen"[13], whereas ČERNY/PEET translated it as "things"[14]. However, GARDINER advocates for GUNN's interpretation of *ḥnw* as furniture in the context of Hatshepsut's text about the refurbishment of the Speos of Artemidos in Minya[15]. PHarris corroborates the assumption that *ḥnw n wḏḥw* is a part of the temples' furniture. King Ramses III established tables of vessels of fine gold, silver, and copper in the Medinet Habu Temple[16]. Also, while ALLAM followed the Wb's translation "Hausrat"[17], HAYS saw it as "chattels", "belongings", and literally "vessels"[18]. He also highlighted the interchangeability between the terms *ḥnw* and *ḫt* in four different documents, i.e., Eloquent Peasant, R. 43. 78. 79. 121, pKahun I.1: 7-10, pBerlin 10003Aii: 2-3, pBrooklyn, pl. 14: 3-5. This interchangeability is clearly indicated in the story of the Eloquent Peasant of the Ninth Dynasty. In this story *Ḏḥwtj-nḫt* took away the peasant's *ḥnw*, but the peasant demanded the return of his *ḫt*, "property"[19]. Likewise, in pBerlin 10003Aii: 2-3, from the Twelfth Dynasty, the same interchangeability is found; it mentioned: "*We have received all the property (ḥnw) of the temple, and now everything (ḫt) belonging to the temple being safe*".[20] Moreover, ALLAM, following PESTMAN,[21] pointed out that the difference between the two terms is hardly noticeable[22].

Nevertheless, a more thorough examination of the attestation of the term *ḥnw* might help identify its nuance, but one must admit that there are, so far, no textual record that precisely

[13] *Wb* III 107, 11.

[14] ČERNÝ/PEET, 'A Marriage Settlement of the Twentieth Dynasty: An Unpublished Document from Turin', *JEA* 13, 1927, 39.

[15] GARDINER, 'Davies' copy of the Great Speos Artemidos Inscription', *JEA* 32, 1946, 47, note 5.

[16] Cf. pHarris I: 4.7 (ERICHSEN, *Papyrus Harris I. Hieroglyphische Transkription*, *Bibliotheca Aegyptiaca*, V, Brüssel, 1933, 4) for this papyrus see also GRANDET, Le papyrus Harris I (BM 9999). 2 vols, Cairo, 1994.

[17] ALLAM, *HOPR*, 161.

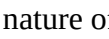
[18] HAYS, *A Papyrus of the Late Middle Kingdom in the Brooklyn Museum*, New York, 1955, 118.

[19] For this text see, PARKINSON, *The Tale of the Eloquent Peasant*, Oxford, 1991; SIMPSON (ed.), *The Literature of ancient Egypt: An anthology of stories, instructions, and poetry*. New Haven: Yale University Press, 1973, 25 ff.

[20] For this text see, MÖLLER, *Hieratische Lesestücke für den akademischen Gebrauch*, I, Leibzig, 1909, 18; GARDINER, *Egyptian Grammar*, Oxford, 1927, 255 f

[21] PESTMAN mentioned this assumption, citing an example of the Middle Kingdom (pKahun I,1) where the word Hnw and the word *ḫt* used together (PESTMAN, *Marriage and matrimonial property in ancient Egypt: A contribution to establishing the legal position of the woman*, Leiden: Brill, 1961, 121.)

[22] ALLAM, *HOPR*, 161.

indicates the nature of the *ḥnw* property. Like *ḫt*, which is often combined with the term  "list" as in *r-ḫt ḫt* 'list of *ḫt* property'[23], the *ḥnw* property appears to have been a type of possessions that is enumerated in an *r-ḫt* list in three documents from Kahun[24], which are almost identical in content. Their *r-ḫt- ḥnw*, list of *ḥnw* property, consisted of grain, fruits, fish, loaves of bread, bundle of flax, boxes, clothes, seals, metals, work tools, weapons, food, oils, writing tools, stones, and accessory (cosmetics). It should be noted here that the Eloquent Peasant left his home with *ḥnw* items that are almost identical to these lists from Kahun. Another point of similarity between the Kahun lists and the Eloquent Peasant is that they both described household properties, since the Kahun papyri came from a settlement context. This is an indication that the *ḥnw* is possibly a movable household property. This can also be corroborated by a passage from the pWestcar, which mentions that the possessions *ḥnw* were stored in a sealed room (*ʿt*) inside the house (*pr*) [25]. As part of the household property a type of vessels was called *ḥnw* and they constituted items of domestic furniture exactly as they were part of temple ritual equipment or furniture[26]. Most intriguing, however, is that some of the household *ḥnw*-property were found in funerary contexts, as grave goods. This includes of course boxes, and leathers and headrests, weapons … etc. Also, the connection of *ḥnw* to tombs was indicated clearly in the Tomb-robberies papyri, since pAmherst stated that eight thieves admitted that they stole the grave goods (*grg*) of the tomb of the queen Nub-khaas[27]. The same holds true for an incident reported in pBM 10052 for the theft of grave goods consisting of *ḥnw*-vessels made of alabaster and silver[28].

Ḥnw could also be items of jewellery, for the female stroke of the boat of King Senferu lost her fish-shaped charm of new turquoise in the lake and preferred the recovery of her own *ḥnw* jewellery[29].

[23] For example, see oPetrie 16 and oGardiner 36.

[24] For those lists see, GRIFFITH, *The Petrie Papyri: Hieratic Papyri from Kahun and Gurob; principally of the Middle Kingdom*, I, London, 1898, 47-51, pls.18. 2 (1-25), 18, 2 (1-62) 20, 2 (1-51).

[25] Cf. pWestcar, 12. 5 f. (BLACKMAN, *The story of King Kheops and the Magicians*, Berks, 1988, 16.; SIMPSON, *The literature of Ancient Egypt*, 23.)

[26] The text of pOrbiney reveals that *ḥnw* is a kind of jars that was used for transferring the seed. In the Tale of the two brothers, the younger brother, *Bȝtȝ* entered his barn and he brought one of the large jars and loaded himself with barley and emmer and went forth carrying them to the field (GARDINER, *Late Egyptian Stories, Bibliotheca Aegyptiaca* I, Brüssel, 1932, 9 ff.; SIMPSON, *op. cit.*, 80 ff.; GARDINER, *JEA* 32, 47). Also, pHarris I: 4.7 mentioned that King Ramses III made a table vessel of fine gold, and others of silver and copper for Ramesseum (ERICHSEN, *op. cit.*, 4).

[27] PEET, *The Great Tomb-Robberies of the Twentieth Egyptian Dynasty*, I, 48 f.; II, pl. 5.2

[28] pBM 10052, pl. 14: 3 ff. (PEET, *op. cit.*, 155 and pl. 34.)

[29] BLACKMAN, *op. cit.*, 6.; SIMPSON, *op. cit.*, 16 ff.

In another context, *ḥnw* was property which the bride took from her father's house to her husband's house. In the event of dissolution of the marriage, the bride could restore them. The text of oGardiner 55 mentions the two types of property in a divorce dispute between a man and his ex-father-in-law. The father demands the return of his divorced daughter's *ḥnw*, which she brought with her to her new family house. However, the husband claims that she had already gotten her *ḥnw* and that all the *ḫt* in the house belongs to the second wife with her children. His statement surely draws a clear distinction between *ḥnw* and *ḫt*. The same distinction is found in pBrooklyn[30], contra HAYS. This papyrus records a family legal dispute, in which a daughter claimed that her father seized her *ḥnw* property which she had obtained from her husband. The father then gave all his *ḫt* to her stepmother. She then demanded the return of her *ḥnw*. Admittedly, the papyrus is fragmented and there are so many lacunae in the text, but one can see distinction between the two terms. Also, in the abovementioned examples of *ḥnw* one can notice that it represented a household property that consisted of several moveable items including, plants, tools, seals, metals, weapons, clothes, woods, leathers, stones, writing tools, and accessory. These *ḥnw* items traveled interestingly with their owners to the otherworld as part of the grave goods. The *ḥnw* was also temple furniture, just as they were domestic furniture, including vessels. It can also be construed that the *ḥnw* property is a subcategory of the all-encompassing *ḫt* property. Therefore, *ḥnw*, as I envisage it, cannot be interchangeable with *ḫt*, and there is a noticeable difference between the two terms.

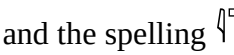
In addition, the *ḥnw* was bequeathed through an *jmj.t-pr*-document, as highlighted by pKahun I.1[31] and oDeM 108[32].

[30] Text "B" of pBrooklyn (HAYS, *op. cit.*, 115 f.)

[31] The *wab*-priest *W3ḥ* draw up an *jmj.t-pr*-document in favor of his wife *Ttj*. Through this document, he gave her his *ḫt*-property, which consisted of *ḥnw*-possessions, some Asiatic slaves, some architectural structures.

[32] A man from a lower caste draw up an *jmj.t-pr*-document in favor of his children. He divided his simple property among all of them. He stated that his daughter, Isis shall receive, beside other things, every vessel of green stone.

Jšt

The word *jšt* is attested five times in the known inheritance documents. It is written in several forms; the writing  is used during the Fifth and Sixth Dynasties (inscr. *Nj-ˁnḫ-kꜣ* b, pBerlin 9010), and the spelling  is attested in the text on Bowl Qau, which is dated between the Sixth Dynasty and the Eleventh Dynasty. While the form  appeared during the Twenty-second Dynasty (sta. Cairo CG 42208).

The term *jšt* means "possessions, belongings, morning food and food"[33]. Its earliest recorded use as "inherited property" is in the inscr. *Nj-ˁnḫ-kꜣ* (b) from the end of the Fifth Dynasty. In this text, the testator set his son, maybe the favorite/eldest one, as his heir and described him as owner of all his possessions (*jšt*). Another text, pBerlin 9010: 1-2 from the Sixth Dynasty, reveals that the *jšt*-possessions had been placed under the tutelage of an external trustee, who was appointed by the testator himself in order to manage them for his minor children. Also, a text recorded on Tablet 5955 indicates that the *jšt*-possessions should first be passed to the testator's son, if he lives, but if not, all the *jšt*-possessions would be given to another person's children. Perhaps they were relatives of the testator. Bowl Qau enforces the meaning of inherited *jšt*-property since it records a son's complaint of the seizure of his *jšt* inheritance to his deceased parents.

The inscription of sta. Cairo CG 42208, front: 14-15, from the Twenty-second Dynasty, reiterates the divine order "*Let a man do the arrangements of his jšt property*", which emphasizes a personal autonomy and a freedom to dispose of it. Interestingly, however, it exhibits parallelism and interchangeability between *jšt* and *ḫt*. In this text, the deceased *Nḫt-f-mwtj*, bequeathed to his daughter via an *jmjt-pr*-document all his *ḫt* according to the divine order of the great god regarding a man's *jšt*.

The parallelism and interchangeability between these terms occurred early during the Old Kingdom. In pBerlin 9010, I noticed that the term *ḫt* replaced the term *jšt*. This text states that the testator had appointed a guardian for his estate (*jšt*) by means of a document, although the conditional decision of the statutory body was issued regarding his *ḫt*-property.

Also, based on what can be inferred from the texts on Bowl Qau and sta. Cairo CG 42208, the *jšt* included inherited and earned property. The owner of sta. Cairo CG 42208 makes it clear

[33] *Wb* I 134. See also, JEQUIER, G., 'Matériaux pour servir à l'établissement d'un dictionnaire d'archéologie égyptienne', *IFAO* 19, 1922, 226 f. ; EDEL, E., 'Untersuchungen zur Phraseologie der ägyptischen Inschriften des Alten Reiches', *MDIAK* 13, 1944, 18.

that his *jšt* consists of what he inherited from his parents, what he earned personally, and what he was gifted by the King.

According to the inheritance documents, we can see the *jšt*-possessions were transferred through legal order of succession. For example, in the case recorded in pBerlin 9010, the son of the testator claimed his father's *jšt*, without refering to any document. That means his father's inheritance was given to him under the legal order of succession system. Also, the texts betrayed that the *jšt*-possessions were transferred through testamentary disposition documents. We know only three kinds of legal instruments that have been drawn for the sake of regulating the transfer of the property in question; *sḏr*-arrangement (to be discussed in Chapter 2) and *jmj.t-pr*-document (sta. Cairo CG 42208) and a document that could be referred to by the general term *sḫ* "writing" (to be discussed in Chapter 2), by its means these possessions had been placed under the tutelage of an external trustee.

Mˁḏ3

The word  occured once in the known inheritance documents. In his publication of the Adoption papyrus (pAshmol. Mus. 1945.96), GARDINER saw that the context 'clearly to demand the meaning 'profit''[34]. In a brief communication, he provided reasons for the reading *mˁḏ3* unlike the Wb's *mḏ3*[35]. Based on its Coptic form ⲙⲁⲁϫⲉ, the word *mˁḏ3* is a unit of measure, as GARDINER stated. The *mˁḏ3* indicates a type of palm reed baskets used for squishing dates together to produce the Egyptian *Agweh* عجوه, a crushed and sticky dates. Such baskets are of standard size so that they could have been a measure of wealth[36]. However, PESTMAN envisaged *mˁḏ3* as synonymous with *sḫprw* and *spḫrw*, which were used in early marriage contracts, meaning "to acquire"[37]. While DAVID stated that this word indicates the acquests i.e., the property that the husband and the wife brought together, and which was transferred to the wife after his death[38]. The reason that *mˁḏ3* is not specified may simply be that as a legal category it should be able to include any kind of property a couple could acquire, from a cow to a house.

Unfortunately, the attestation of *mˁḏ3*, in the Adoption Papyrus (pAshmol. Mus. 1945.96), which is the only one we have so far, does not indicate what form of property it could have been. Interestingly, *mˁḏ3* were not included in the list of properties, which the heiress in question, *N3-nfr*, bequeathed later. She made a deposition in favor of her adopted children, and stated that the fields (*3ḫt*), and things (*ḫt*) and merchants (*šwtyw*) should be divided among those children.

It is clear that the *mˁḏ3*-inheritance was transferred through a testamentary disposition document, called *sḫ* "document/writing". In the Adoption papyrus, *N3-nfr* declared that her husband had arranged document/writing (*sḫ*), by its means, he made her his daughter and gave her all the profit (*mˁḏ3*), which they made together. In this text we read,

"*Regarding all profit (mˁḏ3) that I have made with her, I will transmit it (to) N3-nfr, my wife*"[39] (pAshmol. Mus. 1945.96 rec.: 5-6).

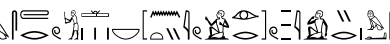
[34] GARDINER, 'The word *mˁḏ3* and its various uses', *JEA* 26, 1940, 157.
[35] *Wb* II 186, 15.
[36] GARDINER, *op. cit.*, 158. For further details about this word, see DAVID, A., *The Legal Register of Ramesside Private Law Instruments*, Wiesbaden, 2010, 140 f.; WILSON, *Ptolemaic lexikon*, 417.
[37] PESTMAN, *Marriage and matrimonial property in ancient Egypt*, 126, note 4.
[38] DAVID, *op. cit.*, 140.
[39] This sentence corresponds to an expression in the oldest types of marriage contracts, in which the husband used to promise to his wife that his estate is as security for honoring his obligations in respect of her:

Swt

The word *swt* is attested only during the Ramesside period. It was written in different ways:  [40], [41], [42], [43] and [44].

Its most common translation is "places" and the Wb lists it as "Stele, Wohnsitz, Platz"[45]. However, in his publication of Tomb-Robberies Papyri, PEET sometimes translated *st* as "tomb" and *swt ꜥ3t* more specifically as "great place" but did not rule out that it means 'cemetery' in general in these papyri[46]. Whereas GARDINER and ČERNÝ seem to think that *st* means 'room' in the text of a hieratic ostracon[47]. In another document, ČERNÝ thinks it has a more technical meaning, i.e., "landed property"[48]. HELCK[49] and BOGOSLOVSKY[50], followed by MCDOWELL[51], outlined the meaning of *swt* in Der El-Madina as a group of structures that were given to workmen, when they enter the service in the necropolis. Workmen obtained these *swt*-landed properties by a *sḫnw*-decree as indicated by oBM 5624[52]. These *swt*-property includes *pr*-house, *ꜥt*-house, *mꜥḥꜥt*-tomb, and *ḫnw*-building[53]. In fact, ČERNÝ's identification of *swt* as landed property that consists of a number of structures is widely accepted as can be observed in the term treatment by JANSSEN/PESTMAN[54] and later by MCDOWELL[55]. ALLAM too seem to follow that line of thinking, since he translates it as "immovable"[56].

Remarkable among the text sources for the landed property *swt* are pBulaq 10 and pTurin 2070. They provide a list of structures that are included under the term *swt*. It usually consists of

 'of all acquiring, I shall do with her'. (PESTMAN, *op. cit.*, 117, note 1; GARDINER, *op. cit.*, 157; MÖLLER, *Zwei ägyptische Eheverträge aus vorsaitischer Zeit*, Berlin, 1918).

[40] oGardiner 23; oGardiner 103; oPetrie 18; pBulaq 10 rec.; pTurin 2070 ver.

[41] oGardiner 103.

[42] pBulaq 10 ver.

[43] oBM 5624 ver.

[44] pAshmol. Mus. 1945.97 doc. I col. 4; pTurin 2070 ver.

[45] *Wb* IV 1, 8.

[46] PEET, *op. cit.*, 9, 42, 134, 147.

[47] See oAshmol. Mus. Oxford 1945-39 (ČERNÝ/GARDINER, *HO*, pl. 72, 1 ver.1-2).

[48] ČERNÝ, 'The Will of Naunakhte and the related documents', *JEA* 31, 1945, 32.

[49] HELCK, *Materialien zur Wirtschaftsgeschichte des Neuen Reiches*, III, 339, 341.

[50] BOGOSLOVSKY, 'Property and Ex-Office Possessions in Ancient Egypt (Based on material from Deir el-Medina) (in Russian)', *VDI* 1(147) 1979, 3-17.

[51] MCDOWELL, *Jurisdiction in the Workmen's Community of Deir El-Madina*, Leiden, 1990, 123.

[52] oBM 5624 ver. 3 (see BLACKMAN, 'Oracles in Ancient Egypt II', *JEA* 12, 1926, pl. 35).

[53] oGardiner 103 shows that these buildings are enumerated under the term *ḫt*.

[54] JANSSEN/PESTMAN, 'Burial and inheritance in the community of the necropolis workmen at Thebes (Pap. Bulaq X and O. Petrie 16)', *JESHO* 11, 1968, 158.

[55] MCDOWELL, *op. cit.*, 120-5.

[56] ALLAM, *HOPR*, 327-328 (note 1).

buildings and plots of residential land: the *ḥbt*-building, the *jsbt*-building, the *ꜥt*-house, the *pr*-house, the *ḫnw*-building, the *šꜣyt*-building, the stable (*jhy*), and the *mḫr*-magazine, the *mr*-pyramid, and the *mꜥḥꜥt*-tomb[57]. In addition, the *swt*-property includes the plot referred to by *pꜣ jwtn*, which probably was a plot of land in residential areas, and it was surrounded by other buildings.

The piece of land which is beside the house of the mayor of the city, for *Bꜣ-sꜣ* (pBulaq 10 ver.: 13).

According to the inheritance documents, we can see that the *swt*-inheritance was transferred through legal order of succession. For example, the litigation case of oBM 5624 demonstrates that the grandson of *Ḥꜣy* proved his ownership of a *mꜥḥꜥt*-tomb, which he inherited from his grandfather and grandmother through legal order of succession. The dispute between grandson of *Ḥꜣy* and his neighbour *Ḫꜥ-Nwn* was over a *mꜥḥꜥt*-tomb, and was settled through the oracle god, who adhered to the common rules of succession.

Also, *swt*-inheritance could be transferred through testamentary disposition documents. For example, we know a legal action, known as  "hearing the statements/deposition" has been done for transferring this kind of property. The text of pBulaq 10 reveals that *Ḥꜣy* make a formal deposition known as "*sḏm rꜣ*", by which he bequeathed a real estate (*swt*) to his children. JANSSEN/PESTMAN assumed that this document is some sort of "will" by which the testator bequeathed his property to his children and by acting in public[58]. On the other hand, it is not clear whether the *swt*-landed properties were transferred through an *jmj.t-pr*-document. But interestingly, we find that the lady *Njwt-nḫt-tj* mentioned, in her *hꜣry*-document, that four of her children will not share in the landed property (*swt*) of her first husband.

It is clear from the previous survey that there were several ancient Egyptian terms for 'property', specially inherited or bequeathed property. It can be inferred that they were distinct from one another and that each term covered a specific type of property. Nevertheless, it is still difficult to assess this. However, one can several observations here. It is noticeable that the term *ḫt* is commonly used in succession issues. It had a board and extensive application. It is consistently associated with immovable property (lands and buildings) and movables (stone tools, wood

[57] The *mꜥḥꜥt*-tomb was a part of *swt* in oBM 5624.

[58] JANSSEN/PESTMAN, *op. cit.*, 149 ff.

tools, and metal objects) as well. Moreover, it also covered livestock[59] and servants/slaves[60]. Interestingly, it included inherited government and priestly posts[61].

Since *ḫt* had a very broad application, it can replace other terms for property, like *jšt*, *ḥnw*, *mꜥḏ3* and *swt*, but none of them can stand for it. Perhaps *ḫt* is a generic term for property, which had all other terms as its sub-categories. Each of these sub-catagories covered a distinct and precise type of property, as highlighted below.

The *jšt* term appears to be interchangeable with the term *ḫt*. Perhaps *jšt* and *ḫt* are one word in different dialects.

The *ḥnw* term denoted all movables, such as household goods and personal belongings, but never attested, so far, for immovable property. It also referred to bride's belongings, which she got from her father before marriage, and which she brought with to her husband's house. In the event of divorce, she must restore her *ḥnw*-property.

The *mꜥḏ3* indicated the acquests i.e., the property that the husband and the wife earned together during their marriage. It is, in this sense, the joint household property of the husband and wife. According to inheritance norms, the wife should be entitled to only one-third of these joint acquisitions at the death of her husband or at their divorce. The other two-thirds go for the descendants of the husband in the first case, or to him in the second case[62].

The *swt* is immovable property, which include buildings and plots of land in residential areas. In Der el-Medina *swt* was used to refer to the buildings that were given to workmen, when they enter into the service, by the government. These included *pr*-house, *ꜥt*-house, *ḫnw*-building, *mꜥḥꜥt*-tomb. Text sources exhibited that Der el-Medina workmen bequeath their *swt*-buildings to their descendants.

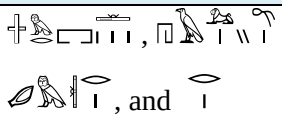
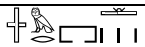
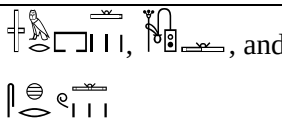
[59] For example, see sta. Cairo CG 42208 front: 11-12.

[60] For example, see pKahun I.1: 10-11, sta. Cairo CG 42208 front: 11-12, and ste. BM EA 1628, 13 ff. (FRANKE, 'The Good shepherd Antef (Stela BM EA 1628)', *JEA* 93, 2007, 160), and ste. *Rḫw* (CLÈRE/VANDIER, *Textes de la Première Période Intermédiaire*, Brussels, 1948, 5 n. 7).

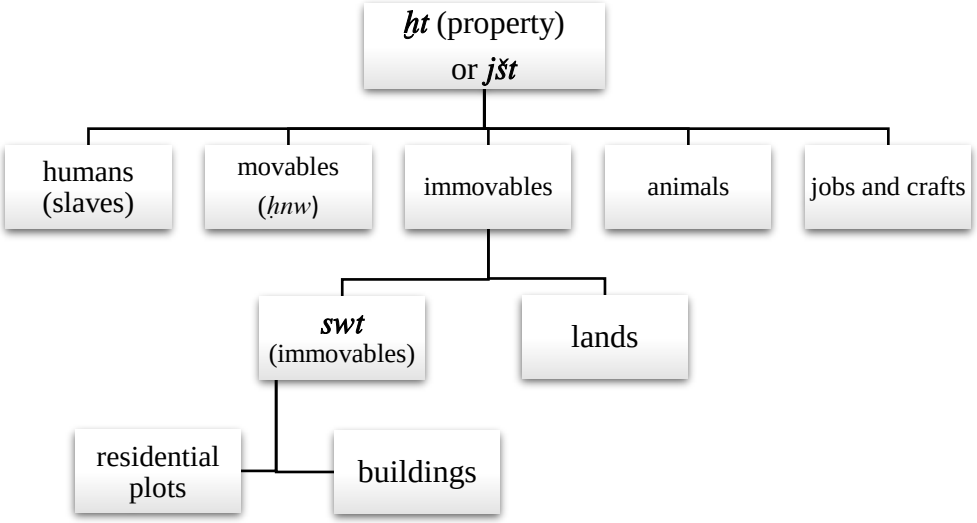
[61] Government posts like, 'the mayor of el-Kab' (ste. Juridique: 5). Priestly posts like, 'the second priest of Amun' (ste. Ahmose-Nefertari: 3 f.) and God's wife (ste. Nitocris Adoption: 2-5, 15-18).

[62] See ALLAM, 'Papyrus Turin 2021Another Adoption Extraordinary', in Cannuyer C. and Kruchten J. (eds), *Individu, societe et spiritualite. Melanges Théodoridès,* Brusseles: Illustra, 1993, 24; JANSSEN/PESTMAN, *JESHO* 11, 164 ff.; ČERNY, *JEA* 31, 1945, 49.

The following table enumerates Egyptian terms for inherited property in pharaonic Egypt, their early attestations, and the legal documents through which they were transferred:

Property	The first attestation as inherited property	Number of instances	Accompanying legal instrument
Ḫt	The Sixth Dynasty (cf. Clay Tablet 3689-7+8+11)	21 cases[63]	
Swt	Ramesside Period (cf. pTurin 2070)	8 cases[64]	
Ḥnw	Twelfth Dynasty (cf. pKahun I.1)	3 cases[65]	
Jšt	The Fifth Dynasty (cf. inscr. *Nj-ʿnḫ-kꜣ* b)	5 cases[66]	
Mʿḏꜣ	The Twentieth Dynasty (cf. pAshmol. Mus. 1945.96) [Adoption Papyrus]	1 case[67]	

The following diagram depicts an evaluative/hypothetical classification of the inherited properties in pharaonic Egypt.



[63] Tablet 3689-7,8 and 11; pBerlin 9010; pKahun I.1; ste. Cairo JE 52456; ste. Juridique; ste. Cairo JE 34016; oDeM 108; oDeM 764; oGardiner 55; oGardiner 36; oPetrie 18; oGardiner 23; pAshmol. Mus. 1945.96; pAshmol. Mus. 1945.97; pBulaq 10; pTurin 2021+Geniva D 409; ste. Ahmose Nefertari; ste. Amarah; sta. Cairo CG 42208; ste. Nitocris Adoption.

[64] pBulaq 10 (two instances); pTurin 2070; oBM 5624; oGardiner 23; oGardiner 103; oPetrie 18; pAshmol. Mus. 1945.97;

[65] pKahun I.1; oGardiner 55; oDeM 108.

[66] inscr. *Nj-kꜣ-ʿnḫ*; Bowl Qau; Tablet 5955; pBerlin 9010; sta. Cairo CG 42208.

[67] pAshmol. Mus. 1945.96.

Contents and types of legacy

Legal systems typically distinguish between two types of property, particularly between immovable property/real estate, and movable property/personal property. Movable property can easily be transported from one place to another without changing its shape, capacity, quantity, or qualities, e.g., books, pots, or wood. While immovable property cannot be transferred easily from one place to another, or if transferred, it loses its original form, capacity, quantity, or quality, e.g., land, houses, and trees associated with the lands. The methods of transfer of ownership differ between the two: real estate property ownership is conveyed by *deed*, while personal property is transferred by *bill of sale, lease,* or *marriage, etc*[68].

Personal property can be categorized into two types, i.e., tangible, and intangible. The first refers to any personal property that can generally be moved, touched, or felt, such as furniture, clothing, jewellery, household goods, cars, and boats, etc. The second implies personal property that cannot actually be transferred, touched, or felt but instead describes something of value, such as securities and negotiable instruments. It includes interest, bonds, and intellectual property like *copyrights*, *patents*, *loans*, and *debts*[69].

According to the available inheritance documents, the property inherited in pharaonic Egypt consists of various items such as land, architectural structures, trees, slaves, silver, metal, and stone vessels, etc. On the following pages, each of these items is studied in detail.

I. Immovable property

1. Land

WARD opines that land which could be sold, passed on by bequest, or otherwise disposed of by individuals is personal property, based on the limited documents we possess that private persons could own land during the pharaonic times. Landowners cover the entire range of the Egyptian social strata: provincial rulers, clerics, and minor officials, simple soldiers, and even the humble

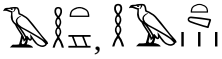
[68] See Black's Law Dictionary, at 873 (5th ed. 1979) ; see also, OLDHAM, J. T., *Divorce, separation and the distribution of property*. Law Journal Press, 2020., & 5.02; MICHAEL BRIDGE, *Personal Property Law* (Clarendon Law Series) Oxford, 2002; LANK, E./SOBECK, J. M., *Essentials of New Jersey Real Estate*, Dearborn Real Estate, 2004, 20; ROMERO, A. R. *Property Law for Dummies*, New Jersey, 2013.

[69] See LANK, E./SOBECK, *op. cit*., 20; Britannica, The Editors of Encyclopaedia. "Movable and immovable". Encyclopedia Britannica, 20 Jul. 1998, https://www.britannica.com/topic/movable-and-immovable. Accessed 12 March 2021; MADHANI, P., Intangible Assets - An Introduction. *Pankaj M Madhani*. (November 2009). https://www.researchgate.net/publication/45072526_Intangible_Assets_-_An_Introduction (last visited 11 March 2021).

See also, DOWNES, J.&GOODMAN, J. E., *Dictionary of Finance & Investment Terms, Barron's Financial Guides*, 2003; SIEGEL, J. G. DAUBER, N.& SHIM, J. K. *The Vest Pocket CPA*, Wiley, 2005.

water-carriers of Deir el-Medina. Likewise, women could also own land in their own names as their personal property[70].

The land of pharaonic Egypt, in general, was classified into several types. This classification was adopted based on its physical, legal, or topographical status[71]. The degree of soil fertility and different levels of inundation played a prominent role in this classification as well[72]. It can be said that, in general, the classification of land during the pharaonic times is still complicated as its irrigation systems are not fully known to us[73]. For example, there are the lands *q3jt*[74], *ḫrw*, *nḫb*[75], *bʿḥ*[76], *m3j*[77], *tnj*[78], *3ḫt*[79]. The following discussion focuses on the lands mentioned in the inheritance documents to determine their types which could be passed on by inheritance during the pharaonic period:

a. ***3ḫt/ḥ3wt* Lands** 

It means arable land[80], it also implies soil[81]. RÖMER suggests that this term is the most important for a unit of arable land, which is derived from *ḥ3j* "to flow"[82]. The first attestation of this land as inherited item dates to the Third/Fourth Dynasty. A biographical inscription from Saqqara, dating to the end of the Third Dynasty, gives us, amongst other things, details about the possessions of a certain dignitary called *Mṯn*. His mother possessed arable lands (*ḥ3t*) and could convey them to her children. That happened by means of an *jmj.t-pr*. The conveyance was thereupon declared to some offices[83].

[70] WARD, 'Some Aspect of Private Land Ownership and Inheritance in Ancient Egypt, ca. 2500-1000 B.C.', in Tarif Khalidi (ed.), *Land tenure and Social Transformation in the Middle East*, Beirut, 1984, 72.

[71] EYRE, 'The Water Regime for Orchards and Plantations in Pharaonic Egypt', *JEA* 80, 1994, 68.

[72] RÖMER, '*Landholding*', *OEAE*, II, 256.

[73] EYRE, *op. cit*., 69.

[74] *IBID* 68; SCHENKEL, *Die Bewässerunggsrevolution im Alten Ägypten*, Mainz/Rhein, 1978, 64 f.; RÖMER, *op. cit*., 256.

[75] *IBID*

[76] EYRE, *op. cit*. 71. RÖMER, *op. cit*., 256. For an example of this land, see pSallier IV= pBM EA 10184 (Miscellanies) (GARDINER, *Late-Egyptian Miscellanies, Bibliotheca Aegyptiaca* VII, Brüssel 1937, xvii-xviii [K] and 88-99a).

[77] EYRE, *op. cit*., 75.

[78] SCHENKEL, *op. cit*., 64.

[79] For further details about the different kinds of land in Ancient Egypt, see GARDINER, *The Wilbour Papyrus*, vol. II commentary, Oxford, 1948; VLEEMING, *Papyrus Reinhardt: an Egyptian Land list from Tenth Century BC*., Wiley, 1994.

[80] *Wb* I 12, 17 f.

[81] *Lesko* I, 8.

[82] RÖMER, *op. cit*., 256.

[83] See ALLAM, Women as Owners of Immovables in Pharaonic Egypt', in Barbara S. Lesko (ed.), *Women's Earliest Records: from Ancient Egypt and Western Asia*; Atlanta, 1989, 125.

The text tells that the share of *Mṯn* from these lands consisted of 50 *arouras*. It seems that the mother divided her lands equally among her children, and each of them inherited the same amount that *Mṯn* received.

He was given 50 *arouras* of land (*ꜣḫt*) from (his) mother *Nb-snt* (inscr. *Mṯn*: 14).

Moreover, the text in question states that the governor of the Sekhmet district had granted *Mṯn* with his children 12 *arouras* of arable land with its workers and small livestock.

This example is of major significance, because it is the first attestation of *ꜣḫt* as inherited land, as it reveals that the lands could have been inherited in ancient Egypt, before the period of the great pyramids.

The mortuary endowments texts were standard in the Old Kingdom[84]. The deceased persons used to leave their property in the form of a mortuary endowment to their relatives or some strangers, setting a special stipulation upon it to avoid the division and loss, which might adversely affect their cult offerings. In such cases, the beneficiaries could not give this property away or sell it to a stranger, but they could only transfer it to their children[85]. When this property is arable land, the recipients can use the income from this land for recruiting persons to perform mortuary rites for the deceased donor[86].

In this regard, a certain *Ṯntj* mentions two equal plots of arable land formerly belonging to his mother. The first plot is given now to his wife, and the second plot goes to his brother. In return, both his wife and his brother must look after him and his mother by bringing offerings to their tombs and performing the religious rituals.

As regards the first of two fields, which provide the invocation offerings for my mother, the royal acquaintance *Bbj*, it now belongs to my wife, the royal acquaintance *Tp-m-nfrt* (inscr. *Ṯntj*).

As for the second of these two fields, which provide the invocation offerings for my mother, the royal acquaintance *Bbj*, it shall belong to my "brother of the property (*ḏt*)", the *kꜣ*-servant *Kꜣ-m-nfrt* (inscr. *Ṯntj*).

In the same vein, the royal *wab*-priest *Pn-mrw* appointed his brother *Nfr-ḥtp* by name and his children as *kꜣ*-servants for his funerary estate and made them responsible for bringing the

[84] For examples, see ALLAM, 'Women as Owners of Immovables', in Barbara S. Lesko (ed.), *Women's Earliest Records: from Ancient Egypt and Western Asia*, Atlanta, 1989, 123 f.

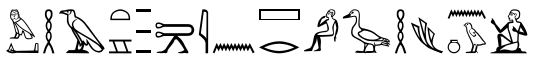
[85] JASNOW, 'Old Kingdom and First Intermediate Period', in Raymond Westbrook (ed.), *History of ancient Near Eastern law*, Leiden, 2003, 123 f.

[86] See JOHNSON, 'The legal status of women in ancient Egypt', in Anne Capel and Glenn Markoe (eds), *Mistress of the house, mistress of heaven: Women in ancient Egypt*, New York, 1996, 183 f.; JASNOW, *op. cit.*, 125.

invocation offerings for his and his mother's tomb. For this reason, he gave him together with his children one *kha* measure of arable land (*ꜣḫt*), as he did not permit any person to have authority over them.

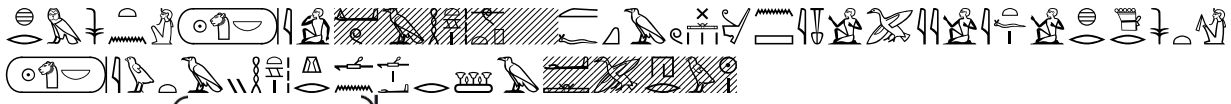
[As regards] the one *kha*-measure of land [I have given to him] with these his children (inscr. *Pn-mrw*: 4-5).

In a letter to the dead, recorded on Qau Bowl, from the late Old Kingdom, this kind of land is attested as an inheritance; the heir petitions his dead parents because his inheritance, consisting of *ḥꜣt*-land, had been stolen by a certain person named *Šrj* son of *Ḥnw*. The heir presumably has additional means of addressing his problem, such as going to a statutory body, but he petitions his father and mother as the benefactors of his inheritance[87].



Now my fields (*ḥꜣt*) have been taken possession of by *Šrj* son *Ḥnw* (Qau Bowl inside: 7-8).

The most amazing legal inscription surviving from ancient Egypt is the inscr. *Ms*, which dates to the Nineteenth Dynasty. It states a long-running dispute over *Nšj*'s inheritance between his siblings. This inheritance was several arable land *arouras*, which were located near Memphis. This land was granted to the naval officer *Nšj* in the reign of Ahmose I. It had been run as an undivided family holding through the Eighteenth Dynasty. But then it became the subject of repeated dispute since the reign of Akhenaten. Later in the reign of Ramses II, the quarrel flared up again between a certain *Ḥʿy* and the testator's grandson together with his mother:

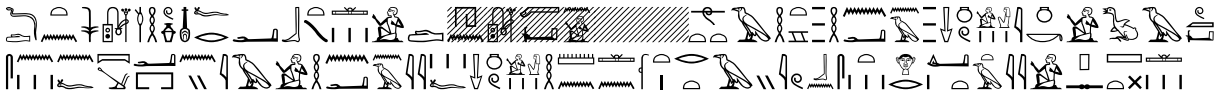


It was king ⟨NebpehdetyRe⟩ who [gave --- *arouras* of land (*ꜣḫt*)] as a reward for *Nšj*, my father/(grand)father, and since the time of King ⟨NebpehdetyRe⟩ this land (passed) from one to another down to this day (inscr. *Ms*: N4-5).

Another text from the same dynasty deals with a dispute over the inheritance of arable land. It seems the heirs received these lands together from their father and decided to transfer it to the control of the temple. The transfer of the land to the temple guaranteed a regular income for someone who do not like to take on the responsibilities of cultivating the land personally[88]. The relevant text contains such a case and tells us that one of the heirs seized the inherited land for himself for a number of years and did not give a share to his brother.

[87] See TROCHE, J., 'Letters to the Dead', in Jacco Dieleman and Willeke Wendrich (eds), *UCLA Encyclopedia of Egyptology*, Los Angeles, 2018, 2.

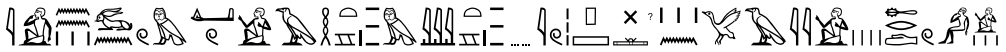
[88] See KATARY, S., 'The Administration of Institutional Agricultural in the New Kingdom', in Juan Carlos Moreno Garcia (ed.), *Ancient Egyptian Administration*, Brill, 2009, 759 f.



The statements of the royal table scribe, *Nfr-ʿbt*, "There were assigned to me (*dhn n=j*) ----- *arouras* of *ȝḫt* land, along with my brothers and sisters (i.e., some of my brothers and sisters). But the storekeeper *Ny-jȝ* seized (*ṯȝw*) them for himself, along with his brothers and sisters, for a number of years until now, and they did not give (me) my share" (pBerlin P 3047: 8-11).

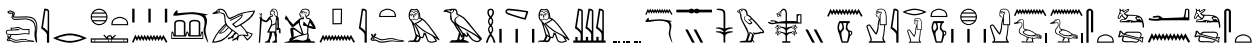
The text reveals that the former inherited lands are not in one location, but in separate areas. Every tract thereof was mentioned separately under the term *swȝw* with the name of its owner and its boundaries.

During the Twentieth Dynasty, the arable land (*ȝḫt*) is attested as a part of inheritance twice. The lady *Rn-nfr* declared that her four adopted children would get any arable land that she may acquire in the future. In a section of her deposition, she also hinted that this arable land should be equally divided among them.



And if I have fields (*ȝḫt*) in the country, …, these (items) shall be divided among my four children (pAshmol. Mus. 1945.96 ver.: 7-9).

The second instance from this dynasty is recorded on a stela found at Amarah (between second and third cataracts of the Nile); a daughter inherited from her father a property consisting of arable land (*ȝḫt*) in the countryside, male and female slaves as well as trees. Those things were conveyed to her by her brother after their father had departed. She obtained them, as her brother puts it, "*for the son of her son and the heir of her heir*".



He said: as regards all the property of the overseer of the Double granary, *Pȝ-sr*, my father, consisting of land (*ȝḫt*) in the countryside (*sḫt*), … are belonging to the musician *Jrt-ḫw*, from son to her son, and from heir to her heir (ste. Amarah: 1-5).

The previous survey deals with bequeathing arable land (*ȝḫt*) in general, while the inheritance documents disclose that these lands have been classified into several types, as follows:

***ȝḫt ḫrw*:** this means "lowlands". HARARI mentioned that this term refers to the land, which was flooded by the Nile, and required no irrigation works, in addition to that it required less effort for plowing[89]. Moreover, these lands are the most fertile[90]. It was the contrast of *qȝj* land in the

[89] HARARI, 'Nature de la stèle de donation de function du roi Ahmôsis à la reine Ahmès-nefertari', *ASAE* 56, 1959, 142, note 1.

[90] GITTON, 'La résiliation d'une fonction religieuse: Nouvelle interprétation de la stèle de donation d'Ahmès Néfertary', *BIFAO* 76, 1976, 77.

Middle Kingdom and early Eighteenth Dynasty[91], which was laid above the regular inundation, and it was only cultivable following the Middle Kingdom efforts to control the floods[92]. Unfortunately, we have no instance of bequeathing this land by private individuals yet. While the textual material of inheritance contains a royal example dating to the Eighteenth Dynasty, i.e., ste. Ahmose-Nefertari. In this text, king Ahmose gave his wife, Ahmose-Nefertari, 5 *arouras* of the low land (*ȝḫt ḫrw*).

I gave to her male servant (*ḥzb*) and female servant (*ḥzbt*), 400 *oipe* of barley, and five *arouras* of low land (*ȝḫt ḫrw*) (ste. Ahmose-Nefertari: 11).

The ste. Apanage from the Twenty-second Dynasty precisely describes the various categories of *ȝḫt*-land that was bequeathed in ancient Egypt. It records that a certain high priest of AmunRe, called *Jw-w-r-jwṯ* (Iuelot) founded a rural property in the district *Jȝt-nfr*(*t*) when he was a youth (*ḥwn*), during the reign of his father, king Osorkon-Meryamon. He purchased 556 *arouras* of land from the free people, paid its price in silver, then registered this land in the land registry of the Amon temple.

The text reveals that these lands were conveyed to the testator's son, *Ḥ^{ꜥ}-n-wȝst*, as an entailed unit. It is to be transferred undivided "to the son of his son, the heir of his heir". The text also affirms a bar on any claim from any other son or brother of the bequeather to a share[93].

The 556 *arouras* of land in question consisted of two kinds of *ȝḫt* lands as follows:

***ȝḫt nmḥw n^{ꜥ}*:** indicates "private cleaned land" i.e., the private land on which there is no claim by an outsider. This kind of land constituted 267 *arouras* of the total land mentioned above. The word *nmḥ* means "free" when used for the officials (*sr*), but when used for possessions (land, walls, cows), its meaning is "private ownership". That means that its owner had full ownership rights. This situation was the opposite of that with the land belonging to the pharaoh or the divine domain. Sometimes these lands were under the mastership/authority of the state

[91] EYRE, *op. cit*., 70.

[92] SCHENKEL, *op. cit*., 60 ff. The *ḫrw* land was among the land that has been devoted to the statue of a pharaoh. For example, the *wab*-priest *Sȝ-tȝ-jmȝw* obtained from the King Ahmose 40 *arouras* of low land (*ḫrw*) and high land (*qȝyt*), for the benefit of the great royal statue (*twt*) of millions (of years) of the King Ahmose I for which he is the personally appointed official. (KATARY, S., 'The administration of institutional agriculture in the New Kingdom', in Juan Carlos Moreno García (ed.), *Ancient Egyptian Administration*, 2013, 763 f.) For the tomb of *Sȝ-tȝ-jmȝw* see DAVIES, W. V., 'The tomb of Sataimau at Hagr Edfu: an overview.' British Museum Studies in Ancient Egypt and Sudan 20, 2012, 47-80.

[93] See EYRE, *The Use of Documents in Pharaonic Egypt*, Oxford, 2013, 168 ff.

or the temple[94]. In his publication of the ste. Dakhleh, GARDINER noted that *mw nmḥw* are private waters and belong to private individuals and are thus contrasted with *mw Pr-ꜥ3* "waters of Pharaoh", i.e., waters belonging to the Crown[95]. Therefore, the *3ḫt nmḥw* should be considered a private land. At the same time, the *nmḥ*-cow is also a private property to the herdsman, unlike the cattle belonging to the temple[96]. KATARY mentioned that although the *3ḫt nmḥw* land is not attested in the pWilbour but is well documented during the late period as a general designation for private land. KATARY also stated that the *nmḥw* are individuals who held the lands, which nominally belonging to Pharaoh[97].

SPIEGELBERG mentioned that the word *nꜥ* should simply be translated as "smooth" and the verb *šnꜥ* "to smoothen, to flatten", and when this word was used for a person or thing, it means smooth, i.e., clear[98]. It denotes a property on which there is no claim by outsider[99].

MENU thought that the word *nꜥ* is a synonym of the *wꜥb* word, with the meaning "white, pure"[100]. On the other hand, GRIFFITH sees that the expression *3ḫt nmḥ nꜥ* means "land with tenants right cleared".

3ḫt šd3w tnj: means "exhausted (tired) and wooden land". This type of land constituted 288 *arouras* of the total land property of *Jw-w-r-jwṯ*. For the word *tnj*, GARDINER sees that the Wb makes no serious attempt to define the meaning, and it must be noted that the verb *tnj*, usually rendered "become old" really means more than this - it means "to become decrepit"[101]. MENU opens that the word *tnj*, which its determinative is an old man with a stick, means "old, decrepit" in general, but in agricultural terms means "exhausted land". MENU also assumed that this land was waste and was temporarily lifted without cultivation until it became productive again, and it was probably capable of providing vegetation requiring no care, such as forage grass and the famous *šd3w* trees as fuel[102]. EYRE thought that this land was above the level of inundation and covered with brush[103].

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[94] MENU (ed.), La stèle dite de l'apanage, in *Recherches sur l'histoire juridique, économique et sociale de l'ancienne Égypte*, II, Cairo 1998, 193.

[95] See GARDINER, 'The Dakhleh Stela', *JEA* 19, 1933, 21 ff.

[96] MENU, *op. cit*., 193.

[97] See KATARY, *op. cit*., 750 ff.

[98] SPIEGELBERG, *Die demotischen Papyri Loeb*, München, Beck, 1931, 104 (note. 6).

[99] For example, See VITTMANN, G., 'Nochmals der kursivhieratische Papyrus Wien D 12002', *GM* 154, 1996, 103-112.

[100] MENU, *op. cit*., 193.

[101] GARDINER, *The Wilbour Papyrus*, II, Oxford, 1984, 29 note 1.

[102] MENU, *op. cit*., 194.

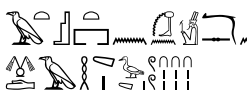
[103] EYRE, *JEA* 80, 63.

VLEEMING in his publication of pReinhardt adopted SCHENKEL's interpretation for *ꜣḫt tnj* as 'elevated land' and he understood that when this land was used for cultivation, it required further irrigation. If such extra care was invested in the fields, they might have produced better results than the normal lands that were inundated only once[104].

The pWilbour illustrates that this land is an antithesis of the *nḫb*-land, which is irrigated and located on the banks of the Nile, and to *qꜣj.t*-land, which represented the vast majority of the arable land in ancient Egypt[105]. The *qꜣj.t*-lands are taxed based on the income of five sacks per *aroura*, and *nḫb*-land ten sacks, and *tnj*-land 7.5 sacks[106]. During the Ramesside period, the *tnj*-land was rare, with a relatively high tax base. This may be because the state wanted to chastise the peasant who cultivates his land insufficiently[107].

ERMAN highlighted that the price of *ꜣḫt štꜣw tnj* was higher than the price of *ꜣḫt nmḥ nʿ*; one *aroura* of the first type makes 5 *Kite* of silver, while one *aroura* of the second makes half of *Kite* of silver[108].

Ex.



The place of the priest of Amun, *Ns-Ḫnsw*, justified, son of *Ḥrj*, justified, son of *ʿnḫ-f-Ḫnsw*, the justified: 137 *arouras* of the private and cleaned land, and 99 *arouras* of the exhausted (tired) and wooden lands, total: 236 *arouras* of lands (Ste. Apanage: 8-10).

b. ***Sꜣtw* ground** 

This kind of land is attested once as inherited estate in pharaonic Egypt and dates to the Seventeenth Dynasty. An autobiographical text, recorded on a small crude stela belonging to an ordinary soldier who had spent six years on military service in Nubia discloses people of seemingly lower social status, who are dealing here with exceedingly small plots of ground[109]. The bequeather stated that he earned three cubits of the ground after he returned to his hometown, Edfu. After that, he decided to divide these lands between him and his wife and his children. He gave the first cubit to his wife, and the second to his six children, while the third remained in his possession.

I acquired two cubits of ground; *Ḥr-mnj* has one of them as her property.

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[104] VLEEMING, *Papyrus Reinhardt: an Egyptian Land list from Tenth Century BC*., Wiley, 1994, 68 f.
Also, KATARY used the interpretation 'elevated land' for *ꜣḫt tnj* in her work. (See KATARY, *op. cit*., 771 f.).

[105] MENU, *op. cit*., 194.

[106] GARDINER, *The Wilbour Papyrus*, II, 29.

[107] MENU, *op. cit*., 194.

[108] ERMAN, 'Zu den Legrain'schen Inschriften', *ZÄS* 35, 1897, 22.

[109] See ALLAM, *op. cit*., 126.


I acquired ground; one cubit of land given to my children (ste. Cairo JE 52456: 9-11).

GUNN mentioned that since one cannot cite a parallel from other texts for the word  , we cannot assume that it is incorrect form of the known *sṯ3t* "*aroura*", which is written  during the Twenty-fifth Dynasty and after that. It could not also be an incorrect writing for  , which is attested in the Edfu temple. Furthermore, *sṯ3t*, "*aroura*" should always be followed by the word *3ḫt*, "land"[110]. GUNN also interpreted  which is attested serveral times in Ramesside papyrus as "cubit of land" and measures 100 square of cubits [111].

c. ***P3 jwtn*** 

This word is listed in Wb with the meaning "Grund und Boden, Erdboden"[112], while JANSSEN/PESTMAN translated it as "piece of land"[113]. The inheritance documents contain only one example for bequeathing this piece of land during the pharaonic period. It was a part of the immovable property *swt*. The pBulaq 10 from the Twentieth Dynasty reveals that *Ḥ3y*, son of *Ḥwy* made a legal act known as *sḏm-r3* "hearing the statements" concerning his immovables *swt*, consisting of several buildings and one piece of land (*p3 jwtn*). In this act, he decided to distribute these properties among his children. The piece of land in question fell to his son, *P3-s3* as his inheritance share.

This text highlighted also that this inherited piece of land was of 36 cubits^2 and was located next to the buildings, like the house of the city mayor, and the *št3yt*-building was also erected on it.


The piece of land which is beside the house of the mayor of the city, for *B3-s3*: 6 cubits, breadth 6 (cubits), and his *št3yt*-building on it (pBulaq 10 ver.: 13).

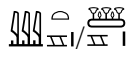
From this example, one can conclude that the piece of land referred to as *P3 jwtn* might be none agricultural land, but rather a plot of land in residential areas, due to the texts that state plainly that it is located beside some buildings and occupied by some buildings as well. That means that the Egyptian bequeathed the residential plots in addition to the agricultural land.

[110] GUNN, 'A Middle Kingdom stela from Edfu', *JEA* 29, 1929, 13 note 1.

[111] GUNN, *op. cit*., 12 f. For further details about the measurements of the lands in Demotic, see VLEEMING, S., 'Demotic Measures of Length and Surface, chiefly of the Ptolemaic Period', in Pestman, P. (ed.), *Textes et études de papyrologie grecque, démotique et copte* (PLBat 23), 1985, 208 ff.

[112] *Wb* I 58, 5-10.; See also *KoptHWb* 53.

[113] JANSSEN/PESTMAN, *op. cit*., 137 ff.

d. *sḫt/š3* 

There are significant differences between the term *sḫt/š3* and the term *3ḥt*. We have no example for a person possessed a land called *sḫt/š3*. Seemingly, it is a term indicating rural areas in general, not a specific tract of land. According to BAYOUMI, the agricultural territory of a nome or city was divided into basins, each surrounded by dikes that was used for keeping the flood water inside the basin. Therefore, the basin is a unit of cadastral and irrigation division, and every basin has a name or number. BAYOUMI also suggested the modern word "حوض (basin)" is equivalent to the Egyptian *sḫt*, which is divided in turn into small parcels, limited by artificial boundaries by its owner. Such a parcel is known as *3ḥt* in Egyptian texts; it could be private property; its possessor was able to transfer it by inheritance to his heirs[114].

For the word *š3*, GRIFFITH mentioned that it refers to the marsh and is the opposite of the word *njwt*, which means any centre of habitation, whether farmhouse, hamlet, village, or city[115]. SPIEGELBERG suggested the development of the meaning of this word as follows: at the beginning, the word in question was read *3ḫj* and referred to flooded land, in which massive papyrus thickets grown up over time, and which originally covered all Egypt. Owing to the altered climate and nature of the soil, these thickets, or most of them, have not survived. Then the flooded land that was covered with papyrus thickets slowly transformed into the meadows and pathways, surrounded by trees. That explains why this word takes the determinative "tree" in some of its evolutionary steps: (). Later these pathways and meadows changed into the arable lands. During the New Kingdom, the development of this land was accompanied by another evolution of the word, i.e., from *3ḫj* to *š3*. Therefore, the meaning of this word changed over time from "papyrus thickets" to "cultivated land" and became the opposite of "the town"[116].

The textual material of inheritance did not show that the *sḫt* itself was inherited but give us details about the kinds of properties in the *sḫt* that were inherited as follows:

Based on the distinctly legal formula *m sḫt/š3 m njwt* "whether (it) is in the countryside or the town"[117], which was utilized frequently in the inheritance documents since the Twelfth Dynasty, and it was made of three parts by Twenty-second Dynasty, when *m ḥwt-nṯr* "in the

[114] BAYOUMI, A., *Service des antiquités de l'Égypte: autour du Champ des Souchets et du Champ des Offrandes*, Le caire, 1940, 9 ff.

[115] GRIFFITH, *The Petrie Papyri: hieratic papyri from Kahun and Gurob; principally of the Middle Kingdom*, I, London, 1898, 32.

[116] SPIEGELBERG, 'Varia', *Rec. trav.* 24, 1992, 180 ff.

[117] CAMINOS thought that this expression is generally a distinctly legal formula, i.e., everywhere (CAMINOS, 'The Nitocris Adoption Stela', *JEA* 50, 1964, 87).

temple" was added to the regular formula, one can conclude that the possessions (*ḫt*) in the countryside (*sḫt*) was conveyed as an inheritance.

The *jmj.t-pr*-document recorded on pKahun I.1 from the Twelfth Dynasty stated that the *wab*-priest *W3ḥ* inherited from his (elder) brother all his possessions (*ḫt*) whether they were in the countryside (*sḫt*) or the town. In the same vein, the god's wife *Šp-n-wpt*, from the Twenty-sixth Dynasty, bequeathed to royal princess *Njt-jqrt* all the *ḫt*-property in the countryside and the town through an *jmj.t-pr* (ste. Nitocris Adoption: 16-17).

All my possessions (*ḫt*), whether in the countryside or in the town is for my brother *W3ḥ* (pKahun I.1 rec.: 4).

The text recorded on the sta. Cairo CG 42208 from Twenty-second Dynasty reveals that the daughter of the high priest *Nḫt-f-mwt* inherited from her father via *jmj.t-pr* everything in the countryside, the town, and the temple.

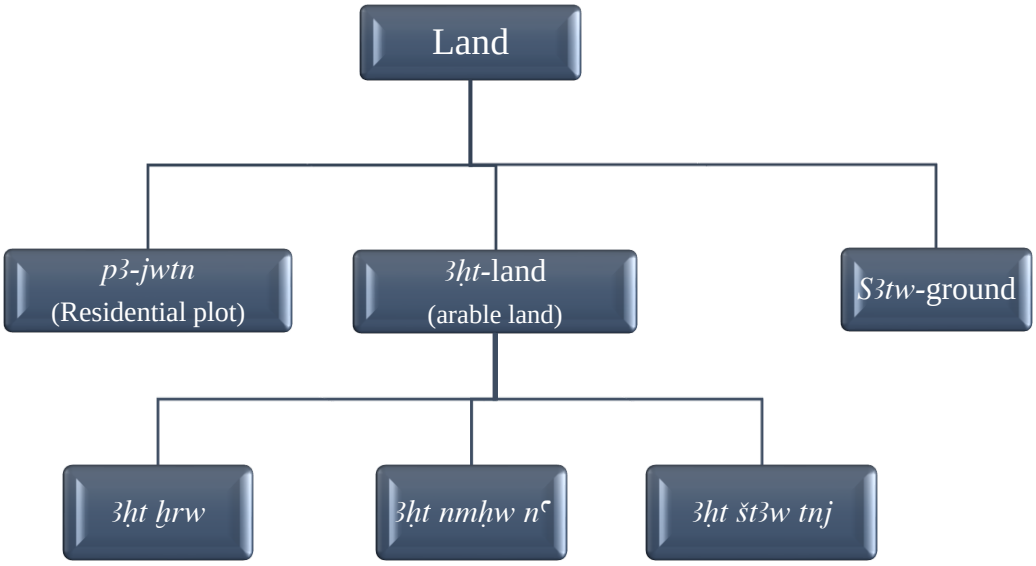
You may cause that the *jmj.t-pr*-document continue/confirm for her, regarding all things (*ḫt nb*), which I gave to her - (whether) in your temples (or) in the city or in the countryside (sta. Cairo CG 42208 front: 11).

It is clear from the above that the Egyptians did not bequeath the *sḫt*/*š3* to their siblings, since it does not a kind of land, but it refers to the countryside in general.

The following table summarizes the kind of land inherited and its area:

The testator	**Type of land**	**Inherited land size**	**The heirs**	**Date**	**Documentation**
Lady *Nb-snt*	*ḫ3t* land	50 *arouras*	Her son *Mṯn*	Third/Fourth Dyn.	inscr. *Mṯn*
K3-m-nfrt	*ḫ3t* land		His children	Fifth Dyn.	inscr. *K3-m-nfrt*
Pn-mrw	*ḫ3t* land	one *ḫ3*	His brother *Nfr-ḥtp* together with his children	Fifth Dyn.	inscr. *Pn-mrw*
Ṯntj	*ḫ3t* land	First field	To his wife	Fifth Dyn.	inscr. *Ṯntj*
		Second field	To his brother of the funerary estate		
Jnḫ-n-mwt and his wife *Jy*	*ḫ3t* land		Their son *Špsj*	between Sixth and Eleventh Dynasties	Bowl Qau
Ḥ3-ʿnḫ-f	*s3tw* ground (land)	1 *mḥ* (1 cubit)	For his children	Seventeenth Dyn.	ste. Cairo JE 52456
		1 *mḥ t3* (1 cubit of ground)	For his wife		
Nšj	*3ḫt* land	… *arouras*	To his children, then to his successors	Eighteenth Dyn.	inscr. Ms
King Ahmose	Low land (*3ḫt ḫrw*)	5 *arouras*	His wife Queen Ahmose-Nefertari	Eighteenth Dyn.	ste. Ahmose-Nefertari
?	*3ḫt* land	… *arouras*	*Nfr-ʿbt* and his brothers and sisters	Nineteenth Dyn.	pBerlin P 3047
lady *Nnj-nfr*/*Rn-nfr*	*3ḫt* land		Her adopted children	Twentieth Dyn.	pAshmol. Mus. 1945.96
Ḥ3y	Piece of land (*jwtn*)	6 cubits x 6 cubits	His son *B3-s3*	Twentieth Dyn.	pBulaq 10 ver.
P3-sr	*3ḫt* land		His daughter, *Jrt-ḫw*	Twentieth Dyn.	ste. Amarah
Jw-w-r-jwṯ	*3ḫt* land = Private registered land (*3ḫt nmḥw nʿ*) + the exhausted (tired) and wooden lands (*3ḫt št3w tnj*) + *3ḫt* land	556 *arouras* 267 *arouras* 288 *arouras* 1 *aroura*	His son *Ḫʿ-n-w3st*	Twenty-second Dyn.	ste. Apanage

The following diagram depicts an evaluative/hypothetical classification of the inherited land during the pharaonic period.



2. Trees

Following "the Transfer of Property Act", trees are generally considered immovable property, but standing timber is not immovable property. For example, when the landowner signs a sale contract for the standing timber, it becomes personal property. The law is often based on deeper thinking. Its justification or purpose may not be immediately obvious, and its basic value becomes apparent only when the issue is fully understood. For example, the property can be transferred from being immovable to movable or personal ownership. The growing tree is a real estate (immovable) property, but when it is cut into the wood, it becomes personal and movable property. When it is used in building construction, it becomes immovable property again[118].
From another viewpoint, trees are immovable property only when they are installed in the soil, as long as they are still firmly rooted and have not yet fallen. But fallen trees are viewed as movable property. Small plants can be counted as movable property if they are inside vases, but once they are planted in the soil, they become immovable property[119].

The inheritance texts under study show that trees were part of inherited property in ancient Egyptian society. The first reference to bequeathing trees dates to the Eleventh Dynasty. An autobiographical text inscribed on a stela from Abydos reveals that a high official, *S3-Mnṯw-wsr*, gave some pools (with) high trees (*nht*) to his son. That happened by means of an *jmj.t-pr*-document (ste. Florence 6365: 3-4).

The term *šnw*, which means "trees" in general, was the only term used in inheritance matters. It appeared only in the Twentieth and Twenty-second, Twenty-sixth, and Twenty-seventh dynasties, but there were many tree species listed under this term. The text of ste. Amarah from the Twentieth Dynasty reveals that the overseer of the Double granary *P3-sr*, bequeathed this kind of tree to his daughter, the singer of god Khnum, *Jrt-ḫw*. He also mentioned that his daughter could give them to her heirs if she wanted to:

He said, "As regards all the things of the overseer of the Double granary *P3-sr*, my father, consisting of land (*3ḫt*) in the countryside (*sḫt*), …, and the trees (*šnw*), they shall belong to the musician *Jrt-ḫw*, from son to her son, and from heir to her heir." (ste. Amarah: 1-4).

[118] See LANK, E./SOBECK, J. M., *Essentials of New Jersey real estate*, 20; SINGH, A., *Textbook on the Transfer of Property Act,* New Delhi, 2005, 16 ff.
[119] GUSMEROLI/RUGGIERO, 'Legal rights over immovable property', in Guglielmo Miasto (ed.), *EC and International Tax Law Series Volume* 12, 2015, 389.

Although the determinative of the word *šnw* is unclear in this text, THÉODORIDÈS followed POSENER and FAIRMAN, interpreted it as "tree" [120].

In the instance recorded on the ste. Apanage from the Twenty-second Dynasty, the trees designated by *šnw* were part of the rural property that the father bequeathed to his son. The text discloses that these trees were associated with the land inherited. They also included different types of trees, such as a carob tree/fruit tree (*nḏmt*) and sycamore (*nht*)[121]. For instance, the testator reported that he bought 137 *arouras* of registered/cleaned private lands, 99 *arouras* of exhausted and wooden lands, one well, eight sycamores and six fruit trees from a certain farmer named *Nsj-ḫnsw*.

The total: 236 *arouras* of lands, and 1 well, 8 sycamore trees and 6 fruit trees (ste. Apanage: 9).

Furthermore, the relevant text shows that the inherited fruit trees consisted large trees and small trees. The testator mentioned that he purchased from a certain farmer 76 small and big fruit trees.

the total: 71 *arouras* and 3 wells and 26 big fruit trees and 50 small fruit trees and 3 sycamore trees (ste. Apanage: 10).

Through the previous examples, one reaches a satisfactory conclusion; the Egyptians bequeathed trees. Still, only the term *šnw* was used to refer to the inherited trees according to available texts. The documents revealed that there were two kinds of tree that are enumerated under the term *šnw*, i.e., the fruit/carob trees and sycamores. The texts also provide evidence that the Egyptians could bequeath trees, both small and big.

Moreover, the preceding examples show that trees are inherited with 'its soil', where the property consisted of fields, wells, cattle, workers, and trees (*šnw*). Interestingly, the documents contained an inheritance case deals with a tract of land area 556 *arouras* contained 93 trees.

Yet, there is no attestation that trees could be bequeathed without field where they were planted, as occurs in modern rural Egyptian society. One of the heirs had a share in a palm tree (for example), but he did not possess any part of the land from which the tree grew[122].

On the other hand, we have not yet uncovered evidence of standing timber inheritance.

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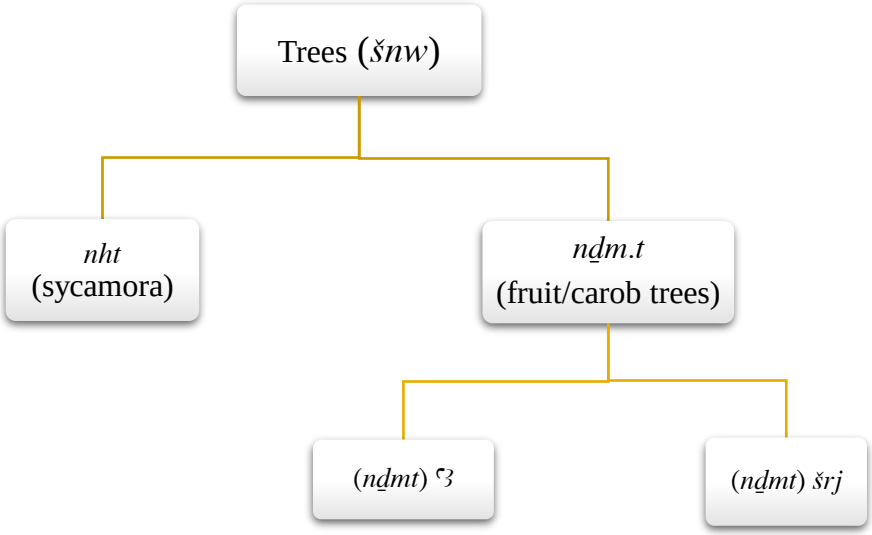
[120] THÉODORIDÈS, *Vivre de Maât. Travaux sur le droit égyptien ancient* II. Acta Orirntalia Belgica. Subsidia II, Brüssel/Louvain-la-Neuve/Leuven, 1995, 565, note 12.

[121] Sometimes, the word *nh* is translated as "sycamore". This tree was often found in gardens, and Egyptians used its wood for several objects, such as statues and measures. (JANSSEN, *Commodity Prices from the Ramesside Period*, Leiden, 1975, 370).

[122] In my modern village, I have witnessed first-hand several cases of heirs with equal shares in a palm tree, but the land from which this palm tree grew is belong only to one of them.

The following diagram depicts an evaluative/hypothetical of the inherited trees during the pharaonic period.



3. Wells and water sources

Wells are considered immovable property because they are[123]. Also, natural stream water sources, like rivers and lakes, and artificial streams, such as channels and penstocks are considered immovable property, but the water streaming through or into them is regarded as movable property[124].

We have specific words in the Egyptian language for a well, but the two more common words being *ḫnmt* and *šdt*[125]. One of the earliest pieces of evidence that the *šd.t*-wells and *ḫnmt*-wells, *jp*-canals, and *š3w*-pools were used for water supply since the region of Sneferu is recorded in ste. Berlin 17500. This text reveals that these installations of water supply provided the pyramid towns of Sneferu at Dahshur with water[126].

In the textual material of inheritance, various wells and water sources have been mentioned as follows:

***Šdw.t* well**s: SCHENKEL[127] thought that this word stems from a nominal from the verb *šdj* 'to dig'. This verb is also often used when the construction of a well is described[128]. GARDINER[129] thought that *šdt* might refer to wells in cultivated areas. But FRANZMEIER[130] concluded that this term exclusively designates natural or man-made features, and it could be 'desert well, well in cultivation and well in the fortress'.

This kind of wells is attested two times in inheritance matters. A text is known as Tablet 3689-7, 8 and 11 gives us evidence as early as the end of the Sixth Dynasty that such wells could be bequeathed. In this case, the inherited property consisted of 16 water wells (*šdw.t*). They were divided among the four children of the testator: one received eight water wells, one received four water wells, and the other two sons received each two.

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[123] See GUSMEROLI/RUGGIERO, *op. cit*., 387; BELTRAMO et al., *The Italian Civil Code and Complementary Legislation*, New York, 2007.

[124] GUSMEROLI/RUGGIERO, *op. cit*., 388.

[125] DRIAUX, D., Water supply of ancient Egyptian settlements: the role of the state. Overview of a relatively equitable scheme from the Old to New Kingdom (ca. 2543–1077 BC). Water Hist 8, 2016, 47. https://doi.org/10.1007/s12685-015-0150-x (last visited 12 March 2021).
For these terms see also FRANZMEIER, H., '*ḫnm.t*, *šd.t*, *ḫnm.t* and bar: Ancient Egyptian Emic Terms for Wells and Cisterns', *Current Research in Egyptology 2008. Proceedings of the Ninth Annual Symposium. University of Manchester, Bolton*. 2008. S. 31-42.

[126] For this stela, see GOEDICKE, H., *Königliche Dokumente aus dem Alten Reich, ÄA* 14, Wiesbaden, 1967, 55 ff.

[127] SCHENKEL, *Aus der Arbeit an einer Konkordanz zu den altägyptischen Sargtexten*, Wiesbaden, 1983, 208, note 67.

[128] FRANZMEIER highlighted an example (Ste. Kuban) (FRANZMEIER, *op.cit*., 37 f.)

[129] GARDINER, *Ancient Egyptian Onomastica*, I, 1947, 7* f.

[130] FRANZMEIER, *op. cit.*, 40.

An example dating back to the Twenty-second Dynasty shows that the *šdw.t*-wells could still be inherited in Egyptian society, but they were associated with land inherited in that case. A certain *Ḥ*ˁ*-n-w*ɜ*st* inherited from his father a large rural property that included, among other objects, five wells:

These 556 *arouras* of private and cleaned lands (*ɜḫt nmḥ n*ˁ), to which are attached their wells, their trees, their small cattle, and great cattle, which he bought for silver from freemen of the land (ste. Apanage: 3-5).

***Ḫnmt* wells ():** GARDINER assumed that *ḫnmt* is a term designating wells in the desert[131]. But FRANZMEIER concluded that this term indicates natural or man-made features; it designates installations of water supply even naturally occurring pools in the Eastern desert, seemingly what is called today *qalt* in Arabic, and could be water supply in highly travel areas, where no other water supply exists. It could be also wells in rural areas in the Dakhlah Oasis, and cistern in fortress[132].

***Wbn* wells ():** BEADNELL and others used this term for the visibly active wells irrigating the Oasis[133], while GARDINER[134] assumed that this well was a part of the abovementioned *ḫmnt* well. When the term *wbn* occurs alone, it should be translated as "flowing well".

The *wbn* and *ḫnmt* wells are attested as an inheritance in the Dakhleh Oasis during the Twenty-second Dynasty. The text recorded on ste. Dakhleh shows the activity of Prince *W*ɜ*y-h*ɜ*-s*ɜ*t*, who was sent by the king to restore social order in the Oasis. One of his first acts was to inspect the wells upon which the prosperity of the Oasis depended. When he arrived at the town *S*ɜ*-w*ɜ*ḥ*ɜ*t*, the capital of El-Dakhleh Oasis, a certain priest named *Nsy-sw-b*ɜ*-*ɜ*st* petitioned him to investigate the ownership of the land nearby to the flowing well of *Wbn-r*ˁ, alleging that this well belonged to his mother, *T*ɜ*y-w-ḫnwt*[135]. One can understand that this priest *Nsy-sw-b*ɜ*-*ɜ*st* inherited from his mother both *wbn* and *ḫnmt* wells.

In this text, GARDINER thought that *ḫnmt* is opposed to *wbn*, designated the underground water supply, which feeds the latter. When both the latter terms were used together as the compound

[131] GARDINER, *op. cit.*, 1947, 7* f.
[132] FRANZMEIER, *op. cit.*, 36 ff.
[133] See BEADNELL, *An Egyptian Oasis*, London, 1909, 11.
[134] GARDINER, *JEA* 19. 1933, 20.
[135] *IBID*, 28 f.

term  , GARDINER rendered it as a "well of flowing water" and also as "flowing well"[136].

***Swr.t* (drinking-)water-point:** Wb defines *swr.t* as "Trinkstelle"[137]. VAILLE thinks that this is an act of charity (providing drinking water in jars for people) like the *mazyara* or *zir* still used in modern Egypt. The Egyptians placed big jars in small, protected buildings in public places. This water service is assured by a pious foundation (*Waqf*)[138]. DRIAUX[139] suggests that the water in these drinking-places" would have been replenished every day, and the citizens allowed to take the amount of water they needed—maybe under the direction of a scribe. He also highlighted that a strong correspondence exists between them, and the drinking-places and water tanks designated *sabil*[140] in modern Cairo.

An autobiographical text from Abydos, dating to the Eleventh Dynasty, gives us evidence that this drinking water source could be bequeathed in the pharaonic period. The testator states that he gathered a great property and established a charity for the inhabitants of his city. At the end of his autobiography, he declares that his son shall inherit these objects by means of a testamentary disposition.

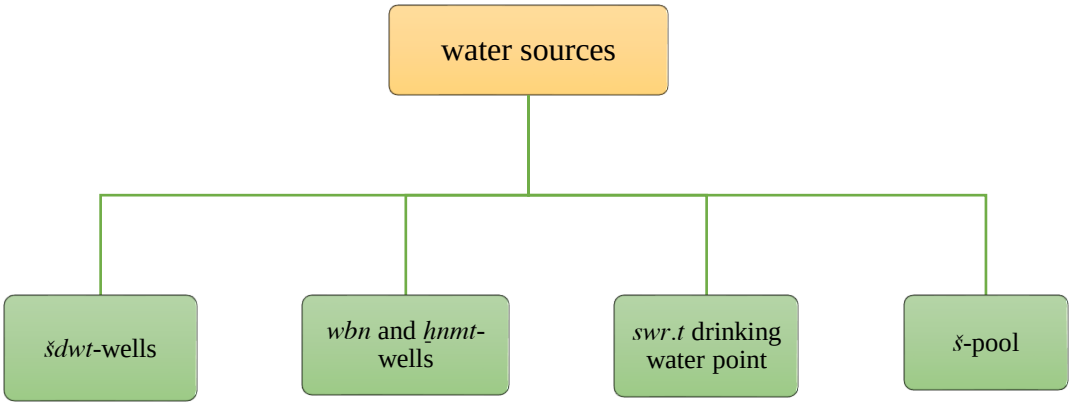

I established a (drinking-)water-point (*swr.t*) for my city (ste. Florence 6365: 5).

***Š*-pool:** a text from Abydos dating back to the Eleventh Dynasty provides evidence that pools (*š*) were bequeathed in pharaonic Egypt. In a passage of his autobiography, a certain *S3-Mntw-wsr* boasts that he had a beautiful pool with high trees. Apparently, this text deals with the charity that he did for the inhabitants of his city. At the end, he declares that his son shall inherit these objects. The conveyance of this inheritance by means of a testamentary disposition specified as an *jmj.t-pr*-document was supposed to happen upon the death of the testator.


I owned beautiful pools (with) high trees (ste. Florence 6365: 3-4).

[136] *IBID*, 20.
[137] *Wb* III, 429.
[138] VAILLE, A., 'La Stele de Sa-Mentou-ouser, *Melanges Maspero* 1/2', *MIFAO* 66, Le Caire, 1935-1938, 561. For more examples, see *Aegyptische Inschriften aus den Königlichen Museen zu Berlin*, I, 122 no. 14334; SETHE, *Urk* IV, 1115, 8.
[139] DRIAUX, *op. cit.*, 47.
[140] For further details about the *sabil*, see PAUTY, E, 'L'architecture au Caire depuis la conquête ottomane (vue d'ensemble)', *BIFAO* 36, 1936–1937, 1–69) ; RAYMOND, A., 'Les fontaines publiques (sabīl) du Caire à l'époque ottomane (1517–1789) (I)', *AnIsl*. 1979;15:235–291.

The following diagram depicts an evaluative/hypothetical classification of the inherited water sources during the pharaonic.



4. Architectural structures

Architectural structures are evidently immovable property, they are embedded and fastened in the earth. Items such as doors are fixtures and removing them would amount to causing damages to the immovable property; doors and windows of a house are considered as parts of immovable property[141].

Inheritance documents indicate many inherited buildings including funerary and civic buildings. These structures are usually enumerated under the term *swt* "Immobilien"[142], and sometimes they were part of inherited *ḫt*[143].

A. Civic buildings

There are many kinds of civic structures attested in the succession documentation:

Houses

Most mentioned are two types of houses that were attested in the legal texts related to the inheritance: *pr* and *ʿt*.

There have been numerous attempts by scholars to highlight the distinction between both houses in question as follows:

ČERNÝ remarked that in Late Egyptian, the word *ʿt* generally means "house" and not "room"[144]. Also, GARDINER saw that *ʿt* is a real dwelling place, and highlighted that this word, in singular and plural, become a common Late Egyptian word for "house", while the nature of *pr* which was more ancient than *ʿt*, remains uncertain, and it serves as a frequent form of place names[145]. HELCK interpreted that *pr* is apparently the "official residence", but *ʿt* is built according to the owner's initiative and consists of the owner's possessions[146].

JANSSEN/PESTMAN tried to explain the difference between both houses according to their location. They pointed out that the *ʿt* existed in the field or "in the great field", on the riverbank, in the beautiful place, or even beside the House/Temple of Amun, but was never situated in the village (Deir el-Madineh) itself. As they, with some hesitation, suggested that when the word

[141] GUSMEROLI/RUGGIERO, 'Legal rights over immovable property', in Guglielmo Miasto (ed.), *EC and International Tax Law Series Volume* 12, 2015, 387-9.

[142] Cf. pBulaq 10

[143] Cf. oGardiner 23

[144] ČERNÝ, 'The temple,  , as an Abbreviated Name for the Temple of Medīnet Habu', *JEA* 26, 1940, 129 note 4.

[145] GARDINER, *Wilbour Papyrus*, II, 34.

[146] *LÄ* II, 1062.

ꜥ*t* is used, it denotes a dwelling place outside the village walls, whereas *pr* was the official residence within these walls[147].

MCDOWELL[148] followed HELCK[149] and BOGOSLOVSKY[150] in study the status and nature of landed property at Der El-Madina. They remarked that when a workman entered the service of the necropolis, he was assigned a group of building as his official property; this group, sometimes called the *swt* 'places' consisted, among other buildings, of a house (*pr*) in the village, a hut (ꜥ*t*) near the valley of the Kings. MCDOWELL concluded that to possess a house in the village with its annex buildings was part and parcel of being a member of the gang, and this official property belonged to the state, and that it could not be conveyed or shared by private individuals[151].

Recently DEMARÉE[152] undertook an intensive study of ꜥ*t* according to documents found in Deir-el-Medina. He sees that many Egyptologists translated ꜥ*t* as "hut", and the Penguin English Dictionary defines the hut as 'a small often temporary dwelling of simple construction'. The workmen's ꜥ*t* in Deir-el-Medina may qualify as a "simple construction", but it was most likely not meant as a "temporary dwelling". Therefore, translating the word as "hut" is perhaps not completely incorrect, but that remains somewhat obscure. DEMARÉE also suggested that the translation "workplace", "atelier" would undoubtedly be more appropriate within the context of the data from Deir el-Medina.

Moreover, DEMARÉE highlighted that the texts revealed that high-level authorities, like vizier, high priest, mayor, or butler possessed an ꜥ*t* "hut" in the community of Deir el-Medina but indicating to the property of such notables mentioned in the present texts in this way is inappropriate. Therefore, DEMARÉE proposes that this word, in such cases, should be interpreted as "workplace", "office", or "department"[153].

[147] JANSSEN/PESTMAN, *JESHO* 11, 1968, 160.

[148] MCDOWELL, *Jurisdiction in the Workmen's Community of Deir El-Madina*, 122 f.

[149] HELCK, *Materialien zur Wirtschaftsgeschichte des Neuen Reiches*, III, 339, 341.

[150] BOGOSLOVSKY, *VDI* 1 (147), 1979, 3-17.

[151] MCDOWELL, *op. cit.*, 123.

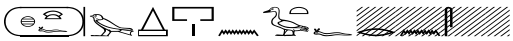
[152] DEMARÉE, 'A house is not a home - what exactly is a hut?', in Andreas Dorn, Tobias Hofman (eds), *Living and writing in Deir el-Medine*: socio-historical embodiment of Deir el-Medina texts, Basel: Schwabe Verlag, 2006, 65 f.

[153] *IBID.*

DEMARÉE[154]summarized the main features of the ꜥ*t* building as follows:

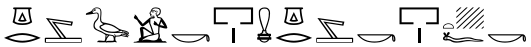
He mentioned that the word *pr* always refers to a dwelling house, or a home inside the village, while the ꜥ*t* is a structure or building outside the village. It may be located in the Valley of Kings, in the Valley of Queens, on the riverbank, or beside a shrine or temple. The ꜥ*t* was also a place where the work is done, and the workmen could stay or sleep therein when they were ill. An ꜥ*t* building consisted of two rooms of 48 m^2 and another ꜥ*t* had one room of about 14.5 m^2. It seems that the ꜥ*t* could be used for storing objects like a big coffin. Also, a private stela erected in an ꜥ*t* "identified" its owner and could be used against claims by fellow workmen or others, and this building, was one of the buildings which are inherited and be part of a transaction or exchanged deal.

In succession matters, the house *pr* was first shown as part of an inheritance during the Fourth Dynasty: the prince *Nj-kꜣw-r*ꜥ, son of the king Khafra, indicated that he bequeathed his property to his family members (a son, three daughters, and his wife). This property consisted of many items, like estates, tomb, and a house (*pr*). He bequeathed this house to one of his daughters; whose name unfortunately does not survive as a result of damage to the text.



And the house/tomb/estate, is for his daughter in the pyramid of Khafre … (inscr. *Nj-kꜣw-r*ꜥ: 7).

A letter to the dead recorded on Linen Cairo CG 25975, dating to the Sixth Dynasty, deals with a dispute over inheritance, which the husband had handed down to his widow and his son. This inheritance consists, among other things, of a house (*pr*). The wife and her son complain to the dead husband that some people (probably their relatives) took this house by force and destroyed it and took everything that was inside. Moreover, the wife and the son reminded the deceased that the parents' houses should go to their children.



May your son maintain your house just as you maintained your father's house (Linen Cairo CG 25975: 12).

An autobiographical text probably from Abydos dating to the Eleventh Dynasty gives us details about the possessions of a certain dignitary called *Sꜣ-Mnṯw-wsr*. These possessions consisted of several objects, like a house (*pr*). The testator declares that upon his death, these possessions should be conveyed to his son. It seems that the testator made an *jmj.t-pr*-document during his

[154] DEMARÉE made these observations after analyzing 70 texts regarding the building at after he had classified it into three classes; the first group came from Deir-el-Medina and the second and third groups from other sources, see DEMARÉE, *op. cit.*, 57 ff.

life in favour of his son, but he stipulated that the actual transfer would take place after his death.

I was one who built a big house in his city (ste. Florence 6365: 4).

The following appearance of the house (*pr*) in succession matters dates to the Twelfth Dynasty. A certain *Kbj* bequeathed his house (*pr*) in the district of Hut to his children from his second marriage. Meanwhile, the testator gave his office to his eldest son of his first wife, *Jw-snb*. This conveyance happened through a testamentary document, i.e., *jmj.t-pr*. The testator stated that the house in question along with everything inside it, should go to his children of his second wife.

As for my house (*pr*: estate) in the district of Hut (*Ḥw*t), (which is now) in my hand, it shall belong to my children, born to me by the daughter of the attendant of local *qnbt*-council, *Sbk-m-ḥ3t*'s daughter, *Nbt-nnj-nswt*, together with all that is in it (pKahun VII.1 rec.: 7-9).

The bequeathing of such a house is recorded in a royal text from the Eighteenth Dynasty: king Ahmose ordered a house (*pr*) to be built for his wife, Ahmose-Nefertari. Along with that building, he gave her a large property containing different things.

Now his majesty has ordered that one builds a house (*pr*) for her (ste. Ahmose-Nefertari: 17-18).

The inheritance documents of the Ramesside period contained three instances of bequeathing this house type. The first is written in pTurin 2021+pGeneva D 409, which deals with the god's educator *Jmn-ḫ*ˁ's marriage settlement or will that he made to avoid future quarrel between his children by the first wife and his second wife. His property consisting of a house (*pr*) and 13 slaves. According to the rules of inheritance, his children from his first marriage would inherit everything he owned, and his second wife would inherit only a third share of the joint property. But because the second wife treated her husband well, he decided to bequeath her the entire property attained through their marriage. ALLAM pointed out that this husband had overcome the rules of inheritance by adopting his second wife, effectively making her his daughter[155]. So, the testator went with some of his children to the great-*qnbt*, presided over by the vizier, and drew up the division plan for the whole inheritance, which stipulated that the children would inherit nine slaves and a house (*pr*) and that the second wife would inherit four slaves.

[155] ALLAM, *Papyrus Turin 2021*, 23 ff.

I give those nine slaves (*bꜣk.w*)- who had fallen to me as my two-thirds share (acquired during my marriage) with the citoyenne *Tꜣ-ṯꜣry* to my children, along with the house (*pr*) of the father and mother (pTurin 2021+pGeneva D 409 page 3: 1-3).

The second example is recorded on oPetrie 18, which highlights the bequeathing of this house type in the workmen's community of Deir el-Medina. This ostracon deals with a report made by a man and his wife. This man decided to disinherit his recalcitrant wife, who abandoned him and did not look after him during his illness. For this reason, he prevented her from participating in the inheritance, and bequeathed everything to his son, who looked after him. The inheritance in question consisted of several properties; it seems that the house (*pr*) was part of it. This is revealed by the oath taken by the wife that she would not approach his house (*pr*); if she did so, she would be punished.


Saying: "I will neither come close of (enter) the house (*pr*) nor the property (*ꜣḫt*) ----- (of) *Jmn-pꜣ-Ḥʿpj* (oPetrie 18 ver.: 5-6).

The third indication of bequeathing such a building from this era is recorded on oGardiner 23. It also shows the bequeathing of this house type in the workmen's community. It deals with a dispute over the possessions of the workman, *ʿꜣ-nḫt* among his son *Ms* and a certain person named *Jmn-(n)-njwt-nḫt*, who seemingly was a stranger and did not belong to the testator's family. These possessions consisted of house (*pr*), *ḫnw*-building, house (*ʿt*), and tomb (*mʿḥʿt*). Parties to the dispute petitioned to the oracle god in the presence of two chiefs of workers, and four carriers of the oracle statue, along with all the workmen of Deir el-Medina. Eventually, the god rejected the claim of *Jmn-n-njwt* and ruled that the entire property of *ʿꜣ-nḫt* should go to his son *Ms* and ordered the plaintiff *Jmn-n-njwt* to swear that he would not harm the defendant in the future.


One gave the house (*pr*) of *ʿꜣ-nḫt* … to the workman *Ms* (oGardiner 23: 6-9).

As regards the *ʿt*-house in inheritance issues, the earliest known attestation of such a house dates to the Twelfth Dynasty, where a certain *Wꜣḥ* stated that he inherited a group of houses (*ʿt.w*) from his (elder) brother *ʿnḫ-rn*. Later *Wꜣḥ* bequeathed those houses to his wife *Ttj* by name through an *jmj.t-pr* and stated clearly that his wife shall live in these houses, and no one could expel her from them. Furthermore, he stipulated that his wife was at liberty to give them to whomever among her children that she wants.


Now, as to the houses (*ʿt.w*), which my brother the trusty seal-bearer <of the controller of works>, *ʿnḫ-rn*, built for me, my wife shall be (live) therein, without letting her be expelled therefrom by anyone (pKahun I.1 rec.: 13-14).

This house type also appeared as part of an inheritance in the rich documentation, which encompasses particularly the Ramesside period. The official statement of *Ḥ3y* recorded on pBulaq 10 deals with dividing some buildings that his father had passed down to him. These buildings are enumerated under the term *swt*, which means immovables or landed property. In this case, the house (*ꜥt*) was divided into two shares, one went to his daughter *Grg*, and another passed down to his son *Mntj-p3-ḥꜥpy*. Moreover, the text gives us more details about this house; it was located beside the *ḫnw*-building, its area was 7.5 cubits long, 8 cubits and 4 palms wide, and it contained another building known as *št3yt*.

The house (*ꜥt*) which is beside the *ḫnw*-building, is for *Mntj-p3-ḥꜥpy* and the citoyenne *Grg*, being two portions (*dnyt*), (10) together with its *št3y.t*-building: 13 cubits, breadth 8 cubits, and 3 palms; The house (*ꜥt*): $7\frac{1}{2}$ cubits, breadth 8 (cubits), and 4 palms (pBulaq 10 ver.: 4, 6, 9-10).

Likewise, another papyrus from this era, i.e., pTurin 2070, deals with the distribution of landed-property (*swt*) of a certain *Nḫt-Mjn*. In this case, the house (*ꜥt*) was conveyed to his son *Mn-st* as his share of the inheritance (pTurin 2070: 4).

Another record is written on oPetrie 21, it deals with a dispute between two workers over the house (*ꜥt*). The text states that the plaintiff named *Ḫꜥ-m-W3st* had filed a complaint against the defendant named *Nfr-ḥtp*, accusing him of forcibly taking his father's house. After the oracle god had adjudicated the case, the tribunal ruled in favor of *Ḫꜥ-m-W3st*. The house (*ꜥt*) of his father was returned to him, and his adversary *Nfr-ḥtp* only took the stela, which he had erected in this house when it was in his possession.

ʿ[Come] to me, my Lord! Decide (between me) and the workman *Nfr-ḥtp*! [He] took the house (*ꜥt*) of *B3kj*, my father, which is in the great field (Valley of the Kings) and the share of *Sḫmt-nfrt* --- (oPetrie 21 rec.: 3-5).

Another ostracon reveals that the workman *Ms* inherited a real estate from his father, which consisted of many civil and funerary buildings and the house (*ꜥt*) was one of these items (oGardiner 23: 6-9).

As noted in the analysis above that the houses were bequeathed in pharaonic Egypt, and only two types of houses are attested as part of an inheritance of real estate: namely the house (*pr*) and the house (*ꜥt*). The first appeared in succession matters earlier than the second. The related texts proved that the house (*pr*) is attested as part of an inheritance since the Old Kingdom, more precisely from the Fourth Dynasty. On the other hand, we have thus far no recorded

evidence that a house (*ꜥt*) was inherited during the Old Kingdom, with the first known such attestation of this house type dating to the Twelfth Dynasty.

The house (*pr*) was passed down from the father to his daughter, just as all other children. The husband transferred it to his wife through a testamentary disposition, that granted the right to bequeath it to children. Moreover, the texts did not reveal that this house was divided into smaller shares, but it was seemingly passed, undivided, to the heirs.

The first known evidence of using the *ꜥt*-house in succession matters is dated to the Twelfth Dynasty. It passed down from the brother to his (younger) brother through a document, and the (younger) brother bequeathed it later to his wife through a legal document as well. This document contains an article stipulating that the wife had the right to live in these houses and that no person, regardless of his legal status, had the right to expel her from them. Unlike *pr*-houses, *ꜥt*-houses were divided into small portions to be distributed among the heirs. An example shows that this house was divided among a man and a woman, with each receiving a share. Another example states that this house portioned to shares of varying sizes. The largest measured 13 cubits x 8 cubits and 3 palms, while the smallest share measured 8 cubits x 3 cubits. In a third example, the total area of the house in question was 7 cubits x 8 cubits and 4 palms.

Šṯ3yt-building

The term *šṯ3yt* means "shrine, cellar, cave, hidden room"[156], literally "the hidden" or "secret". It appeared, among other things, as the name of the sanctuary of Sokaris[157]. HELCK translated it as "cellar" and mentioned that this building was a part of the inherited landed property *swt*[158]. It is also found as the name of a particular building at Deir el-Medina and was a part of another building known as *wḏ3*, which was carved in the mountain[159]. Furthermore, this building is located next to the *mꜥḥꜥt*-tomb, and near the *mr*-pyramid[160]. Therefore, JANSSEN/PESTMAN believed that this term referred indeed to a subterranean room and a connection seems to exist between this building and the *mꜥḥꜥt*-tomb. One might assume this building to indicate the underground structure[161].

[156] *Lesko* III, 170.
[157] JANSSEN/PESTMAN, *op. cit.*, 162.
[158] HELCK, *op. cit.*, 344.
[159] Cf. oLouvre E13156.
[160] Cf. pTurin 2070.
[161] JANSSEN/PESTMAN, *op. cit.*, 162 f.

Based on the text written on the verso of pBulaq 10, JANSSEN/PESTMAN argued that the building in question could not be in the Valley of Deir el-Medina, but should have been closer to the river since the Mayor of Western Thebes was unlikely to have his office among the workmen's residences. They concluded that *šꜣyt* may refer to a "hidden" room cut into the rock or built underneath or beside a house situated near the riverbank[162].

In succession matters, this building is attested several times and all date to the Ramesside period. The record written on the verso of pBulaq 10 shows that this building was among *Ḥꜣy*'s property that he distributed among his heirs. This record also gives details of this building: it was located on a plot (*jwtn*) of 36 cubits^2, divided into two shares in favor of two heirs, and was part of the *ꜥt*-house; the shares measured a combined 13 cubits x 8 cubits and 3 palms, while the house area alone was 7.5 cubits x 8 cubits and 4 palms. Moreover, the record states that this building was beside the house (*pr*) of the mayor of Thebes, where it had been erected on a plot that measured 3 cubits x 6 cubits (pBulaq10 ver.: 9-10).

Another record is written in pTurin 2070 and deals with the distribution of landed-property (*swt*) of one *Nḫt-mjn*. The beneficiaries are two sons of *Nḫt-mjn* as well as a woman with her daughter. Maybe this woman was wife of *Nḫt-mjn*, who came to his house with a daughter from an ex-husband[163]. The testator pointed out that his son, named *Nb-nḫt*, would inherit the *šꜣyt*-building from him. The text shows that the building in question was located beside the tomb. Likewise, the text of oLouvre E2425 deals with three different division cases of such a structure. In the first case, the testator divided his *wḏꜣ*-building that contains a *šꜣyt*-building, among his daughter and a woman. In the second case, a *šꜣyt*-building has been divided between a man and a woman, each one of them receiving one room.

The *wḏꜣ*-building (storehouse) making 2 shares, in which is the *šꜣyt*-building, carved in the mountain. It has been divided: 2 (shares) exactly like the *wḏꜣ*-building (oLouvre E 2425: 3-5).

It is clear from the previous survey that this building was inherited and part of a transaction in ancient Egypt. It is attested in succession matters during the Ramesside period. The texts give us more details about the *šꜣyt* inherited: for example, it was erected on a square-shaped piece of land of 36 square cubits, and a rectangular-shaped piece of land of 18 cubits in another instance. It was mentioned that the building in question was an annex to the house (*ꜥt*). Furthermore, this building was bequeathed undivided to the heirs as one unit in some cases and

[162] *IBID,* 163.

[163] See ALLAM, *HOPR,* 327 f.

divided into two shares in other cases as well. In one case, the *šꜣyt* consisted of two rooms (*wsḫt*), and since there were two heirs, they each received a room.

Wḏ3-building

This term is translated to "storehouse"[164] and "a room in a temple" as well[165]. GARDINER[166] translated it as "storehouse", and ČERNY[167] used the meaning "storeroom", but JANSSEN/PESTMAN thought that *wḏ3* may have been a separate building, frequently named after its owner[168]. It is not a subterranean structure, for it has walls that sometimes need rebuilding[169]. There were apparently at least three different classifications of this building: *wḏ3 n ḥnw*[170], *wḏ3 ḥry/n ḥry*[171], and *wḏ3 ḫry*[172]. The last two, "upper" and "lower" storehouse, are clearly complementary terms; it seems that this building originally consisted of two stories[173].

The texts, particularly of the Twentieth Dynasty, reveal clearly that *wḏ3*-building was a part of the property inherited. The case recorded on oGenf 12550 is a perfect example of bequeathing *wḏ3*-building. A certain workman, named *Jn-ḥr-ḫʿ*, left his property consisting of *wḏ3*-building to his four children. The fourth son went to the scribe of the king's tomb to describe the disputed case between him and a man outside of the family. He explained how the building in question had been passed over all his elder brothers. At the beginning, the father bequeathed it to his eldest son *K3nr*, but after *K3nr* had died, his second brother *Ḥ3y* received it from him. Afterward, *Ḥ3y* left the city to work elsewhere, his brother *Q3ḥ3* received this building from him, and after *Q3ḥ3* had died, the building passed down to his son *Ḫʿ*, who then gave it to his chief. According to the norms of inheritance, the *wḏ3* should have been transferred after that to the youngest son of the testator (the fourth son), but a third party obstructed this matter and wished to divide this building with him. For that reason, the fourth son presented his case to the local-*qnbt*-council and the oracle god:

Jn-ḥr-ḫʿ said to him (the court's clerk): "As for me ----- that this *wḏ3*-building was in possession of the man *Jn-ḥr-ḫʿ*, my father (oGenf 12550 rec.: 1-3).

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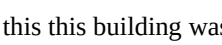
[164] *Wb* I 402, 10-15.

[165] *Wb* I, 402, 16; WILSON, *Ptolemaic Lexikon*, 285.

[166] GARDINER, *Ancient Egyptian Onomastica*, II, Oxford, 1947, 212.

[167] ČERNY, *JEA* 31, 1945, 32.

[168] For example, this this building was named after its owner in oDeM 112 as follows:  'the storehouse of *Pj-n-dw3*';  'the storehouse of *Jy-ny*' (ČERNÝ, *Catalogue des ostraca hiératiques non littéraires de Deir el-Médinéh* I, Cairo, 1935, pl. 162).

[169] JANSSEN/PESTMAN, *op. cit.*, 154.

[170] Cf. oLouvre 2425 ver. 4.

[171] Cf. oDeM. 112 (ČERNÝ, *op. cit.*, pl. 162).

[172] Cf. oPetrie16, 2.

[173] JANSSEN/PESTMAN, *op. cit.*, 154.

This building appeared as a part of the inherited property several times. The lady *Njwt-nḫt-tj* mentioned that she inherited a *wḏ3*-building from her father, and she declared in her testament that her disobedient children would not inherit it (pAshmol. Mus. 1945.97 doc. I, col. 4: 10-12). Also, the workman *Nb-smn* had a right to inherit the *wḏ3*-building of the lady *Jwn-r* through applying the pharaonic law, which stated that "*who will bury will inherit*" (oPetrie 16 rec.: 2-5). Another case of bequeathing this building is recorded on oGardiner 103. In this case, the father gave his *ḫnw*-building to one of his sons, but this son discovered later that he could not possess the *wḏ3* because one of his ancestors established it as an endowment for the oracle Amenophis I (oGardiner 103 rec.: 8-11). A man and his daughter together inherited the inner *wḏ3*-building of their mother also is recorded on oLouvre E 2425: 7-8.

It seems legitimate to conclude from the above analysis that the storehouse (*wḏ3*-building) was one of the buildings, which had been inherited during the pharaonic period. The first known recorded evidence for bequeathing this building comes from the Ramesside period, maybe that is because from that moment on we have many written sources.

Concerning the two floors in this building, related texts were found that stated both the lower and inner parts of this building could be inherited. Nevertheless, we know nothing about what happened to its other floors and parts.

This building is attested as inheritance during the Ramesside period. It was passed down from a father to his son and daughter together in one case, and from a father to all his four children in another case. It was also transferred from a woman to her children. Another mother did not permit some of her children to participate in the division of this building.

Ḫnw-building

SPIEGELBERG assumed that this building is a "farmhouse"[174]. HELCK tried to explain it as "a store"[175]. While ČERNY supposed that this building might be "the chapel of the family's god"[176]. JANSSEN/PESTMAN[177] pointed out that the term *ḫnw* has two meanings. In some cases, it is followed by a god's name; therefore, they thought a "chapel" is the best translation in such cases. However, in several other ostraca and papyri from Deir el-Medina, it designates undoubtedly not the chapel of a god, but a private building owned by persons. For example, in

[174] SPIEGELBERG, *Rechnungen aus der Zeit Setis I. (circa 1350 v. Chr.) mit anderen Rechnungen des Neuen Reichesi*, Strassburg, 1896, 57 f.; JANSSEN/PESTMAN, *op. cit.*, 161.
[175] HELCK, *op. cit.*, 343.
[176] ČERNÝ, 'Papyrus Salt 124 (Brit. Mus. 10055)', *JEA* 15, 1929, 250, note 47.
[177] See JANSSEN/PESTMAN, *JESHO* 11, 161 f.

a text a workman relates that he was robbed on the day of the procession of king Amenophis III, while he was in the *ḫnw* of his father[178]. Another person indicates that he was sitting in his *ḫnw* on the day of Mekhir, which suggests that on ceremonial occasions a visit was made to the *ḫnw*[179]. A third text shows that a workman complains that after having reconstructed a ruinous *ḫnw* for someone else, he was not permitted to *ḥms* in it. His apparent intention was to live there, in which case the *ḫnw* was unlikely to have been a chapel[180]. JANSSEN/PESTMAN[181] followed by BOGOSLOVSKY[182] find that this building was apparently a court in front of a tomb, where it would be possible to "sit" and even to "dwell" and for which one might expect a name like "resting place".

Moreover, this building was one of the official property's items, which is assigned to the workmen when they entered the service of the necropolis in Deir el-Medina[183]. A text from the Ramesside period shows that the son inherited from his father several buildings, including this current building.

One gave the house (*pr*) of *ꜣ-nḫt*, his *ḫnw*-building … to the workman *Ms* (oGardiner 23: 5-9).

From the dissent over the inheritance issue among father and son recorded on oGardiner 103, we can see that the father bequeathed his *ḫnw* to his children; with the exception of his son *Nb-Jmn*, who was given the *wḏꜣ* as his share of the inheritance. Since this son could not possess this building (*wḏꜣ*) because it was an endowment for the deified Amenophis I, he filed a petition to the oracle god in order to allow him to enter into (participate in) the division of *ḫnw*-building with his brothers and sisters.

He took the *ḫnw*-building from me[184], and gave me the *wḏꜣ*-building. He gave me this place (immobilien) (*st*), although it could not be for me, (because) it (*wḏꜣ*-building) belongs to the king Amenophis[LPH], lord of the town (*dmj*) (oGardiner 103 rec.: 8-11).

Thus, it can be concluded that *ḫnw* was one of the buildings that were inherited in pharaonic society, especially in the Ramesside period. This building handed down from the father to his son, and from the husband to his wife. This building was also part of the real estate that had

[178] Cf. oBM. 5637 (BLACKMANN, *JEA* 12, 1926, 183 and pl. 37).

[179] Cf. oBerlin 10637: 7-8 (*Hieratische Papyrus aus den Königlichen Museen zu Berlin*, III, 2, pl. 33*)*.

[180] Cf. oBM 5625 (BLACKMANN, *op. cit.*, 181 f.).

[181] JANSSEN/PESTMAN, *op. cit.*, 162.

[182] BOGOSLOVSKY, *VDI* 1(147), 3 ff.

[183] See MCDOWELL, *op. cit.*, 123.

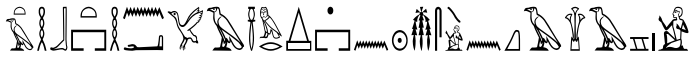
[184] The son is speaking here.

been assigned to the workmen when they joined the work in the royal necropolis at Deir el-Medina. These workmen were entitled to bequeath such buildings to their offspring.

Ḥbt-building

JANSSEN/PESTMAN[185] highlighted that this word was studied by BRUYÉRE[186], who presumed that this word belonged to to the vernacular of workmen in Deir el-Medina, and it indicated "a niche" for a statue in the wall of a house, or tomb, and some of a kiosk in the case of a temple. JANSSEN/PESTMAN mentioned that since the word *ḥbt* is used in connection with *jspt*, it may indicate a small shrine of the kind found by DAVIES[187] in the vicinity of the huts on the ridge along the footpath from the village to the Valley of the Kings[188].

The *ḥbt*-building is attested only once as an inherited building, dating to the Twentieth Dynasty. A certain *Ḥ3y* bequeathed this building to his son, *Q3ḥ3*. The text shows that this building is located beside the *jspt*-building and is measured 7 cubits x 3 cubits and 4 palms:



The *ḥbt*-building and the pyramid of *Rᶜ-ms*, for *Q3ḥ3* (pBulaq 10 ver.: 11).

This instance produces evidence that this building was inherited during the pharaonic period; it passed from father to his son as one unit, with a total area of roughly 21 square cubits.

Stable (*jhy*) and the magazine (*mḫr*)

Both buildings are attested in the succession matters only once; in the Twentieth Dynasty. The *jhy* is certainly a "stall", but for which sort of animal is unknown, seemingly sheep or goats, since these are the most common in the village, and cows being rather rare, although they do appear[189]. A *mḫr* is a "magazine" for grain. As both buildings were of a similar length, it seems possible that a *mḫr* was situated on the same plot as the *jhy*, and that together they constituted a single unit[190]. In his disposition, *Ḥ3y* divided his group of buildings (*swt*) among his children, and both stable (*jhy*) and the magazine (*mḫr*) were given to his son *P-n-njwt* as a share of the inheritance.

The stable of *ᶜ3-nkht* and its magazine, for *P-n-njwt* (pBulaq 10 ver.: 12).

[185] JANSSEN/PESTMAN, *op. cit.*, 159.

[186] BRUYÈRE, *Rapport sur les fouilles de Deir el-médineh*, (Le Caire1935-40), 26 ff.

[187] See DAVIES, A High Place at Thebes, *Mélanges Maspero, I: Orient ancient (=Mémoires de l'Institut Français d'Archéologie Orientale du Caire* 66(2), 1935-1938, 241 ff.

[188] JANSSEN/PESTMAN, *op. cit.*, 159.

[189] *IBID*, 164.

[190] *IBID*.

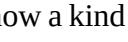
It is clear from the previous example that the stable (*jhy*) and the magazine (*mḫr*) were a part of the inherited real estate.

B. Funeral buildings

They are establishments used for purposes in the afterlife, such as tombs and funeral chapels. The inheritance documents contained many references to the funerary structures, in which we find that the testator occasionally stated that his heir has a right to be buried in his tomb, and he could also use his own chapel for offering and ritual purposes. MORENO GARCÍA observed that the use of a tomb of the testator by relatives could be forbidden in order to keep the tomb in strictly individual hands what seems to have been customarily described as family assets open to collective use. He also affirmed that no one could be buried inside the tomb of the testator, except for his children, his brethren, and his *kꜣ*-servants[191].

The inherited funerary structures are as follows:

Tombs

There are many types of tombs inherited in ancient Egyptian society. From the Old Kingdom, we know a kind of tombs, it was written in a text as  . Both STRUDWICK and GOEDICKE stated that this word designated a tomb[192] in a text from the Fourth Dynasty, i.e., inscr. *Nj-kꜣw-Rᶜ*. The prince *Nj-kꜣw-Rᶜ* bequeathed to his wife and his children a large property consisting of several estates, a house (*pr*) and a tomb, referred to by the previous term. The tomb in question was conveyed to his daughter, whose name, unfortunately, is not known because the text is damaged there.

And the house/tomb/estate of his daughter in the pyramid of Khafre (inscr. *Nj-kꜣw-Rᶜ*: 7).

Tomb *ḥꜣt*: the word *ḥꜣt* is derived probably from the verb *ḥꜣj* "to mourn", and in the Late period, this word means a hall where the dead person was embalmed, and it denotes also a dark interior place, like a temple room[193]. The texts reveal that this kind of tomb was used in the succession matter since the Old Kingdom, and its first appearance as part of inherited real estate dates to the Fifth Dynasty. The high official *Wp-m-nfrt* states that he made a judicial writ (instructions), while he was still alive, and gave to his son, the lector *Jby*, the northern burial place (*ḥꜣt*)

[191] MORENO GARCÍA, 'Conflicting interests over the possession and transfer of institutional land: individual versus family strategies', in E. Frood and A. McDonald (eds), *Decorum and experience essay in ancient culture for John Baines*, Oxford, 2013. 260.

[192] See GOEDICKE, *Die privaten Rechtsinschriften aus dem Alten Reich*, Vienna, 1970, 22 ff.; STRUDWICK, *Texts from the Pyramid Age*, (Leiden and Boston: Brill), 2005, 200.

[193] WILSON, *Ptolemaic Lexikon*, 612.

together with the northern tomb, in order to be buried in it and for the invocation offerings to be made for him therein. The father stipulated that no brother, woman, or child should have any rights concerning it, except for his (favorite) son, the lector *Jby*, to whom he had given it:

He said, (I) have given to my eldest/favorite son, the lector priest *Jby*, (from my) property (*ḏt*) the northern room with the northern offering chapel which is from (my) property (in) the necropolis. He shall be buried there; offerings shall be celebrated for him there (inscr. *Wp-m-nfrt*: 3-7).

The previous tomb type is also attested as inheritance during the Middle Kingdom, precisely in the Twelfth Dynasty. A certain *W3ḥ* made an *jmj.t-pr*-document in favor of his wife. He bequeathed to her his entire property, which consists of many objects like Asiatic slaves and houses (*ꜥt*). His *jmj.t-pr*-document contained a particular clause concerning his tomb (*ḥ3t*) which stated that his wife had the full right to be buried with him in his tomb:

As for my tomb (*ḥ3t*), I will be buried in it together with my wife, without allowing anyone to interfere with it (pKahun I.1 ver.: 12).

Tomb *mꜥḥꜥt*: a rock-cut tomb[194], which was one of the buildings that the state granted to the new workmen of Deir el-Medina when they joined the workforce at the royal cemetery. For example, oBM 5624 contains an example that a grandfather was given this tomb by the state when he joined to work at the cemetery through a decree (*sḫnw*). It seems that this tomb remained as personal property to his offsprings until the dispute flared among his grandson and a third party. When the grandson inherited this tomb, it was still incomplete as mentioned at the beginning of the text by "*while I am erecting it*". Whereas the text states that a disagreement flared up between him and his neighbour after they had discovered some underground shaft linking his tomb and the neighbour's tomb. Then it was resolved by the local-*qnbt*-council and the oracle god, where the tomb of the grandfather was returned to his grandson:

He (the god) gave me *Ḥ3y*'s tomb in a writing. (Then) I began to work in it. (oBM 5624 ver.: 6-7).

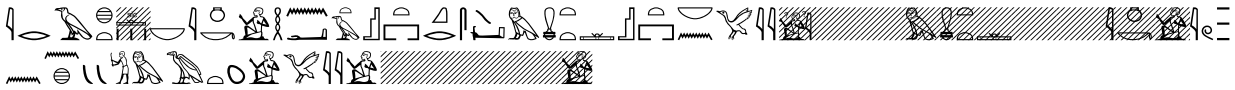
One of the Ramesside texts points out that this tomb had a pyramid, where the workman *Nḫt-Mjn* mentioned that he gave a share of this pyramid to one of his heirs (pTurin 2070). Another text of this period, states that a testator, named *ꜥ3-nḫt* bequeathed his son *Ms* a tomb (*mꜥḥꜥt*) as well as other buildings.

One gave the house (*pr*) of *ꜥ3-nḫ*t, …, his tomb (*mꜥḥꜥt*), …, to the workman *Ms* (oGardiner 23: 6-8).

[194] *Lesko* I, 213.

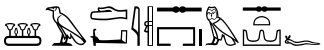
***St-qrs* burial chamber**: an interesting case is recorded on an ostracon of the Ramesside period, the events of which took place in Deir el-Madina. The testator decided that his son would inherit the tomb (*st-qrs*) from him and that his wife was not entitled to participate in the inheritance at all.

Because a large part of the text is missing, we do not precisely know the events of that case, but it seems that the husband deprived his wife of the joint property because she did not take care of him during his illness, which lasted for more than one month.



As for all property (*ȝḫt*) of mine, along with the burial-place, and every place (belonging) to my [father ----- and --- of mine also]. They shall belong to *Nḫ-m-mwt*, my ----- (oPetrie 18 rec.: 8-10).

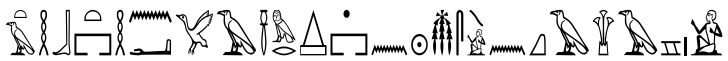
Tomb *jz*: *jz* could be a 'tomb', 'workroom', or 'office'. It indicates a chamber that can be secured. It also refers both to mastabas and rock-cut tombs from the Old Kingdom[195]. An autobiographical text belonging to a certain high official, called *Sȝ-Mntw-wsr* from the Eleventh Dynasty, gives us a reference that this kind of tombs was bequeathed in pharaonic Egypt. This text reveals that the testator obtained a big property consisting of several objects, like *jz*-tomb. At the end of his autobiography, the testator states that the things mentioned shall be assigned to his son by means of a testamentary disposition document.



And I (was one who) dig his tomb in his cemetery (ste. Florence 6365: 4-5).

Pyramids

Although many terms indicate the term "pyramid" in ancient Egypt, we have only one kind of these pyramids that was inherited during the pharaonic period. This kind of pyramid defined by the texts in the term "*mr*". The *mr*-pyramid is attested as an inherited building in the Ramesside period, where the landed property of a certain *Ḥȝy* contained a *mr*-pyramid among other buildings. The text provides details on this pyramid: its area was very small, approximately 27 square cubits. The testator mentioned that this pyramid should be given to his son, *Qȝḥȝ*.



The *ḥbt*-building and the pyramid of *Rˁ-ms*, for *Qȝḥȝ* (pBulaq 10 ver.: 11).

Similarly, the landed property of a certain *Nḫt-mjn* consisted of many buildings like the *mr*-pyramid, which he divided among his two sons, his wife with her daughter. The text tells that this pyramid was located beside two *šťȝyt*-buildings, and it would pass down wholly to his son, named *P-n-tȝ-wrt*.

[195] WILSON, *op. cit.*, 109.


What [belongs] to *P-n-ṯ3-wrt*, son of *Nḫt-mjn*: the pyramid (*mr*), which is beside the two *št3yt*-buildings with ----- (pTurin 2070: 6-8).

In addition, the previous text contains another case of bequeathing such a pyramid. The text disclosed that a daughter inherited from her mother a share in a *mr*-pyramid that comprised part of the tomb. After that, all beneficiaries took an oath, assuring that they would not contest the rights devolved upon the others in the future.

Funerary Chapels

The texts have only a single reference to bequeathing the funerary chapel, dating to the Fifth Dynasty. The high official, *Wp-m-nfrt*, gave his eldest son an endowment, consisting of a tomb and a northern invocation offering chapel  , in order for him to be buried in his father's tomb and to receive invocation offerings in his father's funerary chapel.

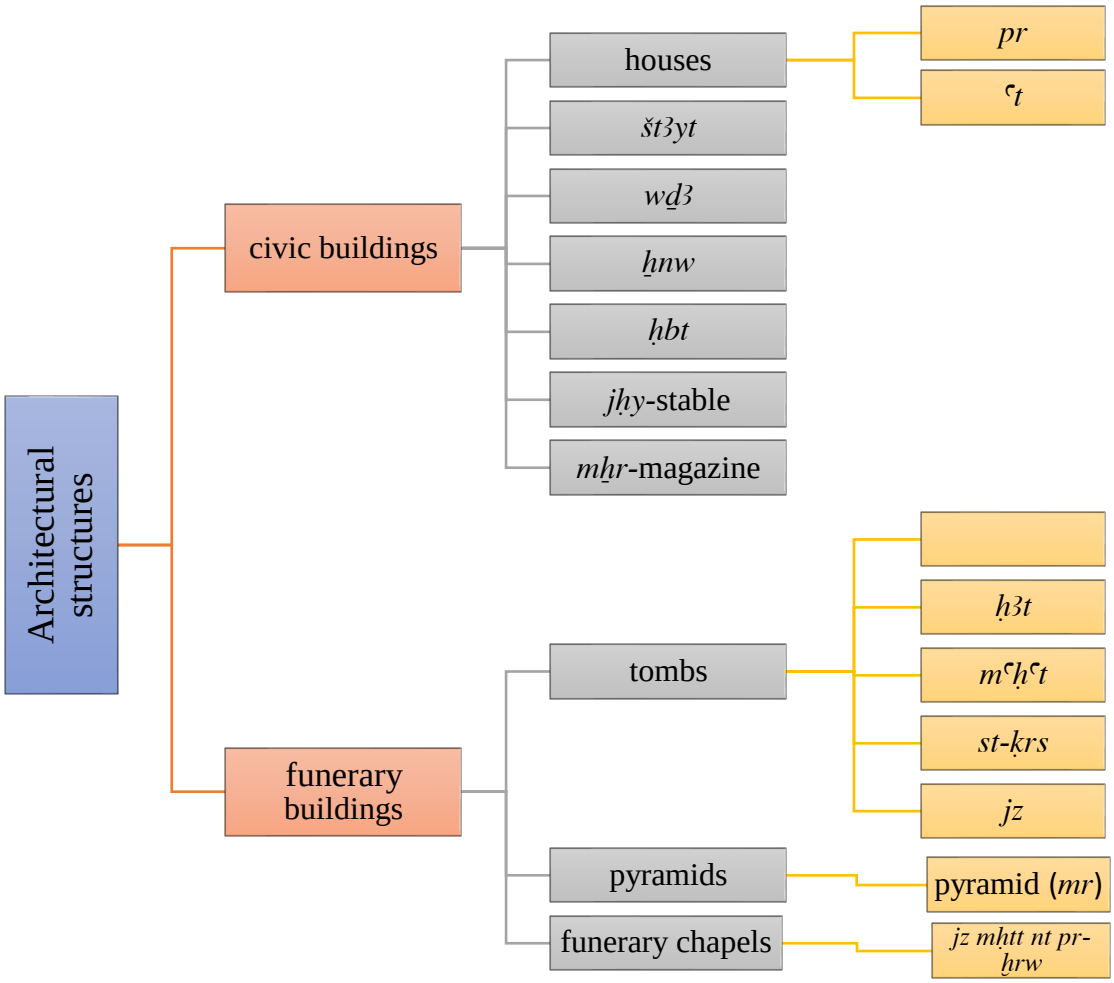
It is clear from the previous survey that Egyptians bequeathed their funerary immovables to their descendants, like tombs, pyramids, and funerary chapels. The earliest known cases for bequeathing tombs were from the Old Kingdom, around the Fourth and mid-Fifth dynasties. The documents outlined that there were several types of tombs that were inherited; like the tomb referred to by the term  , the tomb that appeared as part of inheritance during the Old Kingdom, the tomb  , which is attested as inherited real estate during the First Intermediate Period, and the tomb  , which was inherited during the Middle Kingdom. In addition to the tomb  , which was common in succession matters in the New Kingdom, especially in the Deir el-Medina community, mainly due to this tomb was a part of the official property (*swt*), which the state granted to the workmen there. Those workmen could later bequeath it to their offspring. The textual materials of Deir el-Medina show that this tomb had a small pyramid, which could also be inherited. Moreover, another kind of tombs, known as  "burial place", was inherited during the New Kingdom as well.

Egyptians also bequeathed the pyramids and the funerary chapels. We knew only the *mr*-pyramid, which was mentioned as a part of inheritance during the Ramesside period. The documents reveal that this pyramid was a part of the *mʿḥʿt*-tomb and it also appeared as an independent architectural establishment, built on a rectangular area of 7 x 3 cubits and was adjacent to other buildings, such as the *št3yt*-building. We know only one kind of chapels inherited in ancient Egypt, i.e.,  "a northern invocation offering chapel".

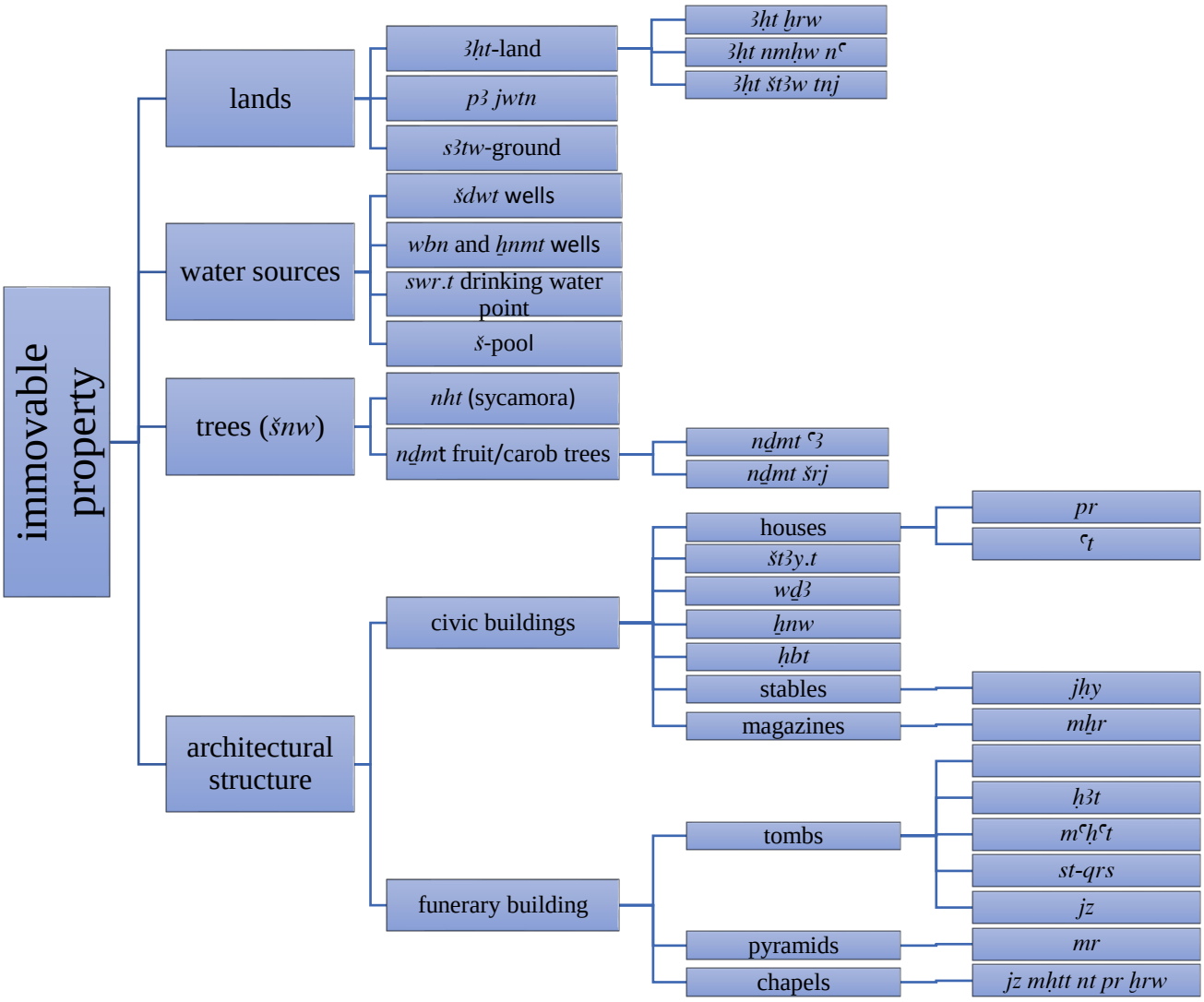
The following table summarizes the types of architectural structures that were inherited in pharaonic society:

The building	**The date appearance in succession issues**	**Other attestations**
House (*pr*)	End of the Fourth Dyn.	Sixth Dyn., Eleventh Dyn., Twelfth Dyn., Eighteenth Dyn., Nineteenth/Twentieth Dyn., Twentieth Dyn., Ramesside period (twice).
House (*ꜥt*)	Twelfth Dyn.	Nineteenth/Twentieth Dyn., Twentieth Dyn., Ramesside period (twice).
šꜣyt-building	Ramesside period (twice)	Nineteenth/Twentieth Dyn.
wḏꜣ-building	Nineteenth/Twentieth Dyn.	Twentieth Dyn. (4 times), Twenty-second Dyn.
ḫnw-building	Ramesside period	Twentieth Dyn.
ḥbt-building	Twentieth Dyn.	-
Stable *jhy* and magazine *mḫr*	Twentieth Dyn.	-
Tomb 	Fourth Dyn.	-
Tomb (*ḥꜣt*)	Fifth Dyn.	Twelfth Dyn.
Tomb (*jz*)	Eleventh Dyn.	-
Tomb (*mꜥḥꜥt*)	Ramesside period (twice)	Twentieth Dyn.
Burial place (*st qrs*)	Ramesside period	Twentieth Dyn.
Pyramid (*mr*)	Ramesside period	-
Chapel of invocation offering	Fifth Dyn.	-

The following diagram depicts an evaluative/hypothetical classification of the inherited architectural structures during the pharaonic period.



The following diagram depicts an evaluative/hypothetical classification of the inherited immovable property during the pharaonic period.



II. Personal property (movables)

In common law systems, personal property may also be called chattel or personality, and in civil law systems, it is often called movable property or movables - any property that can be moved from one location to another. Also, this term describes everything that is not real property. The most significant difference between real property and personal property is that personal property is movable, and one can pick up and take it with him wherever he travels. It includes such things as household goods, investments, motor vehicles, and boats, etc. One's personal property may have a formal title representing and reflecting his ownership, such as cars[196].

Personal property could be classified as a tangible property or intangible property:

A. Tangible personal property

It is personal property that can be touched or felt, and it includes the types of property one can capture and transport. Examples of such property are household goods and motor vehicles[197]. The related inheritance documents disclose that such property had a presence in pharaonic Egypt, in addition to being inherited among the generations of Egyptian society.

Household goods

They are goods and products used within houses and are tangible and movable personal property placed in the house rooms[198]. According to JANSSEN-WINKELN's translation of the text written on statue Cairo CG 42208, one can assume that Egyptians sometimes used the term *ḫt* to refer to household goods in general[199]. In this text, a certain prophet of Amun, *Nḫt-f-mwt*, proclaimed that he bequeathed, among other things, his household furniture to his daughter (sta. Cairo CG 42208 front, 12). Moreover, the textual material of inheritance explained, in details, the elements of inherited household goods as follows:

[196] See PALGRAVE, *Dictionary of political economy*, III, London, 1913, 96; CHRIS MARES (Appleton, Wisconsin) Real Property and Personal Property https://www.daytonestateplanninglaw.com/wp-content/uploads/sites/2/2013/09/ch5.real_personal_property.pdf. (last visited 11 March 2021).

[197] See BRIDGE, M., *Personal Property Law* (Clarendon Law Series) Oxford, 2002, 16 ff.; DOWNES, J./GOODMAN, J. E., *Finance and Investment Handbook, Sixth Edition, Barron's Educational Series*, Inc., 2003, 20.

[198] See https://www.lawinsider.com/dictionary/household-goods (last visited 18 March 2021).

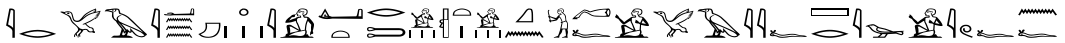
[199] See JANSSEN-WINKELN's translation of the text written on statue Cairo CG 42208 (*Ägyptische Biographien der 22. und 23. Dynastie*, I, Ägypten und Altes Testament 8, Wiesbaden, 1985, 48).

Mirrors: there were various forms of mirrors in ancient Egypt[200]. An ostracon from Deir el-Medina gives us evidence that the mirrors are part of the inherited household. It informs us of an interesting case: there is a man who himself undertakes the division of his household goods among his four sons and two daughters. Those possessions were very simple and accurately reflect the living standards of this family. The mirror (*ꜥnḫ*) was one item among the household goods, passed on to a daughter, named Isis.


And as for the mirror and the cauldron (box) and every vessel from the white stone (copper), they are for Isis (*ȝst*) (oDeM 108 ver.: 2-4).

Washtub (*jꜥ*): it is a bronze pot used for washing, especially for pouring water over the feet. However, there is a bronze vessel referred to as *ꜥ-n-ḫnw*, that was used for pouring water over the hands. Some Egyptologists think that there are differences between the two vessels, despite their similarity, only distinguishable by the size; the *jꜥ* was probably smaller[201].

In succession matters, only the *jꜥ* is attested, according to the known documents of inheritance. The second husband of the lady *Njwt-nḫt-tj* made a statement in the presence of seven workers. In this statement he bequeathed a washing bowl (*jꜥ*) to his son, *Qn-ḥr-ḫpš.f*, and stipulated that no son or daughter has right to contest it and if they did, their deposition should not be heard, because this washing bowl was not included in any division:


As for the washing-bowl which (I) have given (to) the workman *Qn-(ḥr)-ḫpš.f*, his son (*Ḥꜥ-m-Nwn*), it shall belong to him (pAshmol. Mus. 1945.97 doc. IV: 4-5).

Cauldron (*qȝḫȝ*): ČERNÝ said that  is group-writing for (*qḥn*) and is probably identical with  , the final *n* having been dropped in the latter[202]. the Wb translates *qḥn* as 'Kessel'[203] and it is followed by GARDINER[204] and ČERNÝ[205], but JANSSEN[206] thought that there is no definite proof for this translation, and he highlighted that it appears to be a heavy object like the *rhdt*, which also said to a 'cauldron'.

The lady *Njwt-nḫt-tj* indicates in her last will that she bequeathed one of her children a cauldron in order to get bread for himself (*r jn n.f ꜥqw*). Maybe this expression equals the common

[200] The disk of the mirror is typically either slightly elliptical or round, and its handle was of wood, ivory, or metal, and it was of various forms, like a papyrus-column, a female figure, a Hathor headed pillar, a lotus stem, etc. (see JANSSEN, J., *Commodity Prices from the Ramesside Period*, 301).

[201] JANSSEN, *op. cit.*, 418 ff.

[202] ČERNÝ, *JEA* 31, 35.

[203] *Wb* V 67, 4.

[204] GARDINER, 'A lawsuit arising from the purchase of two slaves', *JEA* 21, 1935, 142 (= pCairo 65 739, 11-12).

[205] ČERNÝ, *JEA* 31, 32.

[206] JANSSEN, *op. cit.*, 415 ff.

expression in colloquial language of modern Egypt:"يتعايش من خلاله/ يأكل عيش", this means that the son can use this cauldron as a means of earning a livelihood/as a means of subsistence to keep body and soul alive.


As for my cauldron, which I gave him to get bread for himself (pAshmol. Mus. 1945.97 doc. I, col. 5: 3)

Cauldron (*rhdt*): This word is usually translated as 'cauldron' or 'Kessel'[207]. JANSSEN hesitantly translated it as 'frying-pan', and he highlighted that this vessel was made of copper or bronze[208] and it is used in the kitchen for boiling and frying food. He also assumed that it was a vessel of a similar type to Cairo cat. gén. nos. 3501, 3508, and 3549, which are flat round trays about 10 cm in depth and 18 to 25 cm in width, with a slightly convex bottom, and sometimes has two handles[209].

This kind of cauldron is attested as a part of the inheritance in oDeM 108. The footman *P3-šd* in his testamentary disposition reports that he entrusted a cauldron, in addition to other things, to his daughter through an *jmj.t-pr* (see the example under *mirrors,* oDeM 108 ver.: 2-5).

Vessels (*ḥnw*): this kind of vessels is mentioned only once in inheritance documents. It was from the Nineteenth Dynasty. The text oDeM 108 reveals that this vessel was made of *w3ḏ*, which means the green stone. The footman, *P3-sr* bequeathed this kind of vessels, along with other things, to his daughter, Isis (see the example under *mirrors* also; oDeM 108 ver.: 2-3).

Vase (*jrr*): this word was translated by ČERNÝ[210] as "a vase". The lady *Njwt-nḫt-tj* bequeathed this tool to her children, but one of her children is deprived of having a share.


And the *jrr*-tool (vase) of seven *dbn* also (pAshmol. Mus. 1945.97 doc. I, col. 5: 5).

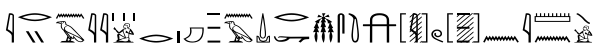
Baskets and jars: the possessions of the footman *P3-šd* that he left to his children included different kinds of baskets and jars, like *mstj*-basket, which was made of *ḏ3nḏ3r*-wood. The testator proclaims that this basket shall be given to his son *Jmn-ms*:

[207] *Wb* II 441, 5-7.

[208] Said to be of bronze in oDeM 293, 2 (ČERNÝ, *Catalogue des ostraca hiératiques non littéraires de Deir el Médineh*, IV, 14, pl. 15); oGardiner 44 (=ČERNÝ/GARDINER, *HO*, 24, 1,2); pTurin 2002,11,12 (=PLEYTE-ROSSI, Papyrus de Turin. Facsimiles par F. Rossi de Turin et publiés par W. Pleyte de Leide, 2 vols, Leide, 1869-1876, pl. 102).

[209] JANSSEN, *op. cit.*, 425 f.

[210] ČERNÝ, *JEA* 31, 32, 35 (= pAshmol. Mus. 1945.97 doc. I, col. 5: 3).


As for my copper work kit and my basket (*mstj*) (from) *ḏnḏr* wood, they are for *Jmn-ms* (oDeM 108 rec: 4-5).

In addition, the possessions in question contained a jar known as (or made from) *Shaemkhab* and something made from *ḏ3rt* wood, named *Sham*. Those things were conveyed to his daughter *Nfr-m-ssnt* as her share of the inheritance:


And as for *šmḫb*-jar and *šm* from *ḏrt*-wood also, they are for *Nfr-m-ssnt* (oDeM108 rec.: 5-6).

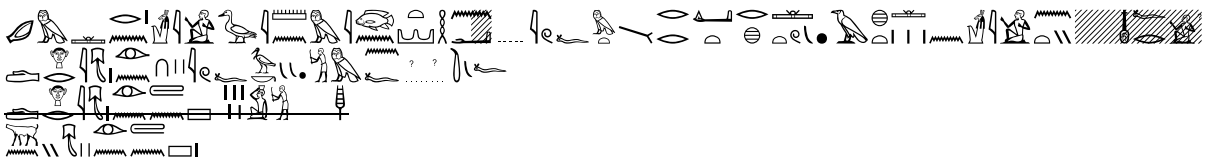
Leather and animals furs: through Egypt history, the leather was manufactured mainly from skins of calfs, gazelles, goats, and sheep[211]. It was considered prime manufacture, beginning with Neolithic age[212].

The inheritance texts show that the different kinds of leathers are inherited in ancient Egypt. So far, only two types of leathers and one type of animals furs are attested as parts of the inherited property as follows:

The leather *dḥr*, the first evidence in ancient Egypt for this kind of leather occurs in Neolithic graves of the Badarian (c. 5500-4000 BCE) period[213], but the first known attestation as an inheritance for it was on oGardiner 89 from Nineteenth Dynasty. This ostracon records the distribution of one *ꜥ3-mkt*'s inheritance among his heirs. This inheritance consisted of *dḥr*-leather.


Records of the leather from (of) the legacy of *ꜥ3-mkt*. (oGardiner 89 rec.: 1 ff.)

Another attestation of bequeathing this kind of leather is recorded on oGardiner 36 from the Ramasside period. The fragmentary character of this text does not allow to understand properly this statement, seems there might be a conflict about the inheritance because *recto* is talking of a deceased person. Followed by the distribution of the objects (*3ḫt*). One can understand from this text that a certain *Stḫj* assigned those objects to some person (… *nfr*). This list of items contained leather (*dḥr*) and animal fur (*ḫny*) and other things.


The statement of *Stḫj*, son of *Jmn-m-jnt*, along with (?) ----- was heard. He died.
Lists of items (*3ḫt*) of *Stḫj* that are with -- *nfr* (?):

[211] STOCKS, D. A., 'Leather', *OEAE*, II, 282 ff

[212] HASANIEN, A. F., 'Leather manufacture in Ancient Egypt', *GM* 161, 1997, 75 ff.

[213] STOCKS, *op. cit.*, 282.

Leather: 1 - makes 12; it is processed to him -----
~~Leather: 1 - makes 5 *dbn*; weight (?)~~ – valid.
Animal fur: 2 - makes 1 *dbn* (oGardiner 36 rec: 2-6)

Another kind of leather was bequeathed in pharaonic Egypt, i.e., *msḳ3* 'skin of animal'. According to inheritance documents, this leather type is attested once, it was during the Sixth Dynasty. Linen Cairo CG 25975 records a letter dealing with a dispute over inheritance, which the testator *Sʿnḫ-Ptḥ* handed down to his widow and his son. The wife and her son complain that their household is being torn apart by a woman named *Wʿbwt* and a man called *Jzzy*. Some places of furniture had already been removed to the *Jzzy*'s house[214].

The text shows that the leather (*msḳ3*) was a part of this household. The wife relates how she was sitting at the head of her husband's bed – his death bed, perhaps – when the family was visited by *Bḥztj*'s messenger, who had come to claim leather. It seems that this leather was used to cover the wood belongs to this bed.

It is a reminder of (the time when) a messenger of *Bḥztj* came for some leather when I was sitting by your head. (Linen Cairo CG 25975: 2).

The (leather) cover (?) of the wood belongs to this bed which bears me. (Linen Cairo CG 25975: 3-4).

In this respect, one cannot ignore the two-division lists of the household goods that are written on the documents II and III from the lady Naunakhte's archive, which she left to her heirs. It is clear that these objects were of little value. ČERNÝ sees that these pieces are furniture and kitchen utensils[215]. DONKER VAN HEEL assumed that these documents were written after Naunakhte had died and the children were cleaning out the house (in which their father *Ḫ3-m-nwn* was alive)[216]. Since the nature of these objects is still unknown, one can classify them according to their determinatives as follows:

The wooden objects are *h3l*-box, *g3wr*-box, *g3tr*-box, leg of *m3st*, *ḥtp*, leg of *ḥtp*, *wnš*-sledges, *dbt*-cage, *jpt*-measures, *jgr*, *jqr*, *tp*, *šqr*, and *m3st* of *ʿb*.
The stone objects are millstone (*b3nw*), mortars (*mʿḏ3t*) foot-rests (*h3ry-rdwy*), *g3t*-box stone, *g3tr* and *ḫd*
The wicker object is *db*[217]

[214] For this case see WILLEMS, H., 'The End of Seankhenptah's Household (Letters to The Dead. Cairo JDE 25795)', *JNES* 50, 1991, 183 ff.
[215] ČERNÝ, *JEA* 31, 1945, 51.
[216] DONKER VAN HEEL, K., *Mrs. Naunakhte & Family: The Women of Ramesside Deir al-Medina*, American University in Cairo Press, 2016, 99.
[217] See ČERNÝ, *op. cit.*, 37 ; DONKER VAN HEEL, *op. cit.*, 97 f.

Clothing

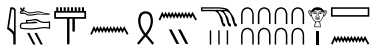
There are two kinds of clothes documented in the inheritance documents as follows:

***Dj3w*:** The Wb translates *d3jw* as "Leinenstoff als Ballen" and 'Kleidungsstück'[218], CAMINOS renders it with "loincloth"[219], but ČERNÝ suggested that it might be identified with "shawl"[220]. HELCK, on the other hand, tentatively suggested that it resembled the modern *ghalabiyah*[221]. WENTE[222], followed by MCDOWELL[223] outlined the meaning of *d3jw* as "kilt", or, when worn by a woman, as "skirt". JANSSEN highlighted that this word occurred about 144 times in texts from Deir el-Madina[224]. He saw that it a kind of garment for ordinary people, like poor farmers and construction workers. He also revealed that the women wore this type of clothing. Moreover, he mentioned that *d3jw* was also used as a name for a garment worn by Asiatics[225].

This kind of clothing appeared as an inheritance only once in pharaonic Egypt, albeit in a royal text, not a text concerning private individuals. This clothing was among the things that king Ahmose I bequeathed to his wife, Ahmose-Nefertari (ste. Ahmose-Nefertari: 16).

***Jfd*:** GARDINER translated it in pChester Beatty v, 8, 3 as "square of cloth"[226]. JANSSEN thought that this name seems to be derived from *jfd* 'four', which will imply that it is a square piece of cloth, what we would call a "sheet". He outlined also that the *jfd* might be used as a shroud, since it is usually determined by the mummy lying on a bed (sign A55) in ostraca from Deir el-Madina. But it is still difficult to explain if "shroud" is the primary and only meaning for *jfd*[227].

Inheritance documents revealed that *jfd* as an inherited object is attested only once. The *swnt* which King Ahmose I gave to his wife included, among other things, 80 pieces of texture for the hair.



80 pieces of texture (*jfd*) for hair (*šny*) with the value 210 *šnᶜ*, calculated for her (at the price) 150 (ste. Ahmose-Nefertari: 9).

[218] *Wb* V 417, 3 ff.

[219] CAMINOS, R., *Late Egyptian Miscellanies*, London, 1954, 3.

[220] ČERNÝ, *Hieratic Inscriptions from the Tomb of Tutaankhamun*, Oxford, 1965, 11.

[221] HELCK, *Materialien zur Wirtschaftsgeschichte des Neuen Reiches*, V, 928.

[222] WENTE, 'Letters from Ancient Egypt', in Edward Meltzer (ed.), *Atlanta: Society of Biblical Literature*, 1990, 154 no. 219, 159 no.239.

[223] MCDOWELL, *Village life in ancient Egypt: laundry lists and love songs*, Oxford, 1999, 59 f. nos. 31 and 32.

[224] JANSSEN, J., *Daily Dress at Deir el-Madina*, London, 2008, 52.

[225] IDEM, *Commodity Prices from the Ramesside Period* 265.

[226] GARDINER, *Hieratic Papyri in the British Museum Third Series Chester Beatty Gift*, I, London, 1935, 49.

[227] See JANSSEN, *Commodity Prices from the Ramesside Period*, 291 f.; IDEM, *Daily Dress at Deir el-Madina*, 21 f.

JANSSEN saw also that if the word *šny* in this example means 'wool', these *jfd* were 'blankets' rather than 'sheets'[228].

Work Tools

The texts and the representations of tombs attest that the Egyptians used several kinds of work tools of different sizes. Also, excavations show that these tools were made from stones, wood, copper, and ivory[229]. The inheritance documents dealt with several tools that were part of the inherited property as follows:

Copper work kits: ALLAM translated  as "Werkzeug aus Kupfer"[230]. An ostracon from the Eighteenth Dynasty reveals that the footman, *P3-sr* had property consisted of various things, like copper equipment. This footman conveyed his property to his children under a legal document. He stated that this equipment is a share of his son named *Jmn-ms*.

As for my copper work kit and my basket (*mstj*) (from) *ḏnḏr* wood, they are for *Jmn-ms* (oDeM 108 rec.: 4-5).

Chisel (*ḥ3*): the tool called *ḥ3* (), and in other writing *ḫnr* ()[231]. There is no consensus among scholars on the nature of this tool. GARDINER suggested that *ḥ3* is a generic word for "tool"[232] and he translated elsewhere as "chisel"[233]. ČERNÝ opines that this word means "pickaxe" [234], but JANSSEN asserted that this translation is also unsuitable since it was almost unknown in ancient Egypt because of GARDINER's translation as "chisel", which seems to be closer to the correct interpretation. He proposed a new interpretation of it as "a spike", which was part of the standard equipment of the workmen. In contrast to tools used mainly for woodwork, such as *mjnb* and *ʿnt*, it was chiefly used to hack out the tombs from the rock, such a process known to as *s3w jnr*, "splitting stone"[235].

The tool in question appeared only once in issues of inheritance: the lady *Njwt-nḫt-tj*, from the Twentieth Dynasty, points out that her property contained a single chisel (*ḥ3*) that was bequeathed to one of her sons. Therefore, this son would not participate in the division of any other copper objects that would be a right of his other brothers and sisters.

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[228] JANSSEN, *Commodity Prices from the Ramesside Period*, 292.

[229] For tools in ancient Egypt see PETRIE, W. M. F., *Tools and weapons*, London, 1917.

[230] ALLAM, *HOPR*, 90.

[231] Cf. ČERNÝ, 'Quelques ostraca hiératiques inédits de Thèbes au Musée du Caire', *ASAE* 27, 1927, 194, note 9; IDEM, 'Papyrus Salt 124 (Brit. Mus. 10055)', *JEA* 15, 1929, 250, note 43; JANSSEN, *op. cit.*, 312.

[232] CAPART/GARDINER/WALLE, 'New Light on the Ramesside Tomb-Robberies', *JEA* 22, 1936, 177.

[233] GARDINER, *Hieratic Papyri in the British Museum*. Third Series. Chester Beatty Gift. I, London, 1935, 25.

[234] ČERNÝ, *ASAE* 27, 1927, 194 note 9; *JEA* 15, 1929, 250 note 43.

[235] JANSSEN, *op. cit.*, 312.


And the chisel (of) seven dbn also (pAshmol. Mus. 1945.97 doc. I col. 5: 4).

Picks (ꜥ*nt*): JANSSEN emphasized that ꜥ*nt* is the name of the carpenter's adze. It frequently shown in tombs reliefs where carpenters are depicted at work. There is a reference in one text showing that the ꜥ*nt* was borrowed for making a wooden bed and boxes for Menna. On the other hand, this tool does not mention in texts concerned with the distribution of tools to the workmen for work in the royal tombs[236].

The current tool is mentioned only once as a part of the inherited property; the lady *Njwt-nḫt-tj* states that she bequeathed a pick (ꜥ*nt*) to her son, *Nfr-ḥtp*.


And the pick (of) six *dbn* (pAshmol. Mus. 1945.97 doc. I, col.5, 6).

One can conclude that the ancient Egyptians bequeathed their household tools to their heirs, such as mirrors, cauldrons, baskets, jars, washing bowls, and various kinds of vessels made of copper and greenstone. The inheritance documents exhibited that male children could inherit their parent's work tools, like chisels and picks. These instruments are distributed among the heirs, where each inheritor received one or two items. At other times, these tools were transferred to all co-heirs together. In such cases, the text did not state that the inheritor (N) would inherit the tool (Y), but it seems that these tools remained a common property for all heirs, each of whom used them in a time of need[237].

Egyptians also bequeathed different kinds of leathers and animal furs. It seems that the leathers were part of the household.

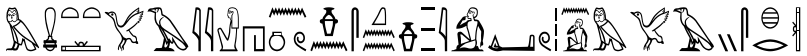
[236] *IBID*, 321.

[237] I saw such cases of bequeathing a tool as common property for all co-heirs in my modern village.

Oils and fats

Only two kinds of oil and fat are mentioned in our documents as follows:

Sqnn: it means "ointment", as it referred to oil used in lighting lamps. The composition of *sqnn n st3* means "to light". However, the material of this oil is not known, and perhaps the term *sqnn* refers to oil with high quality and not oil of a botanical nature[238]. This type of oil is attested in an inheritance process only once: the lady *Njwt-nḫt-tj* mentions that she bequeathed it for some of her children. She showed that she acquired an amount (*hin*) of this oil from her three male children and one of her daughters, then she declared that some of her heirs would participate in their division except for her daughter, called *Mnʿt-nḫt-tj*.



And (except for) my *hin* of fat which they have given me in the same manner (pAshmol. Mus. 1945.97 doc. I, col. 3: 11).

***Mrḥt*:** WILSON believes that *mrḥt* is a noun derived from *wrḥ* "to anoint" with the *m*-prefix and a general term for fat or grease, used as an ointment in recipes. It comes from various animals, birds, trees, and plants[239]. While the word *snw* is high-cost pots as it contains high-cost content like valuable oil, such vases were found in the tomb of the queen Ahmose-Nefertari, which was given to her by her husband, king Ahmose[240]. MESNIL DU BUISSON saw that according to the determinative of *snw*, known from the Pyramid Texts, the name seems to denote a libation pot or a pot for wine[241].

In textual material about inheritance, this kind of ointment is mentioned once, in a royal text, where king Ahmose gave his wife Ahmose-Nefertari the *swnt*, which comprised several things like the ointment in question.

13 (*snw*-pots) oil at (the price) 78, calculated for her 50 (ste. Ahmose-Nefertari: 10).

Cereals and Grains

A growing natural crop, such as natural weeds that grow on soil, is recognized as real property, but the harvest stored in silos and farmers' stores is considered personal property. This shift happened when the crop became separated from the soil[242]. There are many crops and cereals mentioned in the texts as follows:

[238] JANSSEN, *op. cit.*, 336.

[239] WILSON, *Ptolemaic Lexikon*, 444.

[240] GITTON, *BIFAO* 76, 76. For the form of this pot see CARTER, 'Report on the tomb of Zeser-ka-Ra Amenhetep I, discovered by the Earl of Carnarvon in 1914', *JEA* 3, 152 pl. 21. [2-3].

[241] MESNIL DU BUISSON, *Les noms et signes Egyptiens designant des vases ou objets similaires*, Paris, 1935, 34.

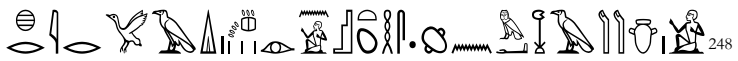
[242] See LANK, E./SOBECK, J. M., *Essentials of New Jersey Real Estate*, 20.

Barley (*jt*): barley had grown in Egypt since the early Neolithic period, comprising mostly four or six types[243]. It was the principal grain used for brewing beer and in bread and cakes and to make barley porridge and used in ancient Egyptian medicine[244].

This type of grain is documented only once in matters of inheritance, dating to the Eighteenth Dynasty. King Ahmose bequeathed to his wife four hundred *oipe* of this kind of barley.

I gave to her male servant (*ḥzb*) and female servant (*ḥzbt*), 400 *oipe* of barley and 5 *arouras* of the low land (*ȝḫt ḫrw*) (ste. Ahmose-Nefertari: 11).

Grain (*jpt*): it is attested as inheritance during the Nineteenth Dynasty. The footman *Pȝ-šd* apportioned his possessions among his children. The text reveals that one of his sons received a *dj-jpt*, which was translated as "income of grain" by ČERNÝ[245], while ALLAM[246] translated it as "getreide ration". On the other side, JANSSEN mentioned that the *jpt* is a wooden container used as a corn measure with a capacity of 40 *hin*, i.e., 19.22 liters. From this object, the *oipe*-measure received its name. It is also depicted several times in wall paintings[247]. This footman had obtained an amount of grain on a monthly basis that should then pass to his son, *Mˁ-ḫȝ-jb*, after him.

 [248]

And as for the grain-ration, which *Ḥs-ȝst* made for me, (it is) for *Mḫȝ-jb* (oDeM 108 rec.: 7-8).

Emmer (*bdt*): this grain was used for making bread. The consumption of emmer was undoubtedly much higher than the consumption of barley (*jt*); for example, the workers of Deir el-Medina received higher monthly portions of emmer than barley[249].

In general, it is noteworthy that emmer was mentioned more often in the inheritance documents than barley (*jt*). For example, the lady *Njwt-nḫt-tj* stipulated in her last will that her son *Qn-ḥr-ḫpš.f* should receive, in addition to his equal fifth share in the property, ten sacks of emmer and a bronze washing-bowl, which in the circumstances under which these people lived, was evidently an article of significant value[250]. This discrimination happened maybe because he was

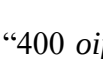
[243] WILSON, *Ptolemaic Lexikon*, 119.
[244] JANSSEN, *op. cit.*, 119.
[245] ČERNÝ, *op. cit.*, 41, 53.
[246] ALLAM, *HOPR*, 90. The grain rations as the basic wages of the workmen consisted of monthly supplies of grain, emmer (*bdt*) for bread, and barley (*jt*) for beer. For further details about these rations, see JANSSEN, *op. cit.*, 460 ff.
[247] JANSSEN, *op. cit.*, 207.
[248] ČERNÝ, *op. cit.*, 41.
[249] JANSSEN, *op. cit.*, 112, 119.
[250] ČERNÝ, *op. cit.*, 49.

most probably her eldest son, named after her first – now deceased – husband, who would take care of her second husband after her death[251].


The workman *Qn-ḥr-ḫpš-f*. She said: I have given to him as a special reward a washing-bowl of bronze over and above his fellows, along with 10 sacks of emmer (pAshmol. Mus. 1945.97 doc. I, col. 3: 3-4).

Also, *Njwt-nḫt-tj* mentioned in her last will that she acquired *oipe* of emmer and *hin* of fat from her four children (three males and a female). She stipulated that her daughter *Mnʿt-nḫt-tj* would not participate in the division of this *oipe* of emmer and *hin* of fat. Furthermore, the joint property of *Njwt-nḫt-tj* and her second husband included one *oipe* of emmer. She stipulated that her disobedient children would not participate in the division of this emmer amount.


And this *oipe* of emmer which I collected in company with my husband also, they shall not share them (pAshmol. Mus. 1945.97 doc. I, col. 4: 11-12).

It can be inferred from these passages that ancient Egyptians bequeathed to their heirs cereals and grain. The first known case of the inheritance of cereals and grain occurred in the New Kingdom, more precisely in the Eighteenth Dynasty. The inherited cereals and grains varied, including barley, grain, and emmer, and the most prominent of them was the emmer. Furthermore, these cereals and grains were inherited in a variety of quantities: for example,  : "400 *oipe* of barley";  : "10 sacks of emmer"; "one *oipe* of emmer";  "grain ration". In some cases, the testators stated that their heirs shall inherit the barely and emmer '  ', without mentioning a certain amount of it.

Boats and ships

WARD mentioned that thousands of models, texts, and scenes attest to more than 120 types of ancient Egyptian watercraft in use for several thousand years. More importantly, the twenty large ships give explicit evidence of how the ancient Egyptians built ships[252]. In law, ships, boats, and aircraft were not considered immovable property[253]. Unfortunately, the relevant texts did not contain any explicit example of the fact that ships and boats were bequeathed during the pharaonic period, but there is only one reference from the Nineteenth Dynasty that informs us that a certain workman divided his assets among his children, and these assets included two oars (*mnj*), which were for his son, *Ḥḥ-nḫw*. Despite all this, if the owner of the autobiography written on the ste. Florence 6365 meant that every object listed in his autobiography should pass

[251] See DONKER VAN HEEL, K., *Mrs. Naunakhte & Family*, 92.

[252] WARD, C., '*Ships and ship building*', *OEAE*, III, 281.

[253] For ships and boats in law, GUSMEROLI/RUGGIERO, 'Legal rights over immovable property', 340.

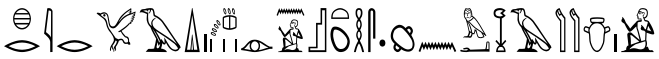
to his son, that would be strong evidence that boats (*dpt*) could be bequeathed in the pharaonic period. In a passage of his autobiography, *S3-Mnṯw-wsr* states that he had a boat, which he used to ferry his city's inhabitants, and declares that his property, including this boat, shall pass down to his son by means of a testamentary disposition.

I ferried its (inhabitants) across in my boat (ste. Florence 6365).

B. Intangible personal property

Intangible property are assets that lack material embodiment, other than being represented by a document to prove its existence, such as intellectual property rights, patents, copyrights, debts, and trademarks[254].

According to ESSA[255], Egyptians bequeathed and inherited this kind of property since the Middle Kingdom. ESSA highlighted several examples that dealt with bequeathing the intangible personal property (i.e., rights and debts) during the pharaonic period: The testator has the right to receive a certain amount of cereals, for example, monthly by some organization or even by his children themselves, and he could transfer such right to his heirs. For example, the footman *P3-šd* had received an income of grain (perhaps as a *pension*) from his daughter, Isis. He conveyed this right to his son *Mꜥ-ḫ3-jb* via *jmj.t-pr*. That means that this son can receive this income from his sister as his father did during his life (oDeM 108 rec.: 7-8). Also, this ostracon contains another example that the testator acquired perhaps a recurring part of the special festival of the Mistress (=goddess) during his life, and after his death, this right then passed it down to his daughter, *Nwbt-m-š3s*.


And as for the grain-ration, which *Ḥs-3st* made for me, (it is) for *Mḫ3-jb* (oDeM 108 rec.: 7-8).


As for the festival-portion of the Mistress (=goddess), it is (for/belongs to) *Nwbt-m-š3s jb* (oDeM 108 rec.: 6-7)[256].

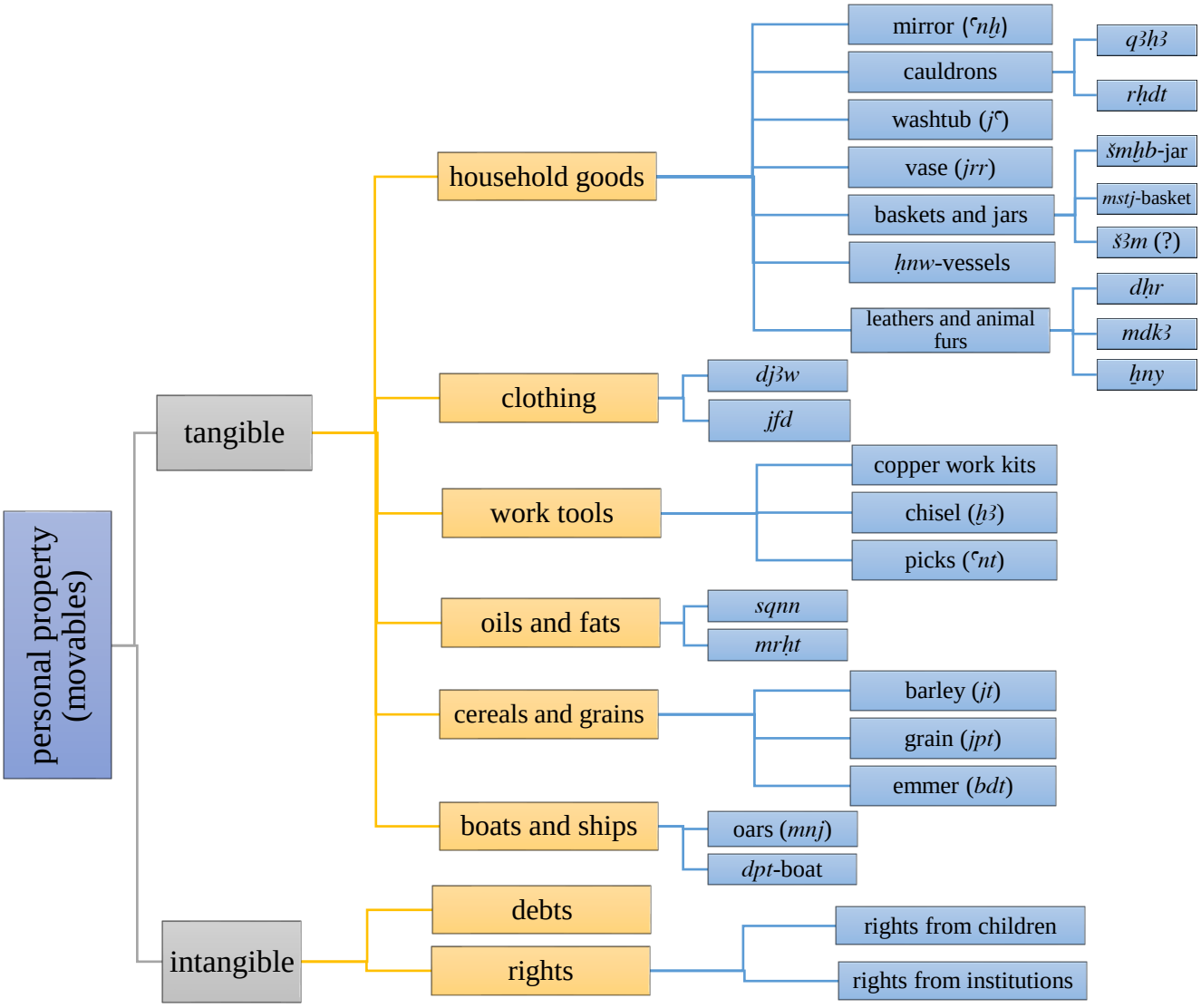
[254] MADHANI, P., Intangible Assets - An Introduction. *Pankaj M Madhani*. (November 2009). https://www.researchgate.net/publication/45072526_Intangible_Assets_-_An_Introduction (last visited 11 March 2021)

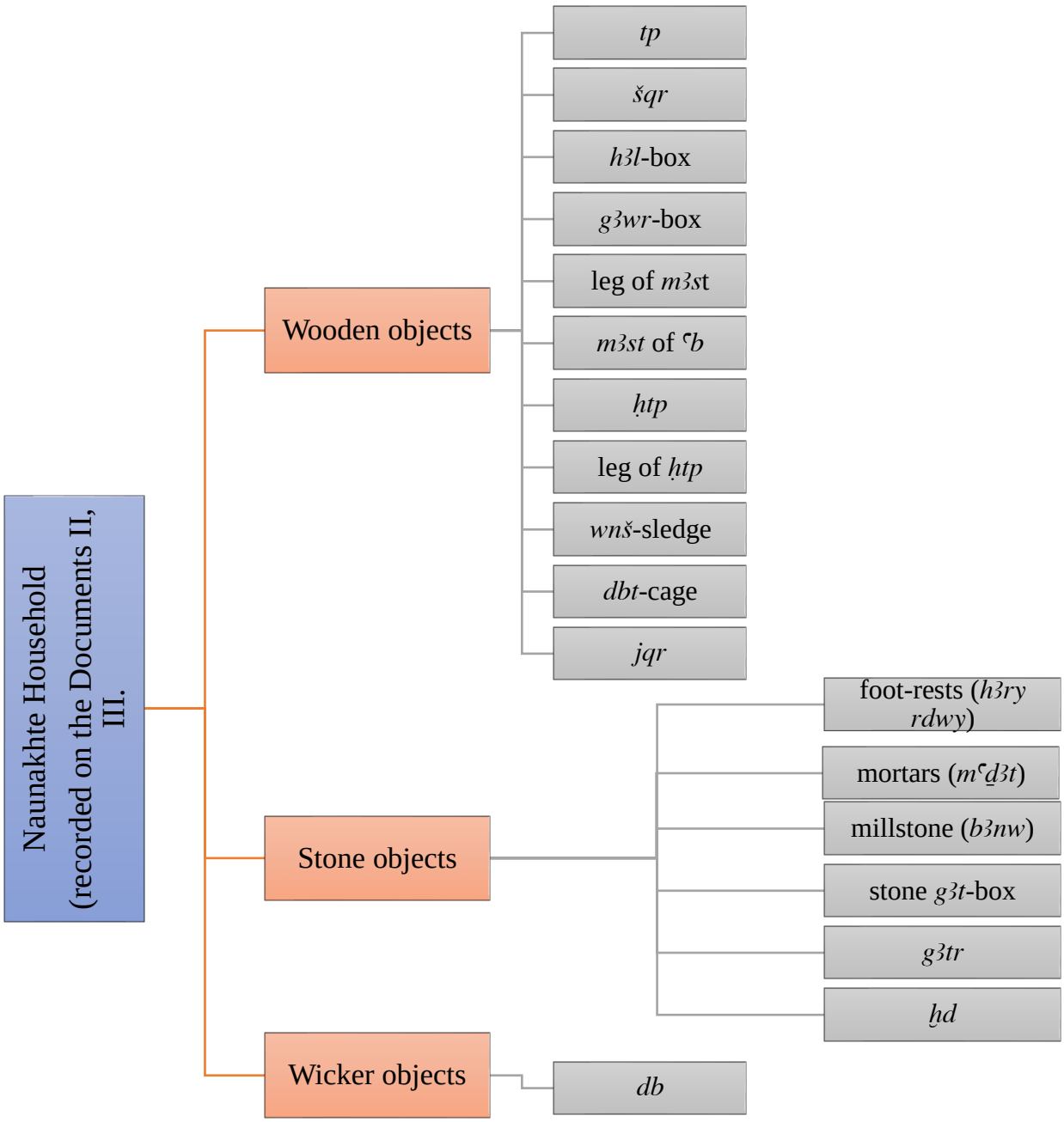
See also, DOWNES, J.&GOODMAN, J. E., *Dictionary of Finance & Investment Terms, Barron's Financial Guides*, 2003; SIEGEL, J. G. DAUBER, N.& SHIM, J. K. *The Vest Pocket CPA*, Wiley, 2005.

[255] ESSA, H. M., Die Vererbung von immateriellen Werten im pharaonischen Ägypten, *GM* 262, 2020, 133 ff.

[256] For further details see *IBID* (In my contribution, I found five cases of bequeathing intangible personal property during the Pharaonic period).

The following diagrams depicts an evaluative/hypothetical classification of the inherited personal property during the pharaonic.




Naunakhte Household (recorded on the Documents II, III.
Wooden objects
tp
šqr
h3l-box
g3wr-box
leg of m3st
m3st of ꜥb
ḥtp
leg of ḥtp
wnš-sledge
dbt-cage
jqr
Stone objects
foot-rests (h3ry rdwy)
mortars (mꜥḏ3t)
millstone (b3nw)
stone g3t-box
g3tr
ḫd
Wicker objects
db

III. Livestock

In ancient Egypt, animals were used for various purposes, such as in work and play, in addition to elevating animals to a sacred level[257]. The inheritance texts contain numerous references to different kinds of animals, which were part of the property inherited as follows:

Small Cattle (*ꜥwt*)**:** WILSON mentioned that *ꜥwt* is a general word for animals, and not means only the cattle, but it denotes those living in herds, like goats, sheep, and desert animals such as deer, wild cows, and antelope[258]. While JANSSEN thought that *ꜥwt* is the old generic word for "small cattle", and it was replaced by the word *ꜥnḫ* which originated in the Nineteenth Dynasty at least in the spoken language[259].

The earliest documentation of these animals in inheritance matters was during the Third/Fourth Dynasty by an autobiographical text belonging to a dignitary called *Mṯn*, who mentioned in a passage of his autobiography that he had acquired from the governor of the Sekhmet district 12 *arouras* of arable land plus people and small cattle (*ꜥwt*). The text states that *Mṯn* owned the former properties together with his children, meaning that he would seize them during his lifetime and then bequeath them later for his children[260].

The governor of Sekhemite (*Sḫmt*) nome gave 12 *arouras* of land (*ȝḫt*) to him together with his children. (There were) people and small cattle (*ꜥwt*) (inscr. *Mṯn*: 17-18).

The small cattle (*ꜥwt*) are attested together with the big cattle (*mnmnt*) as part of inheritance once more during the Twenty-second Dynasty, as discussed below.

Big Cattle (*Mnmnt*): WILSON stated this word appeared in the Middle Kingdom; it is a collective term for groups of bulls and cows that move from one place to another for grazing[261]. Although in inheritance documents, we have only one example of bequeathing this kind of animals, it dates back to the Twenty-second Dynasty, where the high priest *Jw-w-r-jwṯ* established a rural property, consisting of many objects such as lands and small cattle (*ꜥwt*) and big cattle (*mnmnt*)[262], then he bequeathed it to his son. The text reveals that those animals were transferred to the heir together with the lands as follows:

[257] For animals in ancient Egypt, see ROSALIND/JANSSEN, J., *Egyptian Household Animals*, Shire Egyptology 12. Princes Risborough: Shire Publications,1989; PATON, D., *Animals of Ancient Egypt*, Oxford, 1925.
[258] WILSON, *op. cit.*, 140.
[259] JANSSEN, *op. cit.*, 165.
[260] See BREASTED, *Ancient Records of Egypt*, I, 79, note b.
[261] WILSON, *op. cit.*, 430.
[262] Maybe this word could be translated as "with this and this of oxen".


These 556 *arouras* of private and cleaned lands (*ȝḫt nmḥ nˁ*), to which are attached their wells, their trees, their small cattle, and great cattle, which he bought for silver from freemen of the land (ste. Apanage: 3-5).

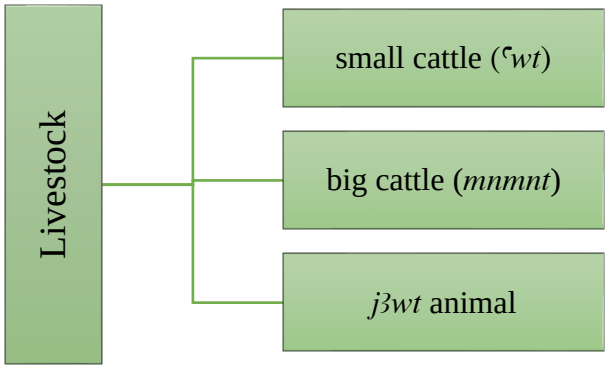
***Jȝwt* animals:** the expression *jȝwt nb* means "all kinds of small animals"[263]. The animals referred to as *jȝwt* appear as inherited animals during the Twenty-second Dynasty. The fourth priest of Amun, *Nḫt-f-mwt*, states that he made a testamentary disposition for his daughter, by which he bequeathed to her everything that he had, like the animals *jȝwt*.


You may cause that the *jmj.t-pr*-document continue/confirm for her, regarding all things (*ḫt nb*), which I gave to her -whether in your temples or in the city or in the countryside consisting of all slaves/servants (*ḥzbw nb*), cattle (*Jȝwt*), … (sta. Cairo CG 42208 front: 11-12).

The afore-mentioned examples demonstrate that the bequeathing of domesticated animals existed in ancient Egyptian society, beginning in the Old Kingdom. In some cases, these animals were associated with agricultural land, implying that they were inherited together. The inherited animals were diverse, including small cattle/goats, big cattle/cows, and herds.

In other words, one can state that the Egyptians bequeathed the farmed animals for food, like cows and goats.

The following diagram depicts an evaluative/hypothetical classification of the inherited livestock during the pharaonic period.



[263] CRUZ-URIBE, 'A Transfer of Property during the Reign of Darius I (P. Bibl. Nat. 216 and 217)', *Enchoria* 9, 1979, 37. For further details about this expression, see NIMS, 'The Demotic Group for 'small cattle'', *JEA* 22, 1936, 51 ff.; GARDINER, 'Some Reflections on the Nauri decree', *JEA* 38, 1952, 30.

IV. Dependants and slaves

There is still a sharp divide among Egyptologists about the existence of slavery, in the modern sense, in pharaonic Egypt, despite the existence of many terms that showed the categories of human beings that did not have their own free will[264]. The inheritance documents uncover that some of these human categories were passed on by inheritance, as follows:

bꜣk, ḥm

There is a difference between *bꜣk* and *ḥm*: the first was more general and included the second[265]. The term *bꜣk* was used since the Old Kingdom, while the term *ḥm* was not known prior to the Middle Kingdom, and still occurs in 570 BCE[266]. Male *ḥm* rarely occur in Middle Kingdom texts, while it sometimes designates a title in legal documents of the New Kingdom[267]. MENU sees that when the prisoners of war transplanted to Egypt, they became *ḥmw*, *mrt*, etc. Then they inserted into the order of Pharaonic law and receive the education that will make them Egyptians, maybe they got Egyptian names also. During this education, they left their status of prisoners of war (*ḥꜣq* or *sqr ꜥnḫ*) to become *ḥmw* of the King. At that time, the *ḥm.w* and *bꜣk.w* will be workers subordinate but enjoying the full legal capacity of free men, with the same rights and the duties of the indigenous peasants and workers[268].

Based on the respective documents, the bequeathing of slaves *bꜣkw* started in the First Intermediate Period. The steward *Bbj* mentions in a passage of his autobiography that he established a property consisting of several things; he acquired three male slaves (*bꜣkw*) and seven female slaves (*bꜣkwt*) in addition to what his father bequeathed to him. That means *Bbj* inherited some slaves from his father, and he then increased their number by his own effort.

I have acquired three male slaves and seven female slaves, plus/over and above what my father gave to me[269].

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[264] For slavery in pharaonic Egypt, see BAKIR, *Slavery in Pharaonic Egypt*, SASAE 18, Cairo 1952; MORENO GARCIA, 'Acquisition de serfs durant la Première Période Intermédiaire: Une étude d'histoire sociale dans l'Egypte du IIIe millénaire', *RdE* 51, 2000, 123 ff.; LOPRIENO, 'Slavery and Servitude', in Elizabeth Frood, Willeke Wendrich (eds), *UCLA Encyclopedia of Egyptology*, Los Angeles, 2012.

[265] BAKIR, *op. cit.*, 19, 22.

[266] Cf. pBM EA 10113.

[267] *IBID*, 34.

[268] MENU, B., Captifs de guerre et dépendance rurale dans l'Égypte du Nouvel Empire, in *La dépendance rurale dans l'Antiquité égyptienne et proche-orientale*, Bibliothèque d'étude 140, ed. Bernadette Menu, 2004, 204 ff. Fur further details about *ḥm* and *bꜣk*, see MENU, B., *op. cit.*, 187 - 209. ; IDEM, *Égypte pharaonique: Nouvelles recherches sur l'histoire juridique, économique et sociale de l'ancienne Égypte*. Paris, 2004, 245; HOFMANN, *Zur sozialen Bedeutung zweier Begriffe für "Diener": bꜣk und ḥm*. Aegyptiaca Helvetica 18. Basel: Schwabe, 2005.

[269] DARESSY, 'Une Stele de L'Ancien Empire Maintenant Detruite', *ASAE* 15, 1915, 207 ff.; FISCHER, 'Marginalia IV', *GM* 210, 2006, 30.

In inheritance documents, both terms *ḥm* and *Bɜk* appear together, as they were used interchangeably. For example, there is a text dating to the Twentieth Dynasty that shows that the testator had married twice, and had no children from his second marriage, while he had children from his first marriage. His property consisted of 13 male and female slaves and a house (*pr*). According to known inheritance norms in pharaonic Egypt, the second wife was entitled to only one-third of the joint property, but the testator wanted to give her all the possessions that she and her husband acquired together. So, he bypassed these inheritance norms by adopting his wife as his legitimate heiress. Therefore, she inherited four male and female slaves from him, and the remaining nine male and female slaves were assigned to the children of his first wife.

It is to be noted in this text that the term *bɜkw* referred to the total number of inherited male and female slaves, but each individual name of those slaves was introduced by the term *ḥm*/*ḥmt*.

So, I give all that have been done with the citoyenne *Jnk-sw-nḏm*, the lady, who is in my house (*pr*), to her, on that day, (consisting of) two male slaves (*bɜk ʿḥɜwty*) and two female slaves (*bɜk st-ḥmt*), total: four, with their children (pTurin 2021+pGeneva D 409 page. 2: 11ff - page. 3: 1).

Slaves *bɜkw* appear as part of inheritance in another case from the same former dynasty: the lady *Rn-nfr* indicates that she had inherited from her husband some slaves. She explains in her disposition that she and her husband had bought a maid, who gave birth to three children (two females and a male). Then *Rn-nfr* took those children, nourished, and raised them. Because of the good treatment that she received from them later, she decided to set them free, adopt them, and bequeath for them everything she owned after the death of her husband. Also, one can assume that the wife/widow also adopted her younger brother, and she probably liberated the slaves as a wedding present for him because he marries the eldest slave girl. Such arrangement means that she will be taken care of in her old age (pAshmol. Mus. 1945.96: 17-18, 31-32).

As for the division of slaves in matters of inheritance, there were many systems to transfer them to the heirs. They could be distributed separately. For example, each heir inherits a slave or two. The transfer of slaves was also possible through the retention of the joint ownership of the beneficiaries. In other words, the slave worked under several masters, each entitled to a share in that slave's work; such a share was determined by a monthly number of the "slave's (work)days" (*hrw n bɜk*)[270]. An ostracon from the Ramesside period refers to this way of slaves' deposition by (*hrw n bɜk*) "slave's (work)days", where the engraver *Qnj* reports that he had

[270] ALLAM, '*Slaves*', *OEAE*, III, 295; IDEM, 'Ein Erbstreit um Sklaven (Papyrus BM 10568)', *ZÄS* 128, 2001, 95.

inherited from his mother all the days of the slaves, both inside and outside the city, and then decided to bequeath them for his son *P-n-dw3*. The text used the term *b3k.w* in this case to indicate the slaves in general, and the term *ḥm*/*ḥmt*, in the name list.

As regards all (the work)-days of my mother, the citoyenne *M3ʿt-nfrt* slaves (*b3k*), who are in the town (or) outside, they are for my son *P-n-dw3* (oGardiner 90 rec.: 2-4).

Another text from the Nineteenth Dynasty also refers to this system of division. It is the report of a session of the local-*qnbt*-council in the town of *Mr-wr* (Kom-Madinate-Gurab in Fayoum), dealing with a dispute between some individuals who jointly inherited some slaves (*b3k.w*). It is sensible to suppose that through this inheritance, each heir got a share in the slaves' work thus confirming a recently elaborated aspect regarding the conveyance of shares in slaves' work[271]. Unfortunately, this text is partly damaged, which makes it difficult to trace the events of the case. The surviving parts of the text suggest that this case revolved around a person called *Ḫʿ-m-tnr-r*, who filed a complaint against his co-heirs, the lady *Ḥ3t-špsy* and the lady *B3k-prp*, because he wanted to divide the slaves' (work)days with them. Therefore, the intention of the complainant seems unclear, whether he wants to get all or part of the slaves' (work)days. At the end of the text, one of the co-defendants admitted that one of the female slaves was in her possession, but that she was not present and promised to give her to him later (pBM 10568, I: 7-10).

In marriage documents, there was also a reference to the inheritance of slaves, where the husband promised his wife "everything he owned, whether lands, homes, slaves, animals or movables, all which would be transferred to their children in the future". Probably, it was common practice, even necessary, to include male and female slaves with the other goods that would be divided among the potential heirs[272] — the afore-mentioned papyrus (pTurin 2021+pGeneva D 409) provides a good example of this practice.

Rmṯ

Another human category could be inherited, i.e., the people referred to as *rmṯ*. In the First Intermediate Period, regardless of social hierarchy, every Egyptian, even a servant, was called a man (*rmṯ*), i.e., an individual with dignity, even when he served another person, as in the biography of *Jntf-jqr* from the reign of king Amenemhat I[273]. *Jntf-jqr* boasted that he was a rich

[271] See ALLAM, *ZÄS* 128, 2001, 89 ff.
[272] See PESTMAN, *Marriage and matrimonial property in ancient Egypt*, 117 ff.
[273] LOPRIENO, *op. cit.*, 6.

man and the son of a rich man, and that he had helped his people in the time of famine. Furthermore, he stated, in a passage of his autobiography, that he inherited from his father *Mnṯw-ḥtp* some people (*rmṯ*). He also stated that his father had inherited them in turn from his parents in the past. That means that the servants were part of the household throughout several generations, and their children were considered "children of the household"[274].

There were people of (my) father *Mnṯw-ḥtp* as descendants of the house(hold), from his father's possession and from his mother's possession, (and) there were likewise my people from my father's possession, from my mother's possession; (and) as my (own) possessions, which I acquired by my (own) arm[275].

Sometimes such persons referred to by *rmṯ* were associated with agricultural lands. For example, in a passage in his autobiography, *Mṯn*, who lived during the reign of Snefru, states that he had acquired 12 *arouras* from the governor of the Sekhmet district as well as the people working on it beside small cattle. The text clarifies that these properties had been transferred to *Mṯn* together with his children. Maybe, this means that his children would inherit them afterwards.

The governor of Sekhemite (*Sḫmt*) nome gave 12 *arouras* of land (*ȝḫt*) to him together with his children. (There were) people and small cattle (*ʿwt*) (inscr. *Mṯn*: 17-18).

Perhaps the people associated with agricultural lands in the preceding text represented a *mrj.t* group [see below], which was mentioned frequently since the Old Kingdom along with land and cattle. In the Middle Kingdom, they could be acquired by bequest or other arrangements, and in the New Kingdom, they could be recruited from captives and given in an endowment[276]. In this context, it be possible to point out that there was another human category that the texts defined in terms of *sj* "a man" and *st* "a woman". They had been inherited as well. In the Twenty-second Dynasty, the first priest of Amun-Re, *Jw-w-r-jwṯ* bequeathed his son *Ḥȝʿ-n-Wȝst* some lands with 32 men and women, who worked on this land. Maybe these men and women mentioned here will be salves; it is just that they are not called 'salves'.

[274] See FRANKE, 'The Good shepherd Antef (Stela BM EA 1628)', *JEA* 93, 2007, 160.

[275] *IBID*, 150 ff.; ALLAM, *Slaves*, 295; BUDGE, *Hieroglyphic texts from Egyptian stelae &c. in the British Museum*, London, 1914, pl. 1; LOPRIENO, *op. cit.*, 6.

[276] For a *mrj.t* group see ALLAM, '*Une classe ouvriére. Les merit*  ', in Menu (ed.), *La dépendance rurale*, Le Caire, 2004, 123 ff.

Total of the various categories of lands: 556 *arouras* and 35 men and women, their wells, their trees their small cattle and big cattle. I confirmed them to the priest of Amun-Re, King of the Gods, the district chief, *Ḥ3ʿ-n-W3st,* the justified (ste. Apanage: 22-23).

Ḥzbw

There was another human category known as *ḥzbw* mentioned in inheritance issues. Wb considered this term as a collective with meaning "people", and it uses for laborers and soldiers[277], and it used for servants of person or God[278]. GAYON considered the *ḥzbw* as a type of slaves[279]. While SIMSON[280] regarded them as labourer enlisted for Covée and not as slaves, and interpreted that the origin of the term may lie in a passive participle with the sense, "one who is counted", the counting taking place at the time of the census for the Royal Covée. He also highlighted the usage of this term; during the Middle Kingdom, this term is used of laborers hauling stone[281] In the reign of Sesostris I, 400 and 500 of these laborers are mentioned in connection with quarrying and mining activities[282]. They also worked in transporting stone. MENU stated that such a human category is attested throughout Egyptian history, prominently during the New Kingdom. However, they also appear in connection with large-scale forced labour[283]. LOPRIENO used the meaning "conscripts" for the term *ḥzbw* and mentioned that it refers to soldiers and field-workers conscripted to serve in the army or to labor in state-building projects or agriculture[284]. To my knowledge, *ḥzbw* is the origin of the contemporary Arabic word "محاسيب", which means "servants".

The first known appearance of this human category in the succession matters was during the Eighteenth Dynasty. King Ahmose bequeathed his wife one female *ḥzbt* and one male *ḥzb*:

I gave her a male servant (*ḥzb*) and a female servant (*ḥzbt*), 400 *oipe* of barley, and 5 *arouras* of the low land (*3ḫt ḫrw*) (ste. Ahmose-Nefertari: 11).

Another reference to the bequest of the *ḥzbw* is recorded on ste. Cairo CG 42208 from the Twenty-second Dynasty. The fourth priest of AmunRe, *Nḫt-f-mwt* indicated that he had drafted

[277] *Wb* III, 168, 1-2.

[278] See MEEKS, *Année lexicographique*, 1980, 77.2850; 78.2819; JANSEN-WINKELN, *Drei Gebete aus der 22. Dynastie*, in Fs Fecht, 1987, 248.

[279] GOYON, G., *Nouvelles inscriptions rupestres du Wadi Hammamat*, Paris, 1957; SIMSON, W. K., 'Historical and Lexical Notes on the New Series of Hammamat Inscriptions', *JNES* 18, 1959, 31

[280] SIMSON, *op. cit.*, 31 f.

[281] Cf. pKahun 15, 14; 18, 42; 26a, 20 and 22 (GRIFFITH, *Hieratic Papyri from Kahun and Gurob*, 42 f.)

[282] See *Urk* VII, 15, lines 4, 10.

[283] MENU, 'Captifs de guerre et dépendance rurale dans l'Égypte du Nouvel Empire', in Bernadette Menu (ed.), *La dépendance rurale dans l'Antiquité égyptienne et proche-orientale*, Cairo, 2004; LOPRIENO, *op. cit.*, 2.

[284] *IBID* 6.

a (legal) document in favor of his daughter *Šp-n-ȝst*. He declared in this document that any *ḥzb* he owned will be given to her.

You may cause that the *jmj.t-pr*-document continue/confirm for her, regarding to all things (*ḫt nb*), which I gave to her -whether in your temples or in the city or in the countryside consisting of all the slaves/servants (*ḥzbw nb*), cattle (*Jȝwt*), … (sta. Cairo CG 42208 front: 11-12).

ʿȝmw (Asiatics)

Male and female Asiatics (*ʿȝmw*[285]) mentioned in the pBrooklyn from the Middle Kingdom were interspersed with Egyptian servants. ALLAM assumed that *ʿȝmw*-Asiatics were belonging to higher social status and have been more highly regarded than the Egyptian servants. Maybe this distinction stems from the fact that they are prisoners of war. *ʿȝmw* were brought to Egypt by various means. For example, most were probably people (or their descendants) who had committed illegal acts or traded or captured from foreign countries[286].

Asiatic people appear only once in inheritance texts dating to the Twelfth Dynasty. The *wab*-priest *Wȝḥ* bequeathed four Asiatics to his wife. Moreover, he stipulated that his wife, in turn, would have the full right to bequeath them to her children.

Furthermore, *Wȝḥ* revealed in his testamentary disposition, written in favor of his wife, that he had also inherited the Asiatics in question from his (elder) brother by means of testamentary disposition. The archive of the Kahun papyri contains a sale contract of Asiatics between *Wȝḥ* and his (elder) brother *ʿnḫ-rn* (cf. pKahun I. II)[287]. The text informs of four Asiatics, two women and two female children, one of them aged two years and three months at the time of writing the sale contract.

I have given to her four Asiatics, whom my brother, the trusted seal bearer, and the controller of works, *ʿnḫ-rn*, gave to me. They belong to her, and she could give (them) to anyone she wishes from her children (pKahun I.1: 10-11).

Tpw

PETRIE translated this term as "individuals"[288], while LOPRIENO used the meaning "heads" in his article about slavery[289].

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[285] In demotic the term *ʿȝmw* had become the generic word for 'herdsman' (see Erichsen, *Demotische Glossar*, 55).

[286] ALLAM, *Slaves*, 294.

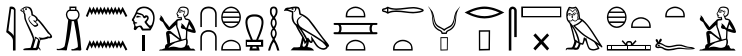
[287] See GANLEY, A., 'The legal deeds of transfer from 'Kahun, Part one', *DE* 55, 2003, 26; COLLIER, M./QUIRKE, S., *The UCL Lahun Papyri: Religious, literary, legal, mathematical and medical*, with a chapter by Annettte Imhausen and Jim Ritter, (Oxford 2004) 118 f.; GRIFFITH, *The Petrie Papyri*, I, 35, II, pl. 13.

[288] PETRIE, *Qurneh*, London, 1909, 17.

[289] LOPRIENO, *op. cit.*, 6.

It seems that the radicalization of coerced labour peaked at the end of the Old Kingdom, owing to a change in the pattern of economic redistribution. The more impoverished families borrowed grain from the wealthier field owners, and because of the inability to repay, the loaner had to put himself at the disposal of the borrower, to work with him as a slave[290]. That explains why many autobiographies reported a large number of "heads" (*tpw*), "dependents" (*mrjt*), "personnel" (*ḏt*), and "servants" (*bȝkw*)[291].

During the First Intermediate Period, this term was used to refer to a human category that was bequeathed from father to his son. A certain *Rḥw* mentions in his autobiography that he was well-liked by his people, and that he was also rich and fed the temple of Amun during the famine. Furthermore, he indicates that he inherited the possessions (*ḫt*) of his father, and then acquired an additional 20 people (*tp.w*). The text reveals that those people were working in the great field.



I brought 20 heads, boundary of the great field, as (my) share from/after my father's property[292].

Šwtyw

Egyptologists are still unclear about the interpretation of this term. Wb rendered it as "merchants, trader"[293]. GARDINER translates it as "merchandise"[294], while ALLAM argues that term referred to "the trade representatives", hinting at people dealing with matters of trade for their lord. Perhaps the latter made their slaves learn a trade to better benefit from their skill. In sum, the *Šwtyw* might have been trained slaves[295].

Their commercial activity did not require a permanent business location, because they used to travel up and down, transport the goods from one city to another, provide those that had nothing, and they could carry out their trade through their peregrination. It was remarked that *šwtj.w* are usually mentioned in the texts together with members of simple professions like boatmen, skippers, transportation people, etc. They did not represent a privileged social class of Egyptian society, but their social status is reflected in the minor economic role. However, their superiors (*ḥrj-šwtj.w*) succeeded in raising their social status[296].

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[290] MORENO GARCIA, *RdE* 51, 123 ff.; LOPRIENO, *op. cit.*, 6.

[291] *IBID.*

[292] For the autobiography of *Rḥw*, see PETRIE, *op. cit.*, 3, 17 pl. 10; CLÈRE/VANDIER, *Textes de la Première Période Intermédiaire*, Brussels, 1948, 5 n. 7.

[293] *Wb* IV, 434.5-6.

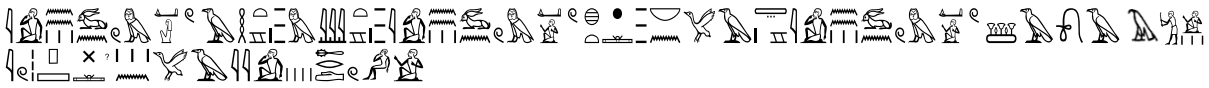
[294] GARDINER, *JEA* 26, 24.

[295] ALLAM, *Slaves*, 295.

[296] IDEM, 'Vermittler im Handel zur Zeit des Neun Reiches', *SAK* 26, 1998, 14 ff.

ALTENMÜLLER mentions that the task of *šwtj.w* was difficult and unrewarding. They were employed by institutions, such as temples, or dependent on superiors who pocketed the profit as representatives of that institutions. It is, therefore, a logical development that some *šwtj* merchants would take a step toward independence. A lawsuit proves that independent merchants or "itinerant huckster", as GARDINER called them, did exist in ancient Egypt[297].

Moreover, they were considered the belongings of their master and were at his disposal, as they were part of his inherited property. They are attested only once in the succession issues during the pharaonic period. The lady *Rn-nfr* proclaims in her disposition that if she obtained *šwtj.w*, they shall be divided among her four adopted children.



And if I have fields (*ȝḫt*) in the country, or if I have any property/things (*ḫt*) in the world, or if I have middlemen, these (items) shall be divided among my four children (pAshmol. Mus.1945. 96 ver.: 7-10).

***Mrj.t*-personnel**

In some documents, groups are identified by the collective noun *mrj.t*, written with the hoe-sign. Those people could be owned by private individuals or institutions (e.g., temples)[298]. ALLAM confirmed that *mrj.t* is a well-defined social layer throughout pharaonic history, despite the lack of evidence in Demotic documentation[299].

They are serfs and a special kind of conscripted workforce. The *merits* appear very often, but not exclusively, in agricultural work. In fact, as a labour force, the *merits* could be found on any building site, construction of the building, or in a lord's home[300].

This working-class would indeed be recruited not only in the native population but also among the captives and prisoners of war, especially at the time of the Empire. On the other hand, this social category was characterized by a trait peculiar to the state of dependence. At any time, sovereigns and lords could assign their rights to this labour force over to the benefit of a third person or some other institution (e.g., a temple). It should be noted, however, that *merits* were neither bought nor sold as slaves, contrary to what we know about *ḫm.w*[301].

[297] ALTENMÜLLER, 'Trade and Markets', *OEAE*, III, 448 f.

[298] ALLAM, *Slaves*, 294. Also, see GARCÍA, J. C. M., 'La population *mrt*: une approche du problème de la servitude dans l'Égypte du IIIe millénaire (I)', *JEA* 84.1, 1998, 79 f.

[299] ALLAM, Une classe ouvriére Les *merit*, 154.

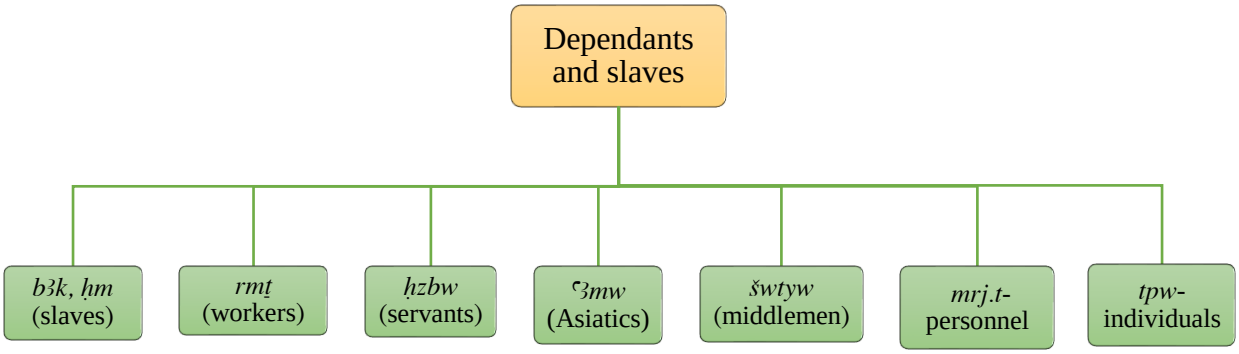
[300] *IBID.*

[301] *IBID.*

According to our texts, the people who were considered *merit* could be passed down from father to son as part of an individual's inheritance. An autobiographical text, probably from Abydos, dating to the Eleventh Dynasty, gives us details about the possessions of a certain dignitary called *S3-Mnṯw-wsr*. In a passage of the text, he states that he has *merit*-personnel (*mr.t.f*). Furthermore, he declares that upon his death, his son should inherit this 'personnel' through a testamentary disposition document.

I was an efficient steward of his *merit*-personnel (*mr.t.f*) until the good day reached me therein. I shall hand this to my son through an *jmj.t-pr*-document (ste. Florence 6365: 6-7).

The following diagram depicts an evaluative/hypothetical classification of the inherited servants and slaves during the pharaonic period.



Summary

In sum, I shall replay now to some questions raised above at the beginning of this chapter. It is clear that the Egyptians used several terms in order to refer to 'property', especially inherited or bequeathed property. The most prevalent term was *ḫt*, its first known example dates to the Sixth Dynasty. Its content was broad and inclusive and covers several things such as different kinds of land, architectural structures, and movable objects, like metal, stone, and wooden instruments. Moreover, the inherited *ḫt* also covered livestock, diversified crops, and slaves/servants. Interestingly, some government and priestly posts were part of the inherited *ḫt*.

Since *ḫt* had a very broad application, it can replace other terms for property, like *jšt*, *ḥnw*, *mꜥḏ3*, and *swt*, but none of them can stand for it. Perhaps *ḫt* is a generic term for property, which had all other terms as its sub-categories. Each of these sub-categories covered a distinct and precise type of property.

The inheritance, referred to by *ḫt*, was conveyed either through the customary intestate succession law or through the testamentary disposition documents. Yet, there are two kinds of legal documents, which can be drawn up for the sake of regulating the transfer of the inheritance in question. The first is a specific document called *jmj.t-pr*, and the other instrument is called *h3ry*-document. In addition to the two documents mentioned above, two legal actions that have been done for transferring *ḫt*-inheritance to the heirs, i.e., *r3* "deposition, statement" and *sḏm-r3* "hearing the statements/deposition".

The second kind of inherited property is *jšt*, which was first documented in the Fifth Dynasty. It appears that this term was interchangeable with the term *ḫt*. Perhaps *jšt* and *ḫt* are one word in different dialects.

The *jšt* included both inherited and earned property that one inherited from his parents, or earned personally, or was gifted to him by the King. It was transferred through the legal order of succession and testamentary disposition documents. We know only three kinds of legal instruments that have been drawn for the sake of regulating the transfer of the property in question; *sḫr*-arrangement, *jmj.t-pr*-document, and a document that could be referred to by the general term *sḫ* "writing".

The third kind of inherited property is *ḥnw*, which was documented in succession matters from the Twelfth Dynasty onwards. This term denoted all movables, such as household goods and personal belongings, but never attested, so far, for immovable property. It also referred to the bride's belongings, which she got from her father before marriage, and which she brought with

to her husband's house. In the event of a divorce, she must restore her *ḫnw* property. Only the *jmj.t-pr*-document was drawn up for the sake of the transfer of the property in question.

The fourth kind of inherited property is *mꜥḏ3*, which is attested in inheritance documents once, i.e., in a papyrus from the Twentieth Dynasty. It is the acquests i.e., the property that the husband and the wife earned together during their marriage. It is, in this sense, the joint household property of the husband and wife. According to inheritance norms, the wife should be entitled to only one-third of these joint acquisitions at the death of her husband or at their divorce. The other two-thirds go for the husband. An inheritance text highlighted that the *mꜥḏ3*-inheritance was transferred from the husband to his wife through a testamentary disposition document, referred to by the term *sḫ*.

The fifth kind of inherited property is *swt*, which was used in inheritance issues during the Ramesside period. It is immovable property, which includes buildings and plots of land in residential areas. In Der el-Medina, *swt* was used to refer to the buildings that were given to workmen, when they enter the service, by the government. These included *pr*-house, *ꜥt*-house, *ḫnw*-building, and *mꜥḥꜥt*-tomb. The *swt*-inheritance was transferred through the legal order of succession and testamentary disposition documents. We know only the legal act *sḏm-r3* "hearing the statements/deposition" has been done for transferring this kind of property.

Egyptians could bequeath and inherit both immovable property and movables or personal property. The first comprised land of different kinds, architectural structures, water sources, wells, and trees, while the second was divided into tangible and intangible. Tangible personal property is covered by many texts and consisted of many things like household goods, clothing, work tools, oil, fat, cereals and grains, boats, and their parts, like paddles. While the intangible personal property is fairly rare attested in the inheritance documents, it is represented in afore-mentioned texts concerning by "the right of receiving cereals from a certain individual or certain institutions". The testators had acquired such a right during their life and left it after their death to their heirs.

In addition to immovable and movable properties, Egyptians could inherit and bequeath many kinds of livestock like big cattle (*mnmnt*), small cattle (*ꜥwt*), herds (*j3wt*). However, we do not yet know anything about the system of apportionment of livestock in inheritance matters. Moreover, the bequeathing of slaves/servants was also recognized in ancient Egyptian society. These slaves/servants worked in houses and fields and were involved in the trade as agents for their master's trade as well. Whatever nature of their work, they were regarded as belongings being transferred, sold, and inherited. The texts also disclose that there were two methods to

divide the slaves/servants among the co-heirs: the first method is represented in the division and distribution of them among the heirs, in the sense that every heir received one or two slaves/servants. The second method was defined as *bꜣk hrw*, namely the division of the workdays of the servants/slaves. In such a case, they would be assigned, as joint property, to all the co-heirs. Every heir then would benefit from them for certain days of the month, depending on his portion in the inheritance.

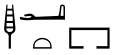
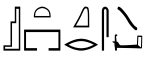
Egyptians bequeathed land of different kinds, like arable land (*ꜣḫt*), which was the most prevalent and widespread in succession matters. This land started to appear as part of property inherited in the Old Kingdom, more precisely since the Fourth Dynasty. The texts disclose that the arable land (*ꜣḫt*) was classified into more than one type, such as "low arable lands", "private cleaned land", and "exhausted wooden land". In addition to the former arable land, Egyptians could bequeath the plots of land in residential areas that were designated for the construction of buildings as well. Furthermore, the inherited land area was diverse and measured by *sṯꜣ* "*aroura*", *ḫꜣ* "unit" and *mḥ* "cubit". According to the texts, the land was generally inherited in diverse areas; for instance, the largest comprised 556 *arouras*, and the smallest was one cubit. In some cases, the land was divided into two fields, where each inheritor took one field. In other circumstances, the land was divided into ten fields and distributed among the four persons.

On the other hand, Egyptians did not bequeath the *šꜣ/sḫt* because this term does not refer to privately owned land. Rather it denotes purely administrative and territorial divisions that a person could not own. The texts frequently reveal that the former term (*šꜣ/sḫt*) applied to rural areas in general and is always contrary to the urban areas referred to by the word *njwt*.

Both civil buildings and funerary establishments were also inheritable in ancient Egyptian society. Egyptians were able to bequeath many civil buildings, like two types of houses, i.e., the *pr*-house and the *ʿt*-house. Depending on the sources, the first is attested in inheritance matters earlier than the second. The first attestation of an inherited *pr* dates back to the Fourth Dynasty, while the *ʿt* was documented as part of the inherited property from the Twelfth Dynasty onwards and was widely used during the New Kingdom and the Late Period, especially in the community of Deir el-Medina. Moreover, the *ʿt*-house was divided into portions of varying sizes to be distributed among the heirs. But there is no indication that the *pr*-house was divided into portions, that it was passed, undivided as joint property, to the co-heirs.

In addition to the fore-mentioned houses, the inherited civil architectural structures included many other buildings, like:

- The *šṯȝyt*-building: it was documented in the inheritance matters during the Ramesside period. The texts give details about this building; it was built on a 36-cubit-square piece of land and an 18-cubit-rectangular piece of land. This building as inheritance was also divided into portions; for example, it consisted of two rooms (*wsḫt*), and during distribution, each heir took a room.
- The *wḏȝ*-building: it was one of the buildings inherited during the Ramesside period. An inheritance document reveals that this building was a two-story building, and one of the heirs inherited its lower floor.
- The *ḫnw*-building: it was one also of the buildings inherited in Egyptian society. This building was a part of *swt*-building that the state gives to newly workers, who appointed in the official work in the royal cemetery. The presented documents reveal that those workers were entitled to bequeath such a building to their children.
- The *ḥbt* -building.
- The stables and magazines, such as the *jhy*-stable, and its *mḫr*-magazine, were also among the inherited buildings.

Similarly, the inherited funerary buildings were varied. It included tombs, pyramids, and funerary chapels. Different kinds of tombs are documented in inheritance issues, like the tomb  and the tomb  , which were inherited during the Old Kingdom, and the tomb  which is attested as real estate inherited during the First Intermediate Period, and the tomb  that appeared in inheritance matters in the Middle Kingdom, and both the tomb  and the tomb  were attested as part of the inherited property during the New Kingdom. So far, we know only one kind of pyramids, i.e.,  and one kind of funerary chapels, i.e.,  that were part of inherited property during the pharaonic times.

Bequeathing the green legacy also existed in pharaonic Egypt. The first known indication of that dates to the Twentieth Dynasty. It seems that Egyptian started bequeathing trees earlier than this time, although the texts did not record such cases. Our texts used only the term *šnw* to refer to the inherited trees and many kinds of trees that are categorized under this term, such as the fruit/carob trees and sycamores.

Since the ownership of wells was closely connected with the ownership of land in ancient Egypt[302], we saw that land is inherited together with the wells associated with it. The inheritance documents show that Egyptians bequeathed both natural and artificial wells. The first attestation of bequeathing wells dates back to the Twenty-second Dynasty in a place known as *Jꜣt-nfr*(*t*), and in the oasis. Furthermore, Egyptians bequeathed the (drinking-)water-point (*swr.t*) as an act of charity, like the *mazyara* or *zir* in modern Egypt. They put big jars in a small, protected building in public places providing people with drinking water. Furthermore, the *š*-pool, surrounded by high trees was inherited in ancient Egypt.

Inheritance documents revealed that the inherited movables consisted of several items, like:

1) Grains and cereals. The first references of bequeathing grains dates to the Eighteenth Dynasty. There were several kinds of cereals that were inherited, like barley, grain, and emmer.
2) Household goods, such as mirrors, washtubs, cauldrons, vases, vessels, baskets, jars, leather, and animals furs.
3) Work tools, like copper work kits, chisels, and picks.
4) Clothes, such as *djꜣw*-clothing, and *jfd*-clothing.
5) Fat and oil, like *sqnn* and *mrḥt*.
6) Boats and their parts, like paddle.

Along with real estate and movable property, Egyptian bequeathed animals, like big and small cattle, and herds. The texts show that in most cases, these animals were associated with the agricultural lands that had been inherited — implying that land in the pharaonic period was inherited, along with its workers, livestock, and wells.

Finally, there were many categories of slaves/servants, who were conveyed as an inheritance in ancient Egypt, like *bꜣkw* and *ḥmw*, who were the most common in Egyptian society, and *rmṯ.w*, who might have been part of the workers of agricultural land, *ḥzbw*, who were possibly conscripts, *tpw* "people", *merit*-personnel, and *šwtyw* "the trade agents/middlemen", who might be slaves learned a trade to better benefit from their skills. Moreover, Near Easterners (*ꜥꜣm*) - men and women - were also inherited in pharaonic Egypt but were apparently more highly regarded than the Egyptians.

[302] See GARDINER, 'The Dakhleh Stela', *JEA* 19, 28 f.

Second Chapter

PILLARS AND SYSTEMS OF INHERITANCE

I. Pillars of inheritance

There are pillars of the inheritance process: the heir, as the person to whom the inheritance is transferred; the testator, a person who dies and leaves a will or testament in force; and the inheritance itself, which is money or the right that is transferred from the deceased to an heir[303]. The process of inheritance cannot take place without the presence of these three pillars. They are essential and indispensable in the inheritance process. Sometimes, the conveyance of an inheritance requires an additional trustee (the fourth pillar), who has to care for and maintain the heritage on behalf of legitimate heirs who have not yet reached the legal age[304].

The study in this chapter sheds light on the role of the testator, the heir, and the trustee in the process of inheritance. It also explores how an inheritance was divided among family members through the different stages of pharaonic history and attempts to determine shares that were devolved to the different family groups. Moreover, the current study identifies the systems by which the inheritance was conveyed to the beneficiaries in pharaonic Egypt.

1. Testator

Legally, the testator is defined as the person who writes the last will, which is valid after his death. Sometimes he disposes of his property without a will but transferred it through a system of customary intestate succession[305]. According to the available documents, several family members appeared in the form of the testator in pharaonic Egypt:

The father/husband as a testator

The father/husband is attested as a testator since the Fourth Dynasty; we find the royal prince *Nj-kꜣw-Rꜥ*, son of king Khafre, was a father of four children. As he approached old age, he made a *wḏt-mdw* "unilateral disposition" regarding all his estates, to reveal to his children and his wife their respective shares in the inheritance. In his disposition, *Nj-kꜣw-Rꜥ* mentions the name of each heir individually and what he would inherit from the estates and buildings. This case is an earlier example of a testator of a testamentary disposition, where he indicated that he was still alive 'upon his two feet' when he made this *wḏt-mdw*. By this reference, the testator wanted

[303] See BRYAN, A. G., (ed.), *Black's Law Dictionary*, 2009, 791, 853 f., 1613.

[304] HENZKE, L. J. Jr. / THOMAS W. K., "Trusts: Common Law and IRC 501(c)(3) and 4947." Internal Revenue Service, 2003, 4.

[305] *IBID*, 1613 ff. ; BROWN, G./Myers, S., *Administration of Wills, Trusts, and Estates*, 556; "Law dictionary on-line". Dictionary.law.com. 2010-12-09. Retrieved 2012-03-26.

to confirm that he had the physical ability and mental capacity to draw up such a testamentary disposition (inscr. *Nj-kꜣw-Rʿ*).

Nj-ʿnḫ-kꜣ apparently owned two tombs in Tehna, both from the early Fifth Dynasty. The text[306] recorded in the earlier tomb illustrates that he was a testator of a testamentary disposition to all his children. He made a *wḏ.t-mdw*-document concerning his assets stating that all his children would inherit, but he included some conditions on this property. He stipulated that his children could not give it away by sale or through an *jmj.t-pr*-document to a third party, and that they could only bequeath it to their own children. On the other hand, he appointed his eldest/favorite son to act as trustee to other co-heirs, and as a supervisor of the mortuary rites for him upon his death. In this case, the testator proved that he had mental capacity to make his own decisions by stating that he spoke *"with his living mouth".* The principal purpose of this testamentary disposition is conflict prevention between the co-heirs in the future, and to avoid the division and loss which might adversely affect cult offerings to the deceased (inscr. *Nj-ʿnḫ-kꜣ* ʿ).

In his second tomb he was more elevated than in the first, and his parents are also more prominent[307]. Menkaure gave him two parcels of land of sixty *ta* each: one as an endowment of the temple of local Hathor of Royent (Tehna), the other as an endowment of Khenuka, a nobleman of Menkaure's time. He was appointed as a *Kꜣ*-servant to serve in this cult by the king Userkaf. After that, *Nj-ʿnḫ-kꜣ* had the right to bequeath these two landed-endowments to whomever he wished. He then made a deposition concerning the origin of both endowments, which he had acquired during the reign of Menkaure, and concerning his own title to them by appointment from Userkaf. He stated that they should all be distributed among his children. He also mentioned that the income of these lands should be divided among those children[308].

He transferred these rights to his children through a testamentary disposition (*wḏ.t-mdw*-document), and proved that he had full mental capacity to draft this document "*while he was on his two feet, alive*" (inscr. *Nj-ʿnḫ-kꜣ* b).

In the Fifth Dynasty, a sole companion, named *Wp-m-nfrt*, appeared as testator of a testamentary disposition to his eldest son. He transferred the use of some parts of his property (*ḏt*), the northern shaft and the northern chapel of his tomb, to his favorite son *Jbj*. This transfer

[306] This text is known as *Inscription of Heti*, father of *Nj-ʿnḫ-kꜣ*.
[307] STRUDWICK, *Texts from the Pyramid Age*, 195 ff.
[308] See BREASTED, *Ancient Records of Egypt*, I, 99 ff.; ROTH, A. M., 'The Organization and Functioning of the Royal Mortuary Cults of the Old Kingdom in Egypt', in M. Gibson and R. Biggs (eds.), *Organization of Power. Aspects of Bureaucracy in the Ancient Near East*, 139 f.

took place in the presence of fifteen witnesses through a *wḏt-mdw*, which is codified in a form that constitutes a  "writ" or "title"[309]. As was frequent in most such cases dealing with the testamentary dispositions of succession, the testators had to show that he possessed the proper physical ability and mental capacity. *Wp-m-nfrt* mentioned that he made his unilateral verbal declaration when he was living and on his two feet. Furthermore, he appeared in the related depiction in good health, looking at the text and raising his left hand with the gesture of speech[310] (inscr. *Wp-m-nfrt*).

A certain *Ṯntj* of the Fifth Dynasty was a testator to his wife and his "brother of the property (*ḏt*)"[311]. He designated himself as his mother's "eldest/favorite son" and possessor of her property because he had buried her and acted as her *kꜣ*-servant. He made a deposition, and by its means, he transferred the property and the obligation of serving as *kꜣ*-servant to his wife[312]. He distributed his fields among his wife and his "brother of the property (*ḏt*)", for them to use the income of this land to recruit men to perform the mortuary rites for him and his mother (inscr. *Ṯntj*).

In the Sixth Dynasty, there is an example of a father who acted as testator to his children. The text of pBerlin 9010 gives an account of an inheritance dispute between the eldest/favorite son of the testator and a man named *Sbk-ḥtp*, most likely a relative of the testator's family[313]. According to the words of *Sbk-ḥtp*, the testator appointed him a trustee for his minor children and possessions through a *sḫ*-writing. However, the eldest son of that testator did not recognize this document and completely denied that his father had done it to the plaintiff[314].
Since the beginning of the text is missing, it is not clear under which means the possessions were passed down to the legitimate heirs of the testator. Furthermore, the eldest son of the testator did not produce, in his counter-claim, any document drafted by the father to him, or

[309] GOEDICKE, 'Bilateral Business in the Old Kingdom', *DE* 5, 1986, 82.
[310] For this depiction see, HASSAN, S., *Excavations at Giza*, II, 1936, fig. 219, pls. 74 ff.; EYRE, *The Use of Documents in Pharaonic Egypt*, 2013, 85 fig. 41.
[311] EDEL thought that the term *sn*/*snw* is a description, used in the language of statutory bodies, for plaintiffs and defendants. REVEZ and HAMILTON recognized that this term means 'colleague', not 'brother'. (HAMILTON, C. R., 'I judge between two brothers, to their Satisfaction', in Anne Mackay (ed.), *ASCS 32 Selected Proceedings*, 2011, 5 f. (ascs.org.au/news/ascs32/Author.pdf).
[312] JASNOW, 'Old Kingdom and First Intermediate Period', in Westbrook (ed.), *History of Ancient Near Eastern Law*, 125.
[313] LIPPERT, 'Inheritance', in Elizabeth Frood, Willeke Wendrich (eds.), *UCLA Encyclopedia of Egyptology*, 8.
[314] See THÉODORIDÈS, 'The Concept of Law in Ancient Egypt', in J.R. Harris (ed.), *The Legacy of Egypt*, 297; VERSTEEG, *Law in ancient Egyptian*, 297.

even in favor of his other brothers and sisters, but only questioned the validity of the defendant's document[315].

There is another instance of a father as a testator to his son from this dynasty, recorded on Linen Cairo CG 25975. This text is a letter to the dead dealing with a dispute over the inheritance which the deceased husband, *Sʿnḫ-Ptḥ*, handed down to his widow and his son before his death. Both the widow and her son asked the deceased husband to make haste against some people who repossessed their house and some servants. It seems that the wife and the son wrote to the deceased husband after they had failed to recover their rights by the courts[316] (Linen Cairo CG 25975).

Another letter to the dead written in hieratic on a bowl gives an example of a father serving as testator to his son. This bowl was found in the burial chamber of tomb 7695 at Qau, dating to the period between the Sixth and Eleventh dynasties. The text shows how the deceased could affect the living[317]. *Špsj* petitioned his deceased parents because his inheritance, consisting of land, was being robbed. It seems that the reason for calling upon his dead parents was that they were the benefactors of his inheritance and he was ensuring their mortuary rites[318]. In the first letter addressed to his father, it reads, "*It is in my son Špsj that all my property (jšt nb) shall be vested*". This sentence is sufficient evidence that the father was a testator to his son (Bowl Qau).

An autobiographical text from the Eleventh Dynasty discloses that the father was a testator of a testamentary disposition to his son. A certain man, named *S3-Mnṯw-wsr*, explained that upon his death all his possessions should be assigned to his son through *jmj.t-pr*-document (ste. Florence 6365).

In the Twelfth Dynasty, fathers and husbands appeared several times as testators:
An original *jmj.t-pr*-document is recorded in pKahun VII.1. It starts by mentioning the person who made a testamentary disposition. The testator was a father of children from two marriages; one of them is identified in the text as *Kbj*. When the testator became old, he drafted an *jmj.t-pr*-document in favor of his children and gave his position "the chief of the phyle" to his son

[315] LIPPERT, *op. cit.*, 2; MUHS, B., *The ancient Egyptian economy: 3000-30 BCE*, 2016, 28 ff.
[316] See COLLEDGE, S. L., *The Process of Cursing in Ancient Egypt*, PhD dissertation, Liverpool University, 2016, 179.
[317] WILIEMS, H., *Social Aspects of the funerary culture in the Egyptian Old and Middle Kingdom*, 2001, 354.
[318] TROCHE, J., 'Letters to the Dead', in Jacco Dieleman and Willeke Wendrich (eds.), *UCLA Encyclopedia of Egyptology*, 2.

Jw-snb, who was generally named as the *mdw jꜣw* "staff of old age"[319]. This papyrus also contains an example of revoking an earlier testamentary disposition. The testator revoked an earlier *jmj.t-pr*-document, which had been written in favor of his first wife (pKahun VII.1). Similarly, the chief of the phyle of *Spdw* named *Wꜣḥ*, was a testator for his wife through a testamentary disposition. He bequeathed her all his assets by means of an *jmj.t-pr*-document.

One of the ordinary soldiers of the Seventeenth Dynasty, named *Ḥꜣ-ˁnḫ.f*, served in the military service in Nubia for six years; therefore, he was granted lands from the state. He explained in his autobiography that he was a father of three male and three female children. He divided this land between himself, his wife, and his six children. It seems that *Ḥꜣ-ˁnḫ-f* was a testator of the customary intestate succession law, where the property was divided into thirds (ste. Cairo JE 52456).

The tutor of the king's son, *Snj-ms*, who lived during the reign of King Thutmosis III, is attested as a testator of a testamentary disposition to his four children. He made an *jmj.t-pr*-document, in which he stipulated that his property should remain undivided in possessions of his wife, *Ḥw-ḏꜣr* during her lifetime and that it should be divided among the four children after her death (ste. Cairo CG 34016).

From the Nineteenth Dynasty comes an example of a testator of a testamentary disposition. A footman from the community of workmen informs us that he was undertaking the division of his property (*ḫt*), which consisted of simple things such as work tools, jars, baskets, household goods and grain rations among his six children. He bequeathed these things to his children through an *jmj.t-pr*-document (oDeM 108).

According to ČERNÝ/PEET, the owner of oGardiner 55 was a testator of the children of his second marriage and their mother. It seems that the husband had been married twice, having divorced his first wife. The father of the divorced wife claims that the testator had not returned his daughter's property to her, but the testator insisted that she had. The testator produced evidence that all the property now in his house belonged to his present wife and her children[320] (oGardiner 55).

[319] SHIRLEY sees that the designation *mdw jꜣw* is a formal acknowledgment of an official's successor that he shall succeed his father in his office (SHIRLEY, *The Culture of Officialdom An examination of the acquisition of offices during the mid-Eighteenth18th Dynasty*, 56.

[320] ČERNÝ/PEET, 'A Marriage Settlement of the Twentieth Dynasty: An Unpublished Document from Turin', *JEA* 13, 1927, 30 ff.

A father also appeared as a testator during the Twentieth Dynasty. In this example, preserved on a stela found at Amarah (between the Second and Third cataracts of the Nile), the overseer of the granary, *P3-sr*, was a testator to his daughter. The text reveals that the daughter had inherited all the property of her father. Presumably, after her father had departed, all acquisitions were conveyed to the girl by her mother. Moreover, her brother assigned all the possessions of their deceased father. It was announced that the daughter would obtain these things, as her brother states "*for the son of her son and the heir of her heir*"[321] (Ste. Amarah).

In another case from the same dynasty, a father/husband is attested as the testator of a testamentary disposition to the children from his first marriage and his second wife. According to ALLAM, the god's educator *Jmn-ḫʿw* adopted his second wife because he wanted to ensure that his children from the first marriage give up any claim concerning the share of two-thirds of their father in the property, which he and his second wife had collected together[322]. Then he appeared with the eldest of his children in the great-*qnbt*, presided over by the vizier, in order to make a testamentary disposition (*sḫr*-document) (pTurin 2021+pGeneva D 409). Also, the Adoption Papyrus shows that a husband was a testator of a testamentary disposition to his wife. In this text, *Nb-nfr* formally adopted his wife, *N3-nfr*, as his daughter since the couple had no children, and bequeathed her his matrimonial property[323] (pAshmol. Mus. 1945.96).

We have two examples of a father serving as a testator from the Twenty-second Dynasty. The high priest of Amun-Re *Jw-w-r-jwṯ*, had bought a landed property along with its animals, wells, and trees from the farmers, paying its price in silver. He then registered these lands in the land registry of the temple of Amun. Since he had a son with his wife *T3-dn(j)t-n-B3st*, he decided to bequeath the said property to him[324] (ste. Apanage).

The fourth Prophet of Amun, *Nḫt-f-mwtj*, from the same dynasty, stated that his property was truly his own because it came from goods inherited from his parents. He also had acquired part of it by his own initiative and rewards granted by the king. Consequently, he felt free to dispose of his assets and decided to transfer to one of his daughters a higher inheritance than her brethren

[321] See ALLAM, 'Women as Owners of Immovables in Pharaonic Egypt', in Barbara S. Lesko (ed.), *Women's Earliest Records: from Ancient Egypt and Western Asia*, 129.
[322] For more details on this case, see ALLAM, *Papyrus Turin 2021*, 23 ff.
[323] EYRE, 'The Adoption Papyrus in social context', *JEA* 78, 1992, 207.
[324] RITNER, *The Libyan Anarchy: inscription from Egypt's Third Intermediate Period*, 271 ff.

received while declaring that none of her siblings should claim her share[325]. The conveyance was thereupon done by means of a testamentary disposition document[326] (sta. Cairo CG 42208).

The mother/wife as a testatrix

Egyptian women had an absolute right to dispose of their own property. According to inheritance norms applied at the time, the husband and wife did not inherit from each other. Each of them retained the independent ownership over their own estate and had full capacity to bequeath it to whomever they liked among their children, without the partner having any say in the decision[327].

Sometimes the husband puts his assets in his wife's possession through a testamentary disposition, stating that she had a free hand to transfer these assets to whomever she wanted.

According to the extant data, women appeared as a testatrix before the era of Great the Pyramid. An autobiographical text from Saqqara displays this fact. The lady *Nb-snt* was the owner of immovable property that consisted of arable land that she could transfer to her children through a testamentary disposition. *Mṯn*, one of her children, explained in a passage in his autobiography that 50 *arouras* of arable land were allocated to him. The text reveals that the mother had drafted an *jmj.t-pr*-document in favor of her children. In addition to that, this land was placed in their possessions by a royal writing. Nevertheless, we unfortunately do not know more about the testament except that other children were involved and that the property she owned was considerable in extent[328]. This case reveals that the woman was legally free to dispose of her property as she wished, and she could bequeath it to whomever she wanted[329] (inscr. *Mṯn*).

From the Old Kingdom, no more obvious examples of a woman (wife/mother) serving as a testatrix are known, although there is a reference in the inscription of *Ṯntj* that he was the favorite son and heir (*jwʿ*) of his mother. *Ṯntj* stated that he was the one who buried his mother in the necropolis. According to him, one can understand that his mother was a testatrix to him and gave her possessions to him as an inheritance. Therefore, he recommended his heirs to keep performing the mortuary rites for her (inscr. *Ṯntj*).

[325] MORENO GARCÍA, 'Conflicting interests over the possession and transfer of institutional land, 259.

[326] THÉODORIDÈS, 'L'acte de disposition de la statue stéléphore Caire CG 42.208 et son execution', *CdE* 60, 1985, 322 ff.

[327] See for example, JANSSEN/PESTMAN, *JESHO* 11, 1968, 164 f.; ALLAM, 'Papyrus Turin 2021, 24.; ČERNÝ, 'The Will of Naunakhte and the related documents', *JEA* 31, 1945, 49.

[328] FERREIRA, A., *The Legal Rights of the women of Ancient Egypt*, Diss. University of South Africa, 2004, 26.

[329] WATTERSON, *Women in ancient Egypt*, 1991, 33.

There is no clear instance in the Middle Kingdom of a testatrix, but one reference in *W3ḥ*'s testament was drafted in favor of his wife, *Ttj*. The testator *W3ḥ* stipulated that his wife had the discretion to bequeath the property to whomever she liked from among their children (pKahun I.1).

The texts of the Twentieth Dynasty contained several instances of a wife/mother as a testatrix. A woman named *Jwnr* appeared as a testatrix to a man, named *Nb-smn*, who obtained the right to part of her property by applying the pharaonic law, which stipulates that the possessions of a person should be given to whomever buried him (oPetrie 16 rec.). The lady *T3-nḥsj* was a testatrix to her children, among them one named *S3-W3ḏyt*, who received the entire inheritance of his mother, because he alone had buried her and so the whole inheritance passed to him in accordance with the law of Pharaoh (oPetrie 16 ver.). In the same vein, the lady *T3gmyt* appeared as a testatrix to all her children, but the inheritance went only to her son, *Ḥwy* who had buried her and her father and provided them with the necessary funerary furniture, without any help from his other brothers and sisters (pBulaq 10 rec.).

From the above examples, it can be said that the woman acted as a testatrix to her legitimate heirs and to non-familial persons (third party) as well, who gained a right to inherit from her in accordance with the pharaonic law "*Let the possessions be given to him who buries*".

The lady *Njwt-nḫt-tj* gives solid evidence that the testatrix had the right to a legal remedy/litigation in the statutory body regarding her property. Moreover, she also had a full right to write a testament concerning her own estate, like any man. *Njwt-nḫt-tj* acted as the testatrix of a testament of her eight male and female children, whom she had with her second husband.

In her testament, *Njwt-nḫt-tj* differentiated between her property and the property of her second husband[330]. She stipulated that five of those children would receive a portion of her property because they provided care to her in old age. By contrast, the three remaining children should not inherit because they failed to support her sufficiently. On the other hand, she emphasized in her testament that the children she had disinherited would still inherit from their father's estate[331].

[330] See FERREIRA, *op. cit.*, 27.

[331] WESTBROOK, R. (ed.), 'The Character of Ancient Near Eastern Law', *History of Ancient Near Eastern Law*, Leiden, 2003, 61.

The Adoption Papyrus that dates from reign of Ramses XI, gives us more details on the situation of women serving as a testatrix. A woman as testatrix, enjoyed the same privileges as a man. Her ability was not limited to bequeath property, whether through a customary intestate succession or by way of a testamentary disposition, but she had additional competencies. The lady *Rn-nfr*, for example, could emancipate slaves, adopt them, and establish them as her heirs. Moreover, she could adopt her younger brother and count him as one of her heirs (pAshmol. Mus. 1945.96).

An inscription is on a limestone stela from the distant oasis of Dakhlah discloses that a woman named *T3y-w-ḥnwt*, who had lived under Libyan Pharaohs at the beginning of the first millennium B.C., was a testatrix to her son. She bequeathed him some wells and the surrounding land, which was recorded in her name in cadastral registers of the state[332] (ste. Dakhleh).

Summary of the privileges of a testatrix:

* Ability to make various inheritance documents such as an *jmj.t-pr* and *h3ry*.
* Establishing an heir, by adoption or by pharaonic law[333], whether among blood relatives or not.
* Personal appearance in front of the statutory bodies regarding the estate to inform the magistrates of her division plan.
* Emancipation of the slaves and establishing them as heirs.
* Having the power to disinherit some of her children from her own property.

Brother as a testator to his (younger) brother

According to the respective documents of inheritance, it is clear that the brother (typically the elder brother) served as a testator to his (younger) brother since the Old Kingdom. For instance, *Ṯntj* from the Fifth Dynasty acquired some plots of land from the king and divided them among his wife and his "brother of the property (*ḏt*)", who was named *K3-m-nfrt*. Maybe this was a kind of contract between *Ṯntj* and his wife and brother for the provision of cult offerings after his death, in return for an endowment of land[334] (inscr. *Ṯntj*). Similarly, at the end of the Fifth Dynasty, the high official called *Pn-mrw* appointed one *Nfr-ḥtp* as *k3*-servant, with his children, and gave them one *kha*-measure of land, and in return they must provide him with funerary

[332] GARDINER, 'The Dakhleh Stela', *JEA* 19, 1933, 19 ff.
[333] This law states: "*Let the possessions be given to him who buries*" (cf. pBulaq 10 rec.; oPetrie 16 ver.).
[334] WESTBROOK, *op. cit.*, 68.

offerings. This text identified *Nfr-ḥtp* as "brother of the property (*ḏt*)" to the testator *Pn-mrw* (inscr. *Pn-mrw*).

A brother is attested as a testator to his brother during the Middle Kingdom as well. The inheritance case recorded in pKahun I.1 from the Twelfth Dynasty highlighted this fact. According to LOGAN[335], this papyrus is an actual example of an *jmj.t-pr*-document, in which a certain *W3ḥ* bequeathed his possessions to his wife, the lady *Ttj*. This document dates to the reign of Amenemhat VI. In fact, a copy of an earlier *jmj.t-pr*-document, probably dating to the reign of Amenemhat III, was added to this document. In this copy of the document, *W3ḥ* inherited from his (elder) brother the origin of the property. The purpose of adding this copy to the main document categorically authenticated *W3ḥ*'s ownership of the inherited property[336].
It is believed that *ʿnḫ-rn*, the (elder) brother of *W3ḥ*, was relatively rich and had no children. He may have married and been divorced because he could not father children and may have consequently married *Ttj*, who was younger than him. *W3ḥ* must have been at least in his thirties when *ʿnḫ-rn* died. Then *W3ḥ* married his elder brother's wife, *Ttj*, who must have been younger than *W3ḥ* at that time. It seems that the transfer of the estate from *ʿnḫ-rn* to his (younger) brother *W3ḥ* was merely an attempt to preserve the family's legacy[337].

It is clear that *ʿnḫ-rn* was a testamentary testator to his (younger) brother, and old enough to write such a testamentary disposition in favor of his (younger) brother. Though *W3ḥ* was the legitimate heir to his childless brother according to applied inheritance norms, *ʿnḫ-rn* preferred to transfer his possessions through a testamentary disposition, in order to avoid objection by blood relatives.

A stela[338] from the Seventeenth Dynasty informs us that a brother was a testator of a testamentary disposition to his brother. *Kbsj* gave his office "Mayor of el-Kab" to his brother *Sbk-nḫt*. This transfer was carried out by drafting an *jmj.t-pr*-document and a *swnt*-process. The underlying reason[339] for this transference was that *Kbsj* had borrowed 60 *dbn* but failed to fulfill his obligation to repay it. Hence, he decided to give his office to *Sbk-nḫt* in exchange for this debt. So *Kbsj* mentioned that he gave that office to his brother "*from son to son, heir to heir*",

[335] LOGAN, *JARCE* 37, 2000, 58 f.
[336] VAN BLERK, N. J., *Aspects of succession law in ancient Egypt with specific reference to testamentary dispositions*, 186.
[337] GANLEY, 'The legal deeds of transfer from 'Kahun, Part one', *DE* 55, 2003, 26 f.
[338] See LACAU, *Une stèle juridique de Karnak*, Cairo, 1949.
[339] See GANLEY, 'A fresh look at the Karnak legal stela', *DE* 58, 2004, 61.

and his brother should be given its loaves, its beer, its meat, its provisions, its workmen, its gangs, and its house (ste. Juridique).

Half-brother as a testator to his brother

It is remarkable to observe that the stepbrother (i.e. the same mother and different father) acted as a testator to his brother. The same stela mentioned above includes a case showing that a stepbrother was a testator of testamentary disposition. A man named *Jy-šrj*, had inherited the position "Mayorship el-Kab" from his father. Since *Jy-šrj* was a sterile man, and could not father children, he decided to give his property with this position to his stepbrother (from his mother) *Jj-mr*[340] through an *jmj.t-pr*-document. The text reveals that this document was made in the office of the vizier during the first year under king Merhetepe. The text reads:

> "This is what he said. I shall replace it to him with my office "the mayor of el-Kab", which came to me from my father's possessions (*ḫt*), the overseer of the town, the vizier *Jj-mr*, which came to him from the possessions of his brother of his mother (stepbrother), *Jy-šrj*, who died childless. (ste. Juridique: 19-20)".

Sister as a testatrix to her brother

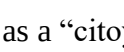
In our texts, a sister served as a testatrix to her younger brother in only once instance in the inheritance process. However, it seems that such an action did not take place without further legal procedures, such as an adoption. In that case, the lady *Nꜣ-nfr* adopted her younger brother *P-n-djw*, and she blessed his marriage with one of her adopted daughters. She assigned him a trustee for the whole estate inherited, to administer everything until the remaining adopted children attained the legal age. She also stipulated that her brother should inherit a share of her property precisely like her other adopted children[341] (pAshmol. Mus. 1945.96).

Aunt as a testatrix to her niece

Yet, we do not have any recorded evidence that the niece inherited from her aunt through the customary inheritance system. Our documents contain only one example of an aunt (father's sister) acting as a testatrix to her niece through a testamentary disposition. In this instance, the god wife *Šp-n-wpt* II adopted the daughter of her brother, King Taharqa, established her as the eldest daughter, and positioned her as a direct successor to the office of god's wife[342] (ste. Nitocris Adoption).

[340] LACAU, *op. cit.*, 7-9, 17.
[341] GARDINER, 'Adoption extraordinary', *JEA* 26, 1940, 23 ff.
[342] CAMINOS, 'The Nitocris Adoption Stela', *JEA* 50, 1964, 71 ff.

Through the examples given above, it seems that the testator/testatrix in pharaonic Egypt had essential advantages, which were quite significant for those who wanted to consider themselves the ideal testators. These points can be summarized as follows:

*** The testator is a free person:** there are persons of different social strata who are attested as testators. We have a case of a testator being an ordinary workman. The king himself also appeared as a testator to his wife, the queen. The testators have to be free persons; this what the lady *Njwt-nḫt-tj* revealed in her last will when she stood before the local-*qnbt*-council. She presented herself as a "citoyenne"  [343], which, at this time, was a title given to every free woman who was not in service and was consequently not *ḥmt* "slaves". Furthermore, in her opening words, she stated that she was a *nmḥ* "free-woman of the land of Pharaoh"; this was probably of importance as it signaled her right to freely dispose of her property[344].

*** The testator has freedom of testation**

In a will, testators can make their wishes known and dispose of their property at their own discretion. This capacity of the testator is known as freedom of testation[345]. Texts concerning succession frequently reveal that the testator was free to dispose of his property, and he had the ability to bequeath it to whomever he chose. He could transfer his possessions through the customary intestate succession principles or the testamentary dispositions. There was a law, the Pharaoh himself had enacted, which stipulates that the owner of the property had full ability to give his assets to whomever he wanted. The testator in the case that is recorded on the pTurin 2021+Genf D 409 cited this law in the great-*qnbt* presided over by the vizier, during making his testament. He said:

> Pharaoh[LPH] said: 'let every man do what he intends in his property', so I give all what has done with the citoyenne *Jnk-sw-nḏm*, the lady, who is in my house (*pr*), to her, at that day (pTurin 2021+pGeneva D 409, page 2: 10).

The intention of the testator here was apparently to show that he could distribute his possessions among his heirs by such means as he deems appropriate. Therefore his statement was confirmed by the vizier, who gave instructions to the scribe of papyri (*sš n tmȝ*) of temple-*qnbt*-council to register the testator's statement on a roll of the papyrus in Amun's temple and make a copy of this speech for the great-*qnbt* of the town.

[343] For this title, see TOIVARIA-VIITALA, J., *Women at Deir El-Medina: A Study of the Status and Roles of the Female Inhabitants in the Workmen's Community During the Ramesside Period,* 38 ff.
[344] ČERNY, *JEA* 31, 1945, 44.
[345] See GOLD, J., et al. Freedom of Testation, *The Modern Law Review*, 1938, 1.4, 296-307.

The free disposal of the assets, which was enjoyed by the testator, can also be seen in *W3ḥ*'s testament that he had drafted for his wife. He declared that his wife had the full right to bequeath the assets to whomever she liked from among her children (pKahun I.1). Another evidence for that can be observed in the case of the lady *Njwt-nḫt-tj*, who had the power to disinherit some of her children freely (pAshmol. Mus. 1945.97).

*** The testator can revoke a document and change his will**

Some inheritance texts show that the testator had the possibility to breach an earlier testament and make a new one instead. In other words, he was not obliged to execute whatever document he had already made but could change his mind whenever he wanted before his death. As LIPPERT thought that the documents in ancient Egypt did not become effective directly upon the date of their being concluded, but in the moment they were handed over to the recipient, which might easily have been delayed until after the death of the issuer[346], during this period the testator has a possibility to revoked, or even change, his document.

A papyrus dating to the Twelfth Dynasty reveals the power the testator had; a testator named *Kbj* had drawn up an *jmj.t-pr*-document in favor of his first wife, the mother of his (eldest) son, who was named *Jw-snb*. It seems that he wanted to bequeath a house to her through this document, but changed his mind in later years and declared that the house in question and all that was in it should go to the children whom he had with his second wife. For this reason, he revoked his earlier *jmj.t-pr*-document and replaced it with a new one (pKahun I.1).

Other evidence, from the reign of king Ramses III, suggests that the testator could change his deposition whenever he wanted. The text of oGardiner 103 reveals that the father went to the oracle god together with his son to officially hand over all his possessions to his son. In the beginning, the father promised his son that he would give him everything he owns. However, during the proceedings, the father suddenly reverted his division, decided to give him *wḏ3*-building and took back the *ḫnw*-building from him. Then the father announced that the other things should be divided among his other sons.

*** No heir could oppose the testator's decision**

The related texts disclose that the testators used to stipulate in their testamentary dispositions that none of their blood relatives had a right to oppose and veto any legislation that had been made by them. The testator stated clearly that if any of his sons, daughters, brothers, sisters, or family members came to dispute his testament, they should not be heard in any bureau of the

[346] LIPPERT, 'Inheritance', in Elizabeth Frood, Willeke Wendrich (eds.), *UCLA Encyclopedia of Egyptology*, 17.

king to which they arrive/petition[347] (c.f. ste. Cairo CG 34016). We can see how much the children (heirs) respected the decision of their father in the case of the god's educator[348] *Jmn-ḫʿw*. In this case, the children of the testator informed the vizier that they were fully aware of their father's arrangements for his property, and they acknowledged that none of them could disrupt what their father did. The text reads:

> Statement of the vizier, ["What do you say about] the arrangement/plan (*sḫr*), which your father made for the citoyenne *Jnk-sw*-[*nḏm*], his wife?". They replied, "[We have heard what] our father made, and as for what he made, who can oppose him therein? His property (*ȝḫt*) is his own. Let him give it [to whom] he will." The vizier said, "Even it had not been his wife, but a Syrian or a Nubian, whom he loved and to whom he gave property (*ȝḫt*) of his [who could] do a disruption of his act? (pTurin 2021+Genf. D 409: page 3, 8 ff.).

2. Trustee

A trustee is a person appointed (by the testator[349] and sometimes by the statutory body[350]) to manage and take charge of the assets and liabilities of a deceased individual who has died without adult children[351]. He is a necessary element and is instrumental in the inheritance process when the testator is too old or about to die, while the heirs are still under the legal age. Egyptians were keen to appoint a trustee for their minor children, who effectively functioned as the head of the family, cultivated the land and divided the income into separate portions, and he has the authority to exclude those who did belong to the testator's family[352]. Egyptian texts[353] define the person who played this role as *rwḏw* "administrator, trustee", whose function was *wnm n sbjn.n.f*, literally "one who eats without being able to damage"[354]. Usually, the estate was maintained undivided by this trustee to manage it for all concerned. Presumably, this trustee took care of the income distribution among the beneficiaries[355]. Several family members were able to fill this role:

[347] SPALINGER, 'The will of Senimose', in Junge (ed.), *Studien Westendorf* I, 643.
[348] This title means: The person who was a tutor of the king when he was a young prince.
[349] For an example of a trustee was appointed by the testator see pBerlin 9010.
[350] For an example of a trustee was appointed by the statutory body see inscr. *Ms*: N 4.
[351] See BRYAN A. GARNER, *op. cit.*, 1656 ff;
WILLIAM HUSSEY, Jr., Personal Representatives and Fiduciaries: Executors, Administrators and Trustees and Their Duties, WHITE & WILLIAMS, https://www.whiteandwilliams.com/resources-alertsPersonal-Representatives-and-Fiduciaries-Executors-Administratorsand-Trustees-and-Their-Duties.html (last visited Jan. 5, 2018).
[352] JASNOW, 'New Kingdom', in Westbrook (ed.), *History of Ancient Near Eastern Law*, 125, 334
[353] Cf. pBerlin 9010 and Inscr. *Ms*.
[354] LIPPERT, Inheritance, 8 f.
[355] JASNOW, *op. cit.*, 125, 330; LIPPERT, *op. cit.*, 8.

Mother as a trustee

The inheritance documents pointed out indirectly that the mother was placed as a trustee to manage the assets of her husband on behalf of their underage children. For example, in the will of *Snj-ms*, the wife retained the property until she attained old age. The testator transferred the property to his wife and children through a testamentary disposition (an *jmj.t-pr*-document), which contains an implied condition entailing that the wife hold it during her lifetime. At the time of her death, the property is divided among her children. This testament indicates that the testator's property was conveyed, undivided, to the wife in order to manage it on behalf of all heirs (ste. Cairo CG 34016). SPALINGER argued that the wife's role was perhaps that of a "guardian" *rwḏw*, for her children. However, the inscription does not support this role[356]. ALLAM has noted that the wife could enter into the inheritance from father to children as an mediator, and in this case, the descendants could only inherit via their mother[357].

It seems that the wife as trustee for her children was recorded officially before they were born. The marriage contracts highlighted this fact. In the marriage contracts, the husband declared to his wife that her children were possessors of his whole estate. It seems most probable that the wife acquired this inheritance on behalf of the children from the marriage, as was further explicated in one of the passages in the contract[358]. In such cases, the wives were required to give this inheritance to their children only:

> "While you will not be able to give it to another child than the children, which you will [bear] to me"[359].

Eldest son/daughter as a trustee

Since the Fifth Dynasty, Egypt was subject to a feudal system. During this period the entire property of the father was transferred to his eldest/favorite son to administrate it on behalf of the younger brethren. That does not mean that they did not inherit with him, but they were, in fact, co-heirs. His function was restricted to administrate the estate and distribute its income equally among his brothers and sisters, and he could not dispose of the property by selling to another[360]. Also, during the Sixth Dynasty, it became common practice for the eldest/favorite son to take charge of the management of joint property upon the death of his father[361]. In this way, the eldest son became a trustee for his brothers, sisters, and his mother, but not an actual

[356] SPALINGER, *op. cit.*, 633 n. 6.

[357] ALLAM, 'Quelques aspects du mariage dans l'égypte ancienne', *JEA* 67, 1981, 120.

[358] PESTMAN, *Marriage and matrimonial property in ancient Egypt: A contribution to establishing the legal position of the woman*, 121.

[359] *IBID.*

[360] PIRENNE, *Histoire des institutions et du droit privé de l'Ancienne Egypte*, III, 448.

[361] THÉODORIDÈS, The Concept of Law in Ancient Egypt, 297; VERSTEEG, *Law in ancient Egyptian*, 147.

trustee. He was appointed to this position to be a sponsor for the estate only and had no further powers. ALLAM argues that the eldest/favorite in ancient Egypt enjoyed some privileges over other children, as he was portrayed as the leading personality in the family. It may also seem that he enjoyed other privileges, especially in the legal and economic sphere[362].

The eldest/favorite son playing the role of a trustee is attested since the Old Kingdom. MORENO GARCÍA[363] notes that the assets of the lady *Nb-snt* were transferred, undivided, to her children, and her son *Mṯn* acted the role of representative. The text shows that *Mṯn* inherited his father's position and that he probably was the eldest son. Therefore, one can assume that *Mṯn* acted as a trustee for the entire estate (Inscr. *Mṯn*).

We can see also the eldest son serving as trustee in an inscription ascribed to a man named *Nj-ʿnḫ-kꜣ* from the Fourth Dynasty, who gave his assets to his children through a testamentary disposition, but with some restrictions on alienability. He created an endowment and appointed *kꜣ*-servants to perform the rites for him. In fact, this deposition is a type of trust administered by his eldest/favorite son. He did this instead of contracting *kꜣ*-servants[364]. Then he put everything related to this endowment under the authority of his eldest son, whether overseeing the duties and tasks assigned to the *kꜣ*-servants or distributing the income among the heirs. It is clear that the eldest son is acting as trustee (inscr. *Nj-ʿnḫ-kꜣ* a).

Moreover, in the absence of biological children, the eldest one of the adopted children can work as trustees of the estate and for other heirs, as the entire estate had been placed under his authority until the other heirs arrived the legal age. The case recorded in the Adoption Papyrus discloses that the lady *Rn-nfr* adopted three slaves and her younger brother, *P-n-djw*, and established all of them as heirs. It seems that *P-n-djw* was older than these three slaves since she blessed his marriage with the eldest girl of these slaves. Then the testatrix stated that everything she had, should be divided among her adopted children. She further stipulated that all of them should live with her brother in his house. From *Rn-nfr*'s statements, it seems that *P-n-djw* acted as trustee for his adopted siblings and was responsible for administrating the entire property for a specified period. After that, the estate should be divided equally between all of them (pAshmol. Mus. 1945.96).

[362] ALLAM, 'Notes on the designation 'Eldest son/daughter' (*zꜣ/zꜣ.t smsw: šri ʿꜣ/šri.t ʿꜣ.t*)', *SASAE* 40, 2010, 30 f.
[363] MORENO GARCÍA, *op. cit*., 259.
[364] VERSTEEG, *Law in ancient Egypt*, 144 f.; JASNOW, 'Old Kingdom and First Intermediate Period', in Westbrook (ed.), *History of Ancient Near Eastern Law*, 124 f.

That a brother worked as *rwḏw* on behalf of his brethren is attested in a papyrus dating to year 46 of Ramses II, which deals with an inheritance dispute between heirs. It seems that those heirs inherited together some land[365]. This text reveals that *Ny-jꜣ* acted as trustee for his siblings, but one of them, named *Nfr-ꜥbt* submitted a complaint against him in the temple-*qnbt*-council, saying that *Ny-jꜣ* had taken the lands for himself years ago together with some of his brothers and sisters and had not given him (*Nfr-ꜥbt*) his due share. When the temple-*qnbt*-council interrogated the *rwḏw* about the lawsuit filed by his brother, he admitted his brother's right to the inheritance and declared his consent to dividing the land among his brothers and sisters (pBerlin P 3047).

In a family that had children among whom a daughter was the eldest, the older daughter was eligible to act as the trustee of the estate and her younger brethren. Due to her role, she was entitled to an extra share of the inheritance in addition to her share (Codex Hermopolis col. 9: 14-17).

A lawsuit from the Eighteenth Dynasty attests a dispute over arable land, which the naval officer *Nšj* bequeathed to his six descendants, the eldest of whom was presumably his daughter named *Wrnr*[366]. In the beginning, these lands were transferred, undivided, to all heirs, and the great-*qnbt* appointed *Wrnr* a *rwḏw* "trustee" for the joint property to administrate it on behalf of other co-heirs, but one of them opposed the trustee appointment and convinced the judge to remove the trustee and divide the estate equally among the six co-heirs instead[367]. (inscr. *Ms*: N 4).

Appointing a trustee (non-family member)

Sometimes the testator appointed a certain person from outside his family, most likely a relative, to act as a trustee for the estate. A testator might take such action when all his children are under the legal age and his wife was not able to administer the property by herself. In general, the appointed trustee was legally obliged to preserve the principle of the estate if he was the deceased testator himself[368]. It seems such a trustee was appointed through a testamentary disposition, in which the testator had to show the minor heirs the legal power granted to the trustee, and the tasks entrusted to him.

According to the statement of the plaintiff *Sbk-ḥtp* in pBerlin 9010, the testator appointed him as a trustee for his estate and gave him the power to manage the estate and benefit from its fruits

[365] VERSTEEG, *op. cit.*, 147.
[366] The text does not state that *Wrnr* is the eldest one among her brothers and sisters.
[367] VERSTEEG, *op. cit.*, 147.
[368] *IBID.*

without touching the resources[369]. Furthermore, he mentioned that the testator explained to him his duties regarding the minor heirs, which is the satisfaction of the children according to their order of birth. It is clear that the trustee granted all this authority through a testamentary disposition, which was defined by the general term s*ḫ*[370].

The defendant, in this case, was *T̲3w*, son of the testator. SETHE assumed that he was the eldest son of *Wsr*, and according to the succession order in the Old Kingdom, the whole property of the testator should be conveyed to his eldest son, who had a special privilege as well as the rest of the children[371]. The initial decision of the court was issued in favor of the eldest son of the testator and supported his statements, and he will lose the case if the other party succeeds in bringing the required witnesses. On the other side, *T̲3w* had already begun to act as a trustee, as one of the eldest son's roles, when he started the litigation against the complainant *Sbk-ḥtp* (pBerlin 9010).

Another reference to a trustee appointed for the young child of the testator can be detected in the testament that the testator *W3ḥ* made in favor of his wife, *Ttj*. At the end of his *jmj.t-pr*-document, *W3ḥ* added an item concerning his child, stating that a person named *Gbw* should act as a guardian (*šdj* [*n*]*ḫn*) for him (pKahun I.1).

A trusted person acting as Staff of Old Age

So fare, Egyptian texts contain eight cases, in which the son was named as *mdw j3w* for his father, although in one case a daughter seems to have fulfilled this role for her mother (ste. Amarah)[372]. BLUMENTHAL assumed that it uncommon method used to ensure the transfer of office from father to son[373]. JANSSEN speculated that it is a special administrative title to describe a son who was appointed, by the state, to act as the deputy and future successor of his father[374]. SHIRLEY agreed with SHEHAB EL-DIN[375] that it was a metaphor, and seemingly it was temporal, but the son who was made as a staff of old age could apparently be either a deputy under his father or take over his father's duties[376]. The inheritance documents contain one

[369] See LIPPERT, *op. cit*., 8; JASNOW, *op. cit.*, 125.
[370] LIPPERT, Inheritance, 8 f.
[371] SETHE, 'Ein Prozeßurteil aus dem Alten Reich', *ZÄS* 61, 1926, 69 ff.
[372] For these cases see SHIRLEY, *The Culture of Officialdom An examination of the acquisition of offices during the mid-Eighteenth18th Dynasty*, 64 ff.
[373] BLUMENTHAL, E., Ptahhotep und der 'Stab des Alters', in J. Osing and D. Gunter (eds.), *Form und Mass*. Festschrift für Gerhard, 92.
[374] JANSSEN, J.J., and JANSSEN, R.M., *Getting Old in Ancient Egypt*, 77.
[375] SHEHAB EL-DIN, T., "The Title '*mdw-j3wj*' 'the Staff of Old Age' Ukkazat al-šaykuka," *DE* 37, 1997, 64.
[376] SHIRLEY, , *op. cit*., 68 f.

example, in which the father demanded that his son should be appointed in his place (position of chief of the phyle) instantly (pKahun VII.1).

3. Heirs

The third main element of the succession process is the heirs. In law, an heir is a person entitled to receive all the property of the deceased or at least a share thereof[377]. From the customary intestate succession law applied in pharaonic Egypt, one can understand that the property of the deceased goes to his heirs in order of precedence, to

1. His children or grandchildren;
2. His brethren;
3. His parents (probably)[378].

That means that the children of the testator preceded his siblings as legitimate heirs[379], and his property did not go to his brethren if he was survived by any children or grandchildren, unless the latter gives their consent[380]. In fact, the children were established as legitimate heirs before they were born, the husband promised his wife in the marriage agreement that her prospective future children should be the heirs and the holders of the entire property. The children, in turn, had a right to expect that the inheritance from both of their parents would reach them, although the parents can disinherit them for a variety of reasons[381].

Through pharaonic history, the system of the estate division differed. Sometimes, only the eldest/favorite son inherited the entire estate; other times the estate was divided equally among several heirs. Furthermore, when the estate was divided equally among the heirs, the favorite son received an extra share; one law states that the eldest son's shares make in all three[382]. An overview of the system of the estate division in different times follows:

The period between the First and Fifth Dynasties:

The inheritance documents of this period disclose that the parents' assets were accrued for their legitimate children because they were favored over the other blood relatives[383]. It seems that the shares of children were equal, and there was no discrimination between the eldest/favorite

[377] See BRYAN A. GARNER, *op. cit.*, 791.
[378] JANSSEN/PESTMAN, 'Burial and inheritance in the community of the necropolis workmen at Thebes (Pap. Bulaq X and O. Petrie 16)', *JESHO* 11, 1968, 165.
[379] LIPPERT, *op. cit.*, 3.
[380] JANSSEN/PESTMAN, *op. cit.*, 166.
[381] MANNING, 'Demotic law', in Westbrook (ed.), *History of ancient Near Eastern law*, 839.
[382] For this law, see MATTHA/HUGHES, *The Demotic legal code of Hermopolis West*, 40.
[383] PIRENNE, *Histoire des institutions et du droit privé de l'Ancienne Egypte*, II, 348.

son and his other brethren. The autobiography of *Mṯn* is a perfect example of this: his mother gave her estate to her female and male children together, likely having divided it equally among her heirs, and everyone inherited 50 *arouras* of land (inscr. *Mṯn*). At the end of the Fourth Dynasty, especially, many decisions favored the eldest son. That means that the norms of inheritance applied during this time stated that the parents bequeathed to all their children, and the inheritance was divided equally among them without any discrimination. However, if the parents wanted to favor one of them, for example, the eldest/favorite son, they had to draw up an official document to designate the heir. Such a document can be considered as a 'transfer of ownership', whether it was during the testator's lifetime or after his death, which was often a funerary endowments in this period[384]. The deposition of *Wp-m-nfrt* represents a clear example of this: *Wp-m-nfrt* favored his eldest son by giving him a part of his tomb, so maybe this is simply the extra share of the eldest son. *Wp-m-nfrt* would have had a much larger estate that could be inherited by the eldest son's siblings. In his *wḏ.t-mdw*-document, *Wp-m-nfrt* explicitly mention a possible claim by his wife, his other children and his brethern. Perhaps this mean that all these categories can own the right to use his property (*ḏt*), but the father wanted that his tomb become and remain immortal (inscr. *Wp-m-nfrt*).

The period between the Fifth and Eleventh Dynasties

During this period, Egypt was subjected to a feudal system, which led to a change in legal systems. Therefore, the children no longer had equal rights in inheritance, but the whole property was conveyed to the eldest/favorite son to administrate it on behalf of his siblings. That does not mean that they were deprived of inheritance totally, because they were still co-heirs with their eldest brother. The eldest son acted as the trustee of the estate. He had to administrate it and distribute the income among his brothers and sisters. However, he had no right to dispose of them by giving away or selling. By law, such property belonged to all the family members; each one of them had a share in that property, which was known as 'joint property'[385]. The deposition of *Nj-ʿnḫ-kȝ* (a) is a lucid instance of this period.

The period between the Eleventh and Twenty-Fifth Dynasties

The succession system during this period returned to its pre-feudal state. The inheritance was conveyed to all heirs without any discrimination; each of them received an equal share. In other words, the younger son was entitled to the same share of the property as the eldest son. From this period, we have many documents in which the testator designates his heirs, bequeathing to

[384] HANDOSA, T., *Marriage and divorce in ancient Egypt* (in Arabic), Cairo, 2003, 103 f.

[385] See PIRENNE, *Histoire des institutions et du droit privé de l'Ancienne Egypte*, III, 380, 448, 458.

each of them a share of the inheritance. Sometimes these documents have names and they come without names in other instances[386], for example:

pKahun I.1

pKahun VII.1

pTurin 2021

pAshmol. Mus. 1945.97
Marriage contracts of the Twenty-Fourth Dynasty.

In the Twenty-Second Dynasty, the marriage settlements contained a paragraph dealing with the rights of the children and the wife in case of a termination of the marriage, whether by divorce, death, or desertion. Also, this settlement had a clause that had to be executed upon the father's death. It stated that all children were legitimate heirs, and every one of them should get an equal share without discriminating between the elder and the younger children[387]. In the Twenty-Fifth Dynasty, a law was first applied in the northern cities before it was adopted in Egypt overall that equated males and females in inheritance matters[388].

From the Twenty-Sixth Dynasty to the end of the Ptolemaic Period

The marriage contracts of this period had a paragraph dealing with the rights of heirs. They stated that the father considered all of his children the masters of everything that he possessed at the time and that he should acquire in the future. Sometimes, the husband put his wife in charge of the property in the name of his children. The marriage contracts stipulating that the eldest son was a sole heir only emerged around 315 BC, as suggested by pRylands 10[389].

It is still difficult to determine the amount of the shares entitled to the male heir or those entitled to the female heiress in the inheritance through the customary intestate succession. The amount of each heir's share may be fixed by the testator himself or by his heirs among themselves[390]. Remarkably, some succession cases and articles of the *Codex Hermopolis* often disclose that all the children received equal shares in inheritance. The heirs were not obliged to accept an undivided estate, and they had a right to demand the division of inheritance and distribution of it among them[391].

[386] HANDOSA, *op. cit*., 105 f.
[387] *IBID*, 108.
[388] PIRENNE, *Histoire des institutions et du droit privé de l'Ancienne Egypte*, I, 52, 62, 64.
[389] HANDOSA, *op. cit*., 109.
[390] See PESTMAN, 'The Law of Succession in Ancient Egypt', in *Studia et Documenta* IX, 66.
[391] See PESTMAN, *op. cit.*, 67.

The eldest/favorite son as a sole heir

In earlier periods, the purpose of the customary intestate succession seems to have been the creation of a sole (male) heir who he could inherit the whole inheritance and perhaps had moral obligations to care for his non-inheriting relatives[392]. A testator (from the Fifth Dynasty) established his eldest son[393] as sole heir in a text through the testamentary disposition, and he bequeathed to him a property (*ḏt*). He stipulated that the relatives had no right to claim a share of this property (inscr. *Wp-m-nfrt*). The plaintiff (son of the testator) in pBerlin 9010 (from the Sixth Dynasty) suggested such a system without referring to any documents, saying that his father's possessions should remain with him because the argument brought forth by the defendant could not be veritable[394].

In many marriage agreements, we find that the provision related to the right of succession over the father's property took another form, by which the eldest son was set as sole heir. In the respective paragraph, the bridegroom pledges to his bride, declaring: "*Your eldest son shall be my favorite son, and the master of all that I possess and that I shall acquire, namely a house, arable land …*". By this formula, only one heir from among the offspring would be appointed[395].

LIPPERT opines that the principle of sole heir represented by the eldest son had already been weakened in the early New Kingdom, where the eldest son was no longer the sole heir but became *rwḏw*, i.e., the administrator of the estate, who had to deal out the profits equitably. The succession documents of the New Kingdom contain many disputes that flared up among the *rwḏw* and his siblings because he did not meet his obligation towards them, as we find that the statutory bodies went even further to strengthen the siblings' position[396]. We can observe this in the cases recorded on the walls of *Ms*' tomb and in the pBerlin P 3047. Also, we understand this from one of the articles (col. VIII.30-33) recorded in the Demotic *Codex Hermopolis* dating to the Hellenistic period, which discloses that the other siblings of the testator could remove the eldest/favorite son of the sole heir's position and claim their share in their father's inheritance.

In my opinion, the paragraph recorded in lines 30 and 33 of column VIII of *Codex Hermopolis* is an article composed of two parts, and not two articles as thought by some. It deals with establishing a sole heir or trustee represented in the favorite son. The first part provided for

[392] LIPPERT, *op. cit.*, 2.
[393] Possibly, the term "eldest son" refers to legal status (JASNOW, 'Old Kingdom and First Intermediate Period', in Westbrook (ed.), *History of Ancient Near Eastern Law*, 126).
[394] LIPPERT, *op. cit.*, 2.
[395] ALLAM, *SASAE* 40, 2010, 32.
[396] LIPPERT, *op. cit.*, 2.

when the testator died without assignating his property (i.e. through a testamentary disposition) to a specific child. The whole property should be placed in the hands of (*mḥt*) the eldest/favorite son (then the second part completes what starts in the first part), but if any of the younger children took legal action against the favorite son and claimed his own share of the inheritance, the eldest/favorite son had to divide the property among all the children according to their number, and the eldest/favorite son had the first choice to choose a portion.

It is clear that this article served as the establishment of the eldest/favorite son as the sole possessor/trustee of the inheritance, as long as his siblings did not oppose him. It can be argued that what is stipulated in this article was applied since the Nineteenth Dynasty, before it was recorded in the Hermopolis manuscript. That was taken into account by the great-*qnbt* when it disposed of the case of *Nšj*'s descendants, when litigation arose among the descendants of *Nšj*, of whom the lady *Wrnr* was presumably the eldest, and she was appointed as a trustee for her co-heirs. However, her sister *T3-ḫ3l* filed a complaint to the great-*qnbt* and demanded her right and her other siblings' rights in the inherited estate. The magistrate acceded to her request and ruled that the entire landed property should be divided among the heirs, and every one of them had to receive his share. *T3-ḫ3l* thus succeeded in abolishing *Wrnr*'s guardianship/sole heir of the entire landed property.

Therefore, the article in question can be read as follows:

> If a man dies, he having lands, gardens, temple-share (?) and slaves, he having sons, and having no assigned (lit. written) shares to his children while alive, it is his eldest son who takes possession of his property (estate), (but) when the younger brothers bring action against their elder brother saying 'Let him give us shares of the estate/property of our father', the elder brother is to write the list of names and write the number of his younger brothers, the children of his father, those alive and those who died before their father died, the eldest son likewise. And he is given the share he prefers (*Codex Hermopolis* col. VIII, 30-33[397]).

All the children of the testator as co-heirs or legatees

As I pointed out at the start of this section, the division of the inheritance has varied throughout Egyptian history. Sometimes the principle of sole heirship was applied and at other times the inheritance was divided among all the descendants, both males and females.

[397] MATTHA/HUGHES, *op. cit.*, 39.

When someone died, his children were considered direct heirs to him. Mostly, these children were considered as legitimate heirs before they were born, and this was recorded in one of the marriage agreements' provisions. The children could inherit from three different properties that belonged to their parents, namely the property of the father, the property of the mother, and joint property, which the father and mother acquired jointly during the marriage. Egyptian women could hold property independently of their husbands and were able to pass it on to whomever they wished[398]. Therefore, the children could inherit from their father and mother independently. Usually, the inheritance was divided between the children according to their numbers[399]. Even if one of the co-heirs died before his father's death, the share of the deceased co-heir would pass directly to his eldest/favorite son[400]. The customary intestate succession gave primacy in choosing the shares to the older children, namely on the day of division, among children of the same gender, the older children preceded younger ones[401].

Males' shares

LIPPERT remarks that there was clear preference for male children, which preceded female children as legal heirs regardless of their age in the customary intestate succession, and when the inheritance was divided into lots among the siblings, sons chose their shares before daughters according to Late Period practice[402]. Usually, the inheritance conveyed to heirs (males and females) remained without division for a prolonged time. On the day of division, *Codex Hermopolis* specified that males (according to their order of birth) choose their shares, and then females (according to their order of birth) could choose their shares from the parental property[403].

> The rest of the goods, they must be divided, finally, into parts according to the number of his children; after that his male children must take (their) shares according to their order of birth; and after them, his female children must take (their shares)[404] (Codex Hermopolis, Col. IX, 1-2).

[398] LIPPERT, *op. cit.*, 3.
[399] See Codex Hermopolis, Col. IX, 1-2.
[400] See Codex Hermopolis, Col. IX, 1-2.
[401] LIPPERT, *op. cit.*, 3. See Codex Hermopolis, Col. IX, 29-30.
[402] LIPPERT, *op. cit.*, 3.
[403] MANNING, 'Demotic Law', in Westbrook (ed.), *History of ancient Near Eastern law*, 841.
[404] According to DONKER VAN HEEL's translation, *The legal manual of Hermopolis: [P. Mattha], text and translation*, 97.

PESTMAN concluded that the eldest son received double that received by the other male children from the real estate of the father, while the other male children, in their turn, received twice as much as the female children from the concerned real estate[405].

Females' shares

As mentioned above, female children received their shares of inheritance after male children and had the right to inherit a share of all property, including land. Often the females received their shares of inheritance in the form of a dowry before marriage[406].

The article registered on col. IX.2-3 of *Codex Hermopolis* states that the property would be divided according to the number of children, the males would receive shares, according to their arrangement (at birth), and then the females would receive after them according to their arrangement at birth[407]. The related texts reveal that the females had a right to inherit shares in all types of assets, whether it was immovable property such as land[408] and buildings[409], or movables such as household goods[410]. The inheritance material contain two examples registered on oGardiner 55 and oPetrie 18 that highlighted this fact. Based on their contents, we understand that the wife received her inheritance from her father at the time of the wedding and brought it to her husband's home. In particular, the second ostracon conveys that the husband warned his recalcitrant wife that she would lose her inheritance that she had inherited from her father if she tried to come close to his home.

Privileges of the oldest/favorite son as one of the co-heirs

As I mentioned above, the eldest/favorite son was no longer the sole heir since the early New Kingdom. In fact, the principle of sole heirship had been invalidated and over time, began to be replaced by the principle that property should be split into portions to be distributed among the descendants. Therefore, the eldest son became one of the co-heirs and acted as a *rwḏw*-trustee administrating the eldest and who had to split the profits equitably. It seems that the purpose of nominating the favorite son as guardian/trustee of the estate was that the testator wanted the estate, especially land, to remain undivided for as long as possible[411].

[405] PESTMAN, *op. cit.*, 66.
[406] MANNING, *op. cit.*, 842.
[407] See MATTHA/HUGHES, *op. cit.* 39; DONKER VAN HEEL, *op. cit.*, 97.
[408] Cf. inscr. Ms and ste. Cairo JE 52456.
[409] Cf. pBulaq 10 and oLouvre E 2425.
[410] Cf. oDeM 108.
[411] See LIPPERT, *op. cit.* 2; MANNING, *op. cit.*, 841.

The *Codex Hermopolis* discloses that the eldest/favorite son, as one of the co-heirs, retained the most advantageous position over his other siblings as follows:

***** the article registered on col. IX, 10-11, states that the eldest/favorite son received an additional share; during the division of the heritage between the brothers according to their number, the older brother took an additional share to complete (i.e., in total) three shares.

> If he has a younger brother and he brings action saying, "Let us be given a share of the property of our father", it (sc. the property) is a assigned (or divided) [into shares ….] according to the number of his (sc. father's) children and the favorite son is given an extra share to complete (i.e. to make in all) three shares if he has a younger brother […..][412].

Several Egyptologists[413] think that one of the underlying justification for providing the eldest/favorite son an additional share, more than that of the rest of the children, was that he was expected to prepare the burial of his parents and that he would continue to perform their funeral rites. Thus, it is likely that he inherited more as a kind of compensation for defraying burial costs.

***** the article registered on col. VIII, 30-33, states that the eldest/favorite son could seize the whole inheritance of his father until his younger siblings demanded their shares. Then the inheritance was divided into portions per the number of the children. Notable is the provision in this article that the favorite son had the first choice of a portion.

> …. the elder brother is to write the list of names and write the number of his younger brothers, the children of his father, those alive and those who died before their father died, the eldest son likewise. And he is given the share he prefers (*Codex Hermopolis* col. VIII, 30-33[414]).

***** the article registered on col. IX, 17-19, states that the eldest/favorite son was the only one among the heirs, who could claim the inheritance of the father without any legal document, as "the eldest/favorite son of the testator". Any one of the other heirs needed a legal document to support their claim to the property. If anyone failed to produce such a document, he had to take an oath, clarifying that it was his father who gave him these possessions while he was alive.

[412] MATTHA/HUGHES, *op. cit.*, 40; DONKER VAN HEEL, *op. cit.*, 99.
[413] See, for example, PESTMAN, *op. cit.*, 9; VERSTEEG, *Law in Ancient Egypt*, 138 f.; MUHS, *Gender relations and inheritance in legal codes and legal practice in ancient Egypt*, 19.
[414] MATTHA/HUGHES, *op. cit.*, 39.

> If a man dies and he has a property in hand [?] of the younger son, and if the elder son brings an action against him because of it [sc. The property], and if the younger brother says, "The property [for which he brings action against me is mine, my father is he who gave it to me] (?)", he is made to swear saying, "It is my father who gave me this property saying, 'Take it to thyself'". If he is made to swear, his elder brother is not [given the property] (?). If he does not swear to him, the property is given to his elder brother, and a title is written (?) (sc. The elder brother) to the property of his father[415].

***** the article registered on col. IX, 5-9, states that the eldest/favorite brother should receive an additional share of a prematurely deceased, childless sibling[416]. PESTMAN understood that if one of the co-heirs died and did not leave any children, and had not made any special arrangements about his share. It was his eldest/favorite brother who should take his share from the parental inheritance[417].

> If the younger brother brings action, saying, "The children whom our eldest brother said, 'They existed [i.e., belonged] to our father', did not exist as sons [to him] (?). He who existed….." [If] (?) the younger brother says, "They did not exist to our father", the eldest brother is made to swear concerning them saying "The children whom I said they existed [to our father, they existed as sons to him] (?) [….. There is no] falsehood therein." He is made to declare, "They were not at all (lit. once) with their mother". Form of the oath which he is made to take: "So-and-So [Son of So-and-So] said […….] existed as sons to my father; they died before their father died". The one concerning whom he does not swear is not allotted a share. [The one concerning whom he swears] is allotted a share[418].

Similarly, the daughter became a legal heir only if there were no male children, whether older or younger, as she was eligible to act as trustee (*rwḏw*) of the estate and her younger brothers and sisters. When she was acting as the eldest/favorite child for her minor siblings, the whole inheritance was to be divided among all the surviving siblings, and she would have received an extra share. LIPPERT makes the important observation that, unlike the eldest son, the daughter

[415] *IBID*, 40 f.; DONKER VAN HEEL, *op. cit*., 101 ff.
[416] LIPPERT, *op. cit*., 2.
[417] PESTMAN, 'Inheriting' in the Archive of the Theban Choachytes', in S.P. Vleeming (ed.), *Aspects of Demotic Lexicography*, Leuven: Peeters, 1987, 62.
[418] MATTHA/HUGHES, *op. cit*., 39 f.; DONKER VAN HEEL, *op. cit*., 97 ff.

could not enjoy the privilege of taking the share of her deceased, childless sibling, when no special arrangements had been made[419].

> … [If the] (?) man (?) dies and he has no son, but he has a daughter […….] she (?) is given one (?) share in addition to her share (?). If it be (?) daughters whom he has (?), [they give] (?) an extra share to his eldest daughter in addition to her share (?); [it is given in addition (?)] to (?) her (?) one (?) share (?). The eldest daughter is not allowed to say, 'Since other children (?) of his are minors (?), let me be given their share (?).' She is not given [their share] (?) […….] (*Codex Hermopolis* col. IX, 14-17) [420]

We understand from the articles registered in col. IX 14-17 and 30 of *Codex Hermopolis* that in the absence of male children, the daughter became the legal heir. She became only a favorite daughter when she was the firstborn, and there were no male children in the family. If she had a younger brother, it was he who would function as the favorite son, not her.

As discussed above, the children could inherit from their mother and their father individually. PESTMAN[421] observed that they could acquire the inheritance of one parent upon his or her death, even when the other parent was still alive[422]. When one of the parents remarried and the second marriage produced offspring, the children of both marriages had the right to inherit from him upon his death[423]. A family archive from Suit contains an inheritance case in which the eldest/favorite son seized the whole inheritance upon the father's death. After six years, his younger half-brother (from his father's successive marriage) sued him and claimed his share. Finally, this brother got his inheritance; he received one-third of the property while the favorite son took two-thirds[424].

Siblings of the testator as heirs

What happened to the estate of a childless person is described in the *Codex Hermopolis*. When a person without descendants died, his estate reverted to the siblings[425]. The article registered

[419] LIPPERT, *op. cit.*, 2 f.
[420] MATTHA/HUGHES, *op. cit.*, 40.
[421] PESTMAN, *Law of Succession*, 59 f.
[422] See pBM 10.075 (JELÍNKOVÁ, 'Sale of inherited property in the first century B.C. (P. Brit Mus. 10075, Ex. Salt coll. No.418', *JEA* 43, 1957, 45 ff. and 45, 1959, 61 ff.).
[423] For example, see pBM 10120 A/B
[424] ALLAM, *SASAE* 40, 2010, 32.
[425] PESTMAN, *Law of Succession*, 68; LIPPERT, *op. cit.*, 3. PESTMAN, *JESHO* 11, 166.

in col. IX, 3-4 shows that if a man died and left no children, his eldest sibling (the favorite son of the testator) would inherit his property.

This rule was applied infrequently in inheritance processes. According to PESTMAN[426] it was applied in a case from the beginning of the second millennium written on the ste. Juridique, where a certain childless man, named *Jy-šrj* bequeathed his official position and his *ḫt*-property to his stepbrother.

> As a property (*ḫt*) from his stepbrother[427], the mayor of el-Kab, *Jy-šrj* who died childless (ste. Juridique: 5-6).

The Twentieth Dynasty produced an inheritance document that reveals that a childless testator named *Nb-nfr* had a sister. According to the inheritance norms, this sister was considered the legitimate heiress to her brother, but the testator had circumvented the law by adopting his wife as his daughter. Therefore, the legitimate right of the sister in his brother's inheritance was extinguished. However, the testator took the precaution of arranging for a sister of his own to be among the witnesses (pAshmol. Mus.1945.96).

In my opinion, the case recorded on the oGenf 12550 is a good example of this principle. It deals with a dispute over inheritance where the testator had four children and his inheritance consisted of a *wḏȝ*-building. The conflict flared up between the fourth son of the testator, and a non-family member, and the case was submitted to the oracle god and the local-*qnbt*-council for a decision. The fourth son of the testator recited to this statutory body how the disputed building was passed down to him by his older brothers.

The essential point in this case is that when the third brother died the building was passed down to his son, and because this son left the village of Deir el-Medina for some reason, it reverted to his uncle, the fourth brother and complainant in the current case. The final verdict of the oracle god was in line with the inheritance norms: the fourth brother was entitled to the building as an inheritance from his three older brothers (oGenf 12550).

LIPPERT suggests that the principle "older over younger" could also be applied to siblings[428].

[426] IDEM, *Law of Succession*, 68.

[427] Literary, his brother from his mother.

[428] LIPPERT, *op. cit.*, 3.

Parents of the testator as his heirs

When the testator had neither children nor siblings, it seems his parents would inherit his estate. Although there are no known cases that this actually happened, there is circumstantial evidence[429], in two references from the 7th century B.C. and 204/203 B.C., respectively[430].

The text recorded in the pTurin 2118. 31-32 contains a statement by which a brother and sister sold a plot of land, and with the authority of the heirs in mind, they added the following clause to their deed:

> We have no son, daughter, brother, sister, father, mother or anyone else in the world who could "go to law" about it[431]'

According to PESTMAN[432], this statement provides clear evidence of the potential heirs following their order of inheritance in this statement. In the case that a given group was absent, the next group would inherit. Therefore, the father and the mother of the testator were possible heirs. LIPPERT hypothesizes that it was probable to apply the rule "male before female" to other categories of relatives of the testator, (his siblings, and parents), although we do not have any attested evidence for that fact yet[433].

Other family members as heirs

The available succession texts do not reveal that other family members were eligible to inherit from the testator. However, some references to the relatives of a testator without living children or close family members imply that they could inherit from him. For example, in the testament of the tutor of the royal prince *Snj-ms*, the final oath has a section that concerns the future ramifications of the testament:

> If any son of mine, any daughter of mine, any one of my brothers, any one of my sisters, any man of my fa[mily] comes to dis[pute this *jmj.t-pr*-document] (ste. Cairo CG 34016).

This section of the oath stresses the possible intervention by members of the testator's own family (*hꜣw*[434]) rather than by outsiders. To SPALINGER the term *hꜣw* included all blood

[429] PESTMAN, *op. cit*., 70.

[430] For both cases, see PESTMAN, *op. cit*., 70.

[431] Cf. pTurin 2118. 31-32 (MALININE, Choix de textes juridiques en hiératique anormal et en démotique - I: Traduction et commentaire philologique, no. 9). See also, PESTMAN, *op. cit*., 70.

[432] PESTMAN, *op. cit*., 70.

[433] LIPPERT, *op. cit*., 3, 4.

[434] The Egyptian language contains several terms for kin groups and nuclear families. For this terminologies, see CAMPAGNO, M. P., 'Kinship and Family Relations', in Elizabeth Frood, Willeke Wendrich (eds.), *UCLA Encyclopedia of Egyptology*, Los Angeles 2009, 4 f.

relatives of the previous generation like the parents or uncles, and the phrase "man of my family" (*s n ḥ3w.j*) may cover half-brother and include such relations as well[435].

Similarly, the text inscribed on the sta. Cairo CG 42208 reveals that the father bequeathed his daughter through a testamentary disposition. Then he asked the god Amun to protect her daughter and her inheritance as well, saying:

> And do not let her be expelled from anything, that is in my house after my life[436]. You cause that she divides into all these things (*ḫt nb*) as well as/among her relatives exactly. Put your arms around her (embrace her) against who stands against her, whether by any great person or any local person (*ḥnmmt*) from her relatives (sta. Cairo CG 42208 front : 12-14).

Likewise, the lady *Rn-nfr* put a clause concerning possible intervention in her deposition, which she made on behalf her adopted children, saying:

> Should any son, daughter, brother or sister of their mother or/and their father contest their (rights), except *P-n-djw* this son of mine (pAshmol. Mus. 1945.96).

In my opinion, based on such references[437], the nearest blood relatives, beyond the parents, such as uncles and aunts, cousins, etc. were considered the legitimate heirs to their deceased blood relative though they had the right to inherit him in the event of the absence of descendants, siblings, and parents.

This vindicates the view put forward by WILLEMS on the lawsuit recorded in Linen Cairo CG 25975, which deals with a dispute over the inheritance among the testator's (*Sˁnḫ-Ptḥ*) household and *Wˁbwt*'s and *Jzzy*'s household. It seems that these were connected by bonds of kinship, when only blood relatives were entitled to a share in the inheritance. The son (*Jy*) of the testator was probably too young to be charged with the responsibility for the whole estate. *Wˁbwt* and *Jzzy*, perhaps *Sˁnḫ-Ptḥ*'s relatives, may have taken this responsibility on themselves, possibly as a way of acquiring the whole inheritance[438].

http://digital2.library.ucla.edu/viewItem.do?ark=21198/zz001nf68f

[435] SPALINGER, *op. cit.*, 643 f.

[436] I.e. after I am dead.

[437] For other references, see ste. Juridique, oGenf 12550.
For another examples, not listed in our texts, see Stela. Bilgai (GARDINER, 'the Stela of Bilgai', *ZÄS* 50, 1912, 49 ff.) ; Decree of Antef V (PETRIE, *Koptos*, London, 1896, 10).

[438] See WILLEMS, H., 'The End of Seankhenptah's Household (Letters to The Dead. Cairo JDE 25795)', *JNES* 50, 190 f.

Outsiders/non-blood relatives as heirs

Another important question what happened to the estate of someone who died without a family and thus no legal heir. PESTMAN suggested to look at another aspect of the law of inheritance: the heirs were responsible for the burial of the deceased and the eldest son played a leading part in this matter. There was a specific connection between receiving an inheritance from someone and arranging the burial, including mummification[439].

According to LIPPERT, such a relationship is already visible in the texts of the Old Kingdom. For instance, in the inscription of *Ṯntj* from the Fifth Dynasty. During the First Intermediate Period and onwards, this relationship became an injunction, "*Bury him, succeed into his inheritance*!"[440]. This connection took on a life of its own, ultimately led to a law, '*The property is given to the person who buries the dead testator*'[441]. Thus, the duty to bury changed from being an outgrowth of the inheritance to a legal precondition[442].

Many outsiders relied on this law so that they could inherit from non-relative testators. For example, the text recorded on the Bowl Pitt Rivers Museum gives us clear evidence of someone inheriting from an unrelated testator under the law in question. According to GARDINER, one can assume that the maternal grandfather of the writer (*Ttj-ꜥ3*) had received a refugee, called *Mnjw-pw*.

Later, when the refugee died, the mother of the writer buried him according to advice from her husband. The husband advised her to do that in order to strengthen her claim to this refugee's inheritance. Her claim was also grounded in her parents' hospitality to the refugee. Then the writer derived his right to the inheritance through his mother. The important thing is that this text reveals that the inheritance was a result of the burial[443].

Furthermore, we find that the legitimate heirs could be deprived in favor of persons outside the family of the testator by this law [discussed in the next chapter]. LIPPERT believes that this law was enacted in order to secure the position of sole heir against blood relatives who have a right to inherit[444].

[439] PESTMAN, *Law of Succession*, 71.
[440] Cf. Bowl Pitt Rivers Museum.
[441] This law was written in pBoulaq 10 rec. and was referred to obliquely in oPetrie 16.
[442] LIPPERT, Inheritance, 4.
[443] For further details, see GARDINER/SETHE, *Egyptian Letters to the Dead mainly from the Old and Middle Kingdom*, 26 f.
[444] LIPPERT, *op. cit.*, 4.

Did the husband and the wife inherit from each other?

The husband and wife did not inherit from each other under the customary law of succession, but each could obtain, following the individual marriage contract, a part of joint acquisitions. The inheritance norms dictated that the wife should be entitled to only one-third of these joint acquisitions with two-thirds allotted her husband upon the termination of the marriage, through death or divorce[445].

Since both did not normally inherit from each other, the husbands sometimes tried to find legal means through which the wives could inherit from them, without allowing the other relatives of the husband (such as children, brothers and sisters, even any one of the family) to seize property.

In the sources, there are several attestations of the wife inheriting from her husband by testamentary dispositions such as an *jmj.t-pr*-document, a *sḫ*-writing, or a *sḫr*-arrangement. Furthermore, the husbands adopted their wives to become their legitimate heiresses. Also, the husbands made a bequest by "sale" in favor of their wives [discussed in more detail below in a subsection concerning the succession through the testamentary disposition].

[445] See ALLAM, *Papyrus Turin 2021*, 24 f.; JANSSEN/PESTMAN, *JESHO* 11, 164 ff.; ČERNY, *JEA* 31, 1945, 49.

II. The testamentary disposition documents

As mentioned previously, there were two systems by which the inheritance was conveyed from the testator to the heir in ancient Egypt: the customary intestate rules of succession, and the testamentary succession. The first favored sons over daughters, children over siblings, and older over younger family members, and states that the wife could not inherit from her husband. The second was represented in written declarations that allowed for individual arrangements[446].

There were different scenarios that made it impossible or undesirable to execute the first, such as a lack of male children, or general childlessness, or the eldest son was not in a position of trust or otherwise unsuited. Therefore, the Egyptians invented the second means for these eventualities and allowed for intended changes in the succession[447]. For example, the *Legal Manual* or *Code of Hermopolis* prescribed a normative inheritance pattern (i.e., the first) and clarified that it was a default that any testator could override by a written will/testament[448].

LIPPERT highlighted that if the testator desired to leave his inheritance to a person or persons other than the one who would have inherited in terms of a customary intestate succession, or to guarantee and emphasize the inheritance rights of a certain person (even though he is legitimate heir), to allot objects or portions of different sizes to specific individual, to impose special conditions, or to disinherit someone, he had to draw up a document[449]. Egyptians did not use only one specific document to achieve this but a range of documents[450]. The use of these documents was not confined only to inheritance matters, but they were also used for other purposes like sales, loans, leases, disputes, litigation, marriage, adoption and partnerships. The transfer of inheritance was one of their functions. Since these documents used in Pharaonic Egypt did not identify themselves as testaments, the Legal historians do not prefer to use the term *testament* for them because they do not completely fit with the Roman legal definition of *testamentum*[451].

Several types of documents were used in the inheritance process during the Pharaonic period. For example, we can see more than one document type with different functions were used in a single inheritance case. The study in this part of the research sheds light on the types of legal

[446] See LIPPERT, *op. cit.*, 1.
[447] *IBID.*
[448] MUHS, *op. cit.*, 19.
[449] LIPPERT, *op. cit.*, 4.
[450] MRSICH, Erbe, *LÄ* I, 1235 ff.
[451] LIPPERT, *op. cit.*, 4; THÉODORIDÈS, 'Le testament dans l'Égypte ancienne', *RIDA* 17, 1970, 117 ff. See also, VAN BLERK, N. J., *Aspects of succession law in ancient Egypt with specific reference to testamentary dispositions*, 107 f.

documents and determines their basic functions, rather than the circumstances behind the drafting of each document.

1. *wḏt-mdw* disposition

Several texts from the Old Kingdom refer to the bequeathing of an inheritance through a testamentary disposition by using the *wḏt-mdw*-documents. One of these texts is inscribed on a tomb wall in the form of an original *wḏt-mdw*-document, or at least a copy of it. Specialists still disagree on the interpretation of this term: MRSICH suggested that it is a nominal form of the verbal *wḏ-mdw* "command words", and *wḏt* a form of *wḏ* that can be interpreted lexically as a perfect/past participle in a sense of "das Befohlene" and as a prospective with the meaning "das zu Befehlende" as well[452]. Wb. renders *wḏ* as "Befehl", and the feminine *wḏt* with the meaning "command"[453]. Likewise, both GARDINER[454] and FAULKNER[455] recognized it as "command", and HARARI as "ordonnance" and literally "parole d'ordre"[456]. More recently, DAVID explained it as a verbal order, unilateral verbal act, and unilateral disposition[457].

On the other hand, GOEDICKE thought that the compound *wḏt-mdw* is a perfective relative form, in which *mdw* has to be recognized as the logical subject, so this compound would literally mean "what the *mdw* commands". However, the connotation of *mdw* goes beyond the meaning "word, statement" in this compound because of the need for something generating the compulsion of a command. And since the word *mdw* has the meaning "authoritative pronouncement" in other occasions as in the idiom *ḫr mdw*[458] "to be under the authority", this compound could be translated as "what (my?) authority commands", where *mdw* specifies the source of the command[459].

Examples of a succession/bequest through *wḏ.t-mdw*:

1. *wḏ.t-mdw* of the high official *Wp-m-nfrt*

This document is recorded in his tomb at Giza. It was a codified unilateral verbal declaration. Through this document, the giver transferred the use of the northern room and the northern offering chapel to his son, *Jby*, for burial, and regularly performed funerary offerings.

[452] MRSICH, *Untersuchungen zur Hausurkunde des Alten Reiches*, 124.
[453] *Wb* I 396, 9-10
[454] GARDINER, *Egyptian Grammar*, 563.
[455] FAULKNER, *A Concise Dictionary of Middle Egyptian*, 74.
[456] HARARI, 'La foundation cultuelle de *N.k.wi.ʿnkh* a Tehneh', *ASAE* 54, 320.
[457] DAVID, A., *The Legal Register of Ramesside Private Law Instruments*, 5, 29, 34, 38, 225, 234, 329.
[458] See, for example, *Mṯn* inscription (GOEDICKE, 'Die Laufbahn des *Mṯn*', *MDAIK* 21, 1966, 1 ff.).
[459] GOEDICKE, 'Bilateral Business in the Old Kingdom', *DE* 5, 82 f.

The document itself consists of the date, the name of the testator, and his declaration in favor of the grantee. It is followed by the specification of the object of the deed and its use and the limitation of the legal title to the recipient. The declaration of the testator is repeated at the end of the document. The validity of this document is secured by 15 witnesses, their names are written in a list, and by the statement that the written form was set in the presence of the testator himself (*jrw m zš r gs.f ds.f*)[460].

The text did not reveal any effective role played by the beneficiary, and this was why the document was considered a unilateral declaration[461]. However, there are some important details for understanding the legal process clearly. The copy of the document is accompanied by a depiction of the testator and his heir. The testator is represented on a larger scale than his son, looking toward the text of the document, and raising his left hand in a gesture of speech, while his son is represented on a smaller scale than his father, in a state of silence and submission to the father, and holding a papyrus roll in his hand. Behind the text, the 15 witnesses are represented, putting their hands on their chests without any gesture of speech (see pl. 7).

This writing is referred to in two different forms, labeled as *wḏt-mdw* when made by the testator, and as *ꜥy* when the testator negated that any relative (brother, wife) holds "write" (*n ꜥy sn* (*.j*) *nb r.s hmt* (*.j*) *nb*) to the object of donation, except for his eldest son. Maybe this means that the document set up by the *Wp-m-nfrt* constitutes an *ꜥy* in the hands of the beneficiary. Although the heir did not admit the deed, he presumably had to be present when this document was concluded by his father[462].

2. *wḏ.t-mdw* of *Nj-ꜥnḫ-kꜣ* in his earlier tomb

Nj-ꜥnḫ-kꜣ had two tombs in Tehna, north of Minya, and date to the Fifth Dynasty. His second was cut when he had attained a higher rank than when the first was constructed. In both tombs, he explain, in details, how the cults should be set up and organized[463].

His earlier tomb's inscription deals with setting up his funerary cult, where he turned his property into an endowment to provide for his own eternal cult and appointed his children to serve as *Kꜣ*-servants. He made a unilateral verbal declaration when he had the proper mental capacity "*from his own living mouth*".

[460] GOEDICKE, *op. cit.*, 81.
[461] See MRSICH, *op. cit.* 121; GOEDICKE, *op. cit.*, 81.
[462] *IBID.*
[463] STRUDWICK, *Texts from the Pyramid Age*, 195 ff.

The document itself consists of naming the grantor, his titles, his father and mother's names, and his declaration in favor of the beneficiaries, namely, his children, who were also awarded the property for sustaining their deceased father.

3. *wḏ.t-mdw* of *Nj-ˁnḫ-kꜣ* in his later tomb

Nj-ˁnḫ-kꜣ explains his reorganization of a certain local cult for the benefit of his family after his death. The relevant cult had been founded by King Menkaure with two parcels of land. Then *Nj-ˁnḫ-kꜣ* was appointed to serve in this cult by King Userkaf. After that, he appointed his family to succeed him in this cult and distributed these lands among his family. The land in question was split into twelve parcels of five *tꜣ* each; the recipient of each share was responsible for two months of service, one in the cult of Hathor and another in the mortuary cult of a certain *Ḥnw-kꜣ* and his family[464]. ROTH thinks that *Ḥnw-kꜣ* was a previous possessor of the endowment revenues or a person has special relations with *Nj-ˁnḫ-kꜣ*[465].

The document itself consists of the naming of the giver and his titles and his wife's names. It is followed by his declaration in favor of his children that they would be appointed as *kꜣ*-servants to the goddess Hathor.

4. *wḏ.t-mdw* of *Nj-kꜣ-Rˁ*

This text was found in his tomb at Giza[466]. GOEDICKE thought that this document was an *wḏt-mdw* concerning the distribution of the testator's property among his wife and his children[467]. The document itself consists of the date, the naming of the testator, and his declaration in favor of his beneficiaries. It is followed by the specification of the object of the deed; each heir is mentioned separately, with their share of the estate determined.

GOEDICKE argued that it remains unclear if this document becomes effective immediately, and the property transferred to the persons involved. It seems that only the possession is affected, while the title of ownership remains unified and under the control of the distributing paterfamilias[468].

[464] See ROTH, A., 'The Organization and Functioning of the Royal Mortuary Cults of the Old Kingdom in Egypt', 120-121; BREASTED, *Ancient Records of Egypt,* I, 1906, 105 f.
[465] See ROTH, *op. cit.*, 121.
[466] STRUDWICK, *op. cit.*, 200.
[467] GOEDICKE, *op. cit.*, 83.
[468] *IBID.*

5. *wḏ.t-mdw* of *Nb-kȝw-ḥr*

This text found in his tomb at Saqqara is unfortunately damaged, so its meaning is unclear. Yet, it seems to be a list of prohibitions and punishments concerning to the management of a funerary cult of the tomb owner[469]. This text is a *wḏt-mdw*, a "declaration" made by the tomb owner concerning the funerary cult[470].

The document itself consists of the naming of the giver and his titles and his declaration regarding the mortuary cult. It is followed by a series of prohibitions and punishments that the donor set to organize and administer his funerary cult.

6. *wḏ.t-mdw* of *Kȝ-m-nfrt*

This text is attested on a limestone block that probably was a part of the tomb of *Kȝ-m-nfrt*'s family at Giza. It is preserved presently in the Cairo museum under the number CG 1432. It documents his deposition (*wḏ.t-mdw*) and notes that the speech was made while he was in good health, literally, "*living on his two feet*".[471]

This deposition deals with the set up and governance of the *kȝ*-servants who looked after the benefactor's mortuary endowment. It forbids any *kȝ*-servant from giving a field, a person, or anything which the benefactor turned over to him for the invocation-offering for the benefactor.

Definition:

An *wḏt-mdw* was a unilateral act based on existing authority. The holding of personal authority *mdw* cannot be universal, as is the case with the king, but limited to a group of people, submitted to the authority of a specific person and who recognize this authority. It was not some kind of agreement or contract because the addressee (beneficiary, purchaser, consignee) of the act had no say, and the certification of the other party's acceptance did not occur. The previous examples do not indicate that the beneficiaries had to accept the deeds[472]. The form was based on the principle of inequality and higher rank authority and was adequate for the titulatures society. It was opposite to the contract terms[473].

This declaration was made orally in a public ceremony first, and then codified on a papyrus roll. For example, GOEDICKE suggested that the text of *Wp-m-nfrt* is a copy of the original document made for his son, where it was labeled *wḏ.t-mdw*. In the accompanying depiction, the

[469] STRUDWICK, *op. cit.*, 187.
[470] GOEDICKE, *op. cit.*, 85.
[471] MUHS, *The Ancient Egyptian Economy: 3000–30 BCE*, 35.
[472] See MRSICH, *op. cit.*, 130; GOEDICKE, *op. cit.*, 83, 85.
[473] MRSICH, Fragen zum altägyptischen Recht der Isolationsperiode vor dem Neuen Reich, *Ein Forschungsbericht aus dem Arbeitskreis Historiogenese von Rechtsnormen*, 197.

beneficiary holds a papyrus roll in his hand, which seems to be an anticipation of the results of the business[474].

Although we have visible examples of this legal act from the Fourth Dynasty onwards, it seems that the practice of such a legal act was much older than this known attestation. Its oral condition fits into the milieu of the early titular powers and courtly environment at a time when writing had not yet spread recognition of witnesses, of course, were added later, but without this, it came into effect at that time[475].

The benefactor:

According to MRSICH, this act was practiced by active men, who were high-ranking officials such as a ruler, vizier, sole companion, nomarch, or prince. Only *Nj-ˁnḫ-kꜣ* from Tehneh identified himself as *rḫ-nsw* (the royal acquaintance)[476].

For an *wḏt-mdw* disposition to be valid, the grantors had to have sufficient mental capacity to make it. According to the preceding examples, the grantors made their *wḏt-mdw* in good health, and proved their mental capacities in related expressions:

"while he was on his two feet, alive in the sight of the king" (inscr. *Nj-ˁnḫ-kꜣ* b)

"while he is still alive on his feet and not ill" (inscr. *Nj-kꜣw-Rˁ*)

"with his mouth, while living" (inscr. *Nj-ˁnḫ-kꜣ* a)

"while living (and) on his two feet" (inscr. *Wp-m-nfrt*).

Moreover, the accompanying depictions showed that the grantors were looking at the text of the document and raising one of their hands in a gesture of speech as, for example, in the inscription of *Wp-m-nfrt* and the inscription of *Nj-ˁnḫ-kꜣ* (b)[477]. MRSICH argues that the appearance of the grantor standing with a staff to the right or by the end of the throne were a sign that grantor was fully healthy, and the expression "*live without illness*" was evidence that the grantor recited from memory[478].

The beneficiaries:

The persons favored by this act did not play any effective role in it, but were undoubtedly present when this legal act was being completed. They are identified by their names in the document: *Wp-m-nfrt* stated in his *wḏ.t-mdw* that his eldest/favorite son, *Jby*, was the only person who could benefit from his properties. In *Nj-kꜣw-Rˁ*s legal business the beneficiaries

[474] GOEDICKE, *op. cit.*, 81.
[475] MRSICH, *op. cit.*, 197.
[476] *IBID*, 196.
[477] See MRSICH, *Untersuchungen*, 119 ff.
[478] IDEM, *Fragen*, 197.

were equally named and their shares determined. Sometimes, the beneficiaries were introduced in the text by their titles; for instance, in the *K3-m-nfrt*'s text they were introduced as *ḥmw-k3 jpn* "these *k3*-servants" while *Nb-k3-Ḥr*'s text had *z3-n-ḥm-k3* "phyle of *k3*-servants" instead. To GOEDICKE, those persons were already affiliated prior to the draft of the document[479]. Sometimes, the beneficiaries are depicted in the scenes accompanying the text as silent and accepting bystanders. In other words, they appear to be under the authority of the grantor; for example, *Jby*, son of *Wp-m-nfr*, is represented on a smaller scale than his father, and stands barefooted in front his father on a lower level. The artist enhanced the status of the son by referring to his title, but his role is as a dutiful son of the father[480].

The beneficiaries were members of the grantor's family, such as a son, daughter, or wife. They were also foreign people – non-blood relatives – who served in the endowment in return for a share of its income.

Assets:

The assets that are conveyed to or placed under the supervision of the beneficiaries through the *wḏ.t-mdw* were varied consisting of immovable property, such as lands and buildings. The related texts do not indicate that movable property was transferred to the beneficiaries through this legal act.

ḏt-property was one of the properties that the testator bequeathed to his eldest/favorite son. The high official *Wp-m-nfrt* transferred part of his *ḏt*-property to his eldest son and allowed him to use his northern room and his offering chapel for burial and regularly performed funerary offerings (inscr. *Wp-m-nfrt*).

ḫrt-possessions ( [481]) were placed at the disposal of the beneficiaries, albeit under certain conditions. *Nj-ʿnḫ-k3* turned his *ḫrt*-possessions into an endowment and appointed his children to serve as *k3*-servants and allow them to enjoy the usufruct (inscr. *Nj-ʿnḫ-k3* a).

Nj-k3-Rʿ distributed his property among his wife and his children. The text discloses that this property consisted of some estates in the 14th Nome of Lower Egypt, and in the 12th, and 16th, 20th Nomes of Upper Egypt, in addition to the house (*pr*) and a tomb (inscr. *Nj-k3w-Rʿ*).

Also, the eldest/favorite son was appointed as "administrator" in the testamentary disposition document (*wḏ.t-mdw*). Furthermore, the children serve as *K3*-servants in the mortuary foundation by means of this act under the supervision of their eldest brother (inscr. *Nj-ʿnḫ-k3*).

[479] GOEDICKE, *op. cit.*, 88.

[480] MRSICH, *Untersuchungen*, 124.

[481] Wb (III, 390.5-391.20) renders the word  as 'belongings, shares, requirements'.

The function:

According to the previous examples, one concludes that the function of this legal act was as follows:

A. Establishment of the funerary cult of the deceased: a person could turn his property into an endowment and make a deal with the mortuary priests for the provision of cult offering after his death, in return for an endowment of land. In such a deal, the granter mentioned the basic statutory norms for the organization of the cult and showed the particular rights and obligations that the mortuary priests had regarding his mortuary cults[482].

B. In matters of succession: the testator left certain assets to certain family members (son, wife, daughter). In one example, the eldest son inherited the whole of his father's property through such an act. In another example, the inheritance was distributed among the children of the testator and his wife. In the case of *Nj-ˁnḫ-kꜣ*, the property turned into an endowment, and all the children had the right to benefit from its income. It seems that the eldest/favorite son was responsible for, among other tasks, the distribution of this income to the heirs.

[482] See MRSICH, *op. cit.*, 129 f.

2. *jmj.t-pr* document

Egyptologists are still confused about the basic nature of this document and generally interpreted this term in different ways[483], without consensus[484]. Since there is no conclusive translation of this term, I agree with VAN DEN BOORN[485] that this word should not be translated, and therefore "*jmj.t-pr*-document" will be used in the following discussion[486].

The use of this document was not limited to inheritance matters but was also used in property sales, and donations. The present study highlights the role that this document played in the succession process.

Judging by the sources on inheritance, this document was used in inheritance issues since the Old Kingdom. The first such documented inheritance case in pharaonic Egypt is attested in an autobiography from the Third Dynasty: *Mṯn* explained that he and his siblings had inherited arable land through this document from their mother. Nevertheless, the text states that these lands were placed under the children's authority through royal writing (*ꜥny*) (inscr. *Mṯn*).

The texts of the Twelfth Dynasty contain two examples of inheritance by means of such a document: the first is recorded in pKahun I.1 dating to Amenemhat III's reign. The chief of the phyle, called *Kbj*, bequeathed his office to his eldest/favorite son, *Jw-snb*, through an *jmj.t-pr*. The testator, in this case, stated that he grew too old and his son was an assistant for him (as my staff of old age). He thus requested that his son should be appointed in his position immediately. On the other hand, the testator revoked an earlier *jmj.t-pr*-document formerly drafted in favor of his first wife, the mother of his son *Jw-snb*. It seems that the earlier *jmj.t-pr*-document concerned the testator's house and its content. In his new document, the testator stated that the right to the house should go to his children from his second marriage.

Papyrus Kahun VII.1 is one of the few original *jmj.t-pr*-documents that survive from ancient Egypt. It labeled as such in its introductory formulae. It consists of the date, the naming of the testator, and his declaration in favor of the beneficiary[487]. These are then followed by three items:

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[483] For the meaning of *jmj.t-pr* word, see ALLEN, J. P., *Middle Egyptian: An introduction to the language and cultures of the hieroglyphs*. 7th ed. 90; GÖDECKEN, Imet-per (Jmjt-pr), *LÄ* III, 1980, 141 f; GARDINER, *Egyptian Grammar*, 61 f., 558.

[484] See VAN DEN BOORN, *The duties of the vizier: Civil administration in the early New Kingdom*, 180 f.; LOGAN, 'The *imyt-pr* document: Form, function and significance', *JARCE* 37, 2000, 49 f.

[485] VAN DEN BOORN, *op. cit.*, 180.

[486] For further details about definition of *jmj.t-pr* see, DONKER VAN HEEL/HARING, *Writing in a Workmen's Village: Scribal Practice in Ramesside Deir El-Medina*, vol. 16. Peeters, 2003., 87 ff.

[487] LOGAN, *JARCE* 37, 57 f.; LIPPERT, Inheritance, 5 f.

A. The first item concerns to the office of the testator that he bequeathed to his eldest son.
B. The second item concerns the cancellation of the earlier *jmj.t-pr*-document.
C. The third item concerns his house and its content. It seems that this house was placed in possession of the first wife of the testator through an earlier *jmj.t-pr*. Then the ownership of the house in question was transferred to the children of a second marriage by means of the current *jmj.t-pr*.

Then the document's validity was certified by a list of three witnesses in whose presence this document was drafted.

Another succession case by means of an *jmj.t-pr*-document is recorded in pKahun I.1. It actually consists of two documents effectively combined into one: the prior document by *ʿnḫ-rn* is included in the document of *W3ḥ* merely as a confirmation of the ownership of *W3ḥ*.

The first one is labeled as a copy (*mity*) of an *jmj.t-pr*-document, which the (elder) brother *ʿnḫ-rn* had made in favor of his (younger) brother, *W3ḥ*. Through it, the (younger) brother inherited *ḫt*-property and dependents (*ḫnmw*) from his (elder) brother. The text states that the copy of *ʿnḫ-rn*'s testamentary disposition (copy of *jmj.t-pr*-document) was placed as a record (*snn*) in the office of the second herald of the South[488].

On the other hand, the text discloses that the date of drafting this document was the same as the date of its deposit in the office of the second herald of the South.

The second is an original *jmj.t-pr*-document, which was drawn up by *W3ḥ* and in favor of his wife *Ttj* as mentioned above. Through this document, he gave her what he had received from his (elder) brother in addition to what he acquired through his own efforts. This document consists of the date, the naming of the testator, and his declaration in favor of the beneficiary. It is followed by the specification of the object of the document, its use, and the limitation of the legal title to the beneficiary. The items in this document are as follows:

A. The first item concerns the property (*ḫt*) and the movables (*ḫnw*), which the testator had inherited earlier from his (elder) brother. In this item, he confirms that his wife could freely dispose of those properties.
B. The second item concerns four Asiatic persons, whom the testator had inherited from his elder brother as well. He admits that they now were under the authority of his wife and that she could give them to whomever she liked.

[488] See LOGAN, *JARCE* 37, 58 f.; GANLEY, *DE* 55, 21 ff.

C. The third item concerns his tomb (*ḥ3t*), which apparently did not belong to his (elder) brother. The testator stated that his wife could be buried therein, and no one would be able to oppose it.

D. The fourth item concerns *habitatio*. The testator stated that his wife had a right to live in a group of houses (*ꜥt.w*), which his (elder) brother had built for him. He mentioned that no one could expel his wife from these houses.

E. The fifth item concerns his minor child. The testator appointed a guardian to act on behalf of the minor child until it would come of age.

Then the document's validity was secured by a list of three witnesses who were present when this document was drafted.

It is noteworthy that those documents (on papyri Kahun I.1 and Kahun VII.1) are identified as an *jmj.t pr* by their introductory formula *jmj.t-pr jrt.n NN n NN*, "the *jmj.t-pr*-document that *NN* made for *NN*"[489].

An interesting text recorded on a stela from the Seventeenth Dynasty recites the history of holding the office "Mayor of el-Kab" and how it was passed down through subsequent generations through *jmj.t-pr*-documents. The text discloses that the relevant office was filled, in the beginning, by the great grandfather, the vizier *Jy*, who married the royal daughter *Rdjt-n-s*. It seems that the vizier *Jy* had two sons: *Jy-šrj* and *Jj-mr*. *Jy-šrj* received this office by means of an *jmj.t-pr*-document and held it until his death. Since he was childless, the office passed to his younger brother, the vizier *Jj-mr*, through an *jmj.t-pr*-document as well. This document was made in the office of the vizier during the first year under king Merhetepe. After that, the vizier *Jj-mr* left this office together with his *ḫt*-property to his son, the officer *Kbsj*.
The last transfer of the office happened when *Kbsj* transferred it to his brother *Sbk-nḫt*. This transfer is the main theme of the inscription, which is why it is highly detailed. *Sbk-nḫt* inherited this office from his brother through an *jmj.t-pr*-document combined with a *swnt* (process)[490].
Kbsj's failure to return the borrowed 60 *dbn* led to the draft of this document. Hence, he decided to give his office to *Sbk-nḫt* in exchange for this debit. So, *Kbsj* mentioned that he would give that office for him "*from son to son, heir to heir*", and he should be given its loaves, its beer,

[489] LIPPERT, *op. cit.*, 5 f.

[490] LOGAN believes that the reason why the *jmj.t-pr* is combined with the *swnt* document is so that the property may be bequeathed *'from son to son, heir to heir*' because the *jmj.t-pr*-document alone did not transfer the right to bequeath the property (LOGAN, *op. cit.*, 70).

its meat, its provisions, its workmen, its gangs, and its house/office, without letting it be interfered with by anyone since he gave him its price, 60 *dbn*, consisting of all sorts of things[491].

The text provides details on the process of this document drafting. It states that this document had been made in the office of the herald of the northern district (*wḥm wʿrt*), and dictated to the scribe of the great *ḫnrt*-department, who was a deputy for the scribe of the herald of the northern district (*wḥm.w wʿrt*). Furthermore, the text reveals that this document should be renewed (*sm3wy*) every year according to the law, and it had been made by *s3b*-official in the presence of the overseer of the town, the vizier, the steward of six great houses, *s3b*-official, *Nb-sw-mnw*, and the priest of Horus-Nekhen, *Sbk-nḫt* (ste. Juridique).
According to the relevant texts, the *jmj.t-pr*-documents must have continued to be used in the New Kingdom, although no such document has been uncovered. LIPPERT argues that no actual *jmj.t-pr*-documents from the New Kingdom are known and possible drafts are on the oDeM 108 and a transcript of another on the ste. Cairo CG 34016[492].

The known succession texts from the Eighteenth Dynasty contain two instances of a conveyance of inheritance through the *jmj.t-pr*-document, the first recorded on the ste. Cairo CG 34016, and the second on the ste. Ahmose-Nefertari.
Unfortunately, the text recorded on the ste. Cairo CG 34016 is damaged, but it is clear that the testator, *Snj-ms* by name, bequeathed his *ḫt*-property to his wife with four children by means of an *jmj.t-pr*-document. He stipulated that the wife has a right to hold the inherited property during her lifetime, and then the property should be divided among the four children when their mother died (euphemistically expressed as "after her old age").
It is worth noting that the text discloses that this *jmj.t-pr*-document was enacted by the bureau (*ḫ3*) of the vizier in the presence of the overseer of the town and the vizier himself, and written by a scribe, named Hori, son of the town's overseer.

Both of the afore-mentioned *Kbsj* and *Snj-ms* added a section to their *jmj.t-pr*-documents concerning future ramifications of their testaments, which stressed the possible intervention by members of the testator's family (*h3w*)[493] rather than by outsiders. They also used the term (*h3w*), to include all blood relatives. Furthermore, they used the common phrase: "*from son to son and heir to heir*", which often, when written, stressed the inviolate descent of one's property through one's children.

[491] See GANLEY, 'A fresh look at the Karnak Legal Stela', *DE* 58, 2004, 62.
[492] LIPPERT, *op. cit.*, 6.
[493] For Interpretation of this term, see SPALINGER, *op. cit.*, 643 f.

The second instance of the Eighteenth Dynasty is recorded in a royal inscription known as ste. Ahmose-Nefertari, where it is clear that the king Ahmose made an *jmj.t-pr*-document in favor of his wife, the queen Ahmose-Nefertari. The text states that this document had been made in the southern festival hall (*ḥbyt rsyt*) during the festival of Choiak in the presence of the divine statue of Amun, and the king, the queen, the noblemen, and all the members of *ḏ3ḏ3.t*-council of the city (Thebes). Furthermore, the oracle god Amun pledged that he would protect this document, without letting an obstruction happen against it by another king who should arise in the course of future generations. It is worth mentioning that this *jmj.t-pr* was combined with a *swnt*-process, which consisted of many things.

A text from the Nineteenth Dynasty reflects that the *jmj.t-pr*-document was drafted in the community of the workmen at Deir el-Medina, which was home to the artisans who worked in the royal cemetery in the Valley of the Kings. Since there is no original *jmj.t-pr*-document from the New Kingdom yet, the current text oDeM 108 could be the draft of an *jmj.t-pr*-document[494].
A man from a lower caste drew up an *jmj.t-pr*-document in favor of his children (four sons and two daughters). He divided his simple property among all of them. The document itself consists of the date, naming the testator and his declaration in favor of his children, and several items. Each item concerns one of his children and his share of the property inherited. After that, the text states that this document was formulated in the presence of unmentioned witnesses.
A text written on the sta. CG Cairo 42208 dating to the Twenty-Second Dynasty provides an example of the testamentary disposition: the fourth priest of Amun Re gave his property to his daughter through an *jmj.t-pr*-document. The text disclosed that the testator prayed to Amun to protect this document and to last forever, without letting it be interfered with by anyone among his relatives. On the other hand, the testator indicated that he made this document according to the law (words of God), which states: '*that everyone is free to make any plan for his property*'.

The last known appearance of the *jmj.t-pr*-document in succession matters during the pharaonic period is attested in a royal text recorded on the ste. Nitocris Adoption dating to the Twenty-Sixth Dynasty. The god's wife of Amun, *Šp-n-wpt* II, sister of king Taharqa, adopted the eldest daughter of the king Psamtik I, the princess *Jmn-jr-dj.s*, and established her as her successor in the god's wife of Amun's position through an *jmj.t-pr*-document.

[494] LIPPERT, *op. cit.*, 6.

The examples presented above prove that the *jmj.t-pr*-document was used for inheritance throughout pharaonic history. Through an analysis of the known *jmj.t-pr*-documents, one can identify its elements and main characteristics:

Form of *jmj.t-pr* in succession matters:

The *jmj.t-pr*-documents consisted of the following essential parts:

A. Date
B. Label: consisted of the introductory formula (*jmj.t-pr jrt n NN n NN*). In such a formula, titles and names of the issuer should be mentioned, and the titles and the name of the beneficiary as well. Names were introduced as *NN sꜣ NN ḏd.f NN* (*NN* son of *NN*, called *NN*).
C. Text of the document. It consisted of different items; each item concerned one of the things that must be addressed in the document. Usually, each item started with the non-enclitic particle  (as for). If the inheritance consisted of different types of property, each type was independently discussed. The draft of an *jmj.t-pr* recorded on oDeM 108 shows that the given document consisted of six items in accordance with the number of beneficiaries. Each item dealt with one of the beneficiaries and his share of the inheritance.
D. Three witnesses, in whose presence the document was drafted.

Issuers of the document (the testator):

The ancient Egyptian people were grouped in a hierarchical system with the king at the top and farmers and slaves at the bottom. According to the relevant texts, one can conclude that every free person, whether they belonged to the lower class of society or the highest social classes, had the power/right to make an *jmj.t-pr*-document in favor of their beneficiaries. According to the titles of the authors, it is clear that this act was practiced by high and low-ranking officials, such as the king and the vizier, the overseer of the administrative district, the chief of the phyle, the tutor of the royal princess, the officer, the ruler of the table, the keeper of Amun's table, the fourth priest of Amun, *wab*-priests, the God's Wife of Amun, the footman and normal women without titles. In other words, if you live in ancient Egypt and wanted to bequeath your assets, through this document, there are no legal barriers to prevent you from doing that, as long as you were free.

Unlike with previous documents, there was no certification of an author's mental capacity when they decided to draft an *jmj.t-pr*-document. Clauses like "*on his two feet, alive*", "*is still alive*

on his feet and not ill" or "*with his living mouth*", which were a necessary part of the *wḏ.t-mdw* -document did not appear in this document.

The beneficiaries:

Based on the inheritance documents under study here, one can conclude that the beneficiaries of an *jmj.t-pr* were mainly the children and siblings of the testator. In more detail, the inheritance was conveyed through this document from the father to his son (pKahun I.1), to his daughter (sta. Cairo CG 42208), and to all his children both; male, and female (oDeM 108). Also, this document was used for transferring the inheritance from the husband to his wife and then to their children after her death (ste. Cairo CG 34016), and from the husband to his wife as well (pKahun VII.1).

Through the document, the inheritance passed from the parents to their daughter, from a woman to her adopted daughter (ste. Nitocris Adoption), and from the mother to her children (inscr. *Mṯn*). Furthermore, we find that an inheritance was transferred through this document from the brother to his (younger) brother (pKahun VII.1), and from the brother to his half-brother (ste. Juridique).

One of the most critical issues concerning the beneficiary in the *jmj.t-pr*-document has to mention. We have observed that when the beneficiaries of a testamentary disposition (*jmj.t-pr*) were not legitimate heirs in terms of customary intestate succession, the author had to add the proviso of his will that means his beneficiaries had a right to bequeath the assets to whomever they liked from among their potential children. That is supported by the document that *Wꜣḥ* drafted in favor of his wife, *Ttj*, and in the document that king Ahmose made in favor of his wife, queen Ahmose-Nefertari. In the first document, the clause "*She could give (it) to anyone she likes among her children*" and in the second, clause "*it belongs to her from son to son forever and ever*" were added (pKahun I.1, 10-11; ste. Ahmose-Nefertari, 24).

Assets:

Regarding the assets that were inherited through *jmj.t-pr*-documents, LIPPERT mentioned that these were typically land, sometimes with appurtenant personnel, and offices[495]. Yet, according to the relevant texts, these assets furthermore consisted of immovable property, like lands and buildings, and movables, like household goods.

In more detail, these assets were arable land (*ꜣḫt*) (inscr. *Mṯn*), *ʿt.w*-houses, and *ḥꜣd*-tomb (pKahun VII.1). Moreover, the assets inherited through this document consisted of simple

[495] LIPPERT, Inheritance, 5.

things, like a copper work kit, baskets, a jar, grain, a paddle, a mirror, a cauldron, and stone vessels (oDeM 108).

Also, humans were inherited through this document, like dependents (*ḫnm.w*) (pKahun I.1), *ḥzbw*-conscripts (sta. Cairo CG 42208), *ꜥ3mw*-Asiatics (pKahun VII.1), and *mrj.t*-personnel (ste. Florence 6365). Similarly, offices were inherited through this document, like the office of the chief of the phyle (*mty n s3w*) (pKahun VII.1), the office of mayor of el-Kab (*ḥ3tj-ꜥ n Nḫb*) with its income and bureau (ste. Juridique), the office of second priest of Amun (ste. Ahmose-Nefertari), and the office of the God's Wife of Amun (ste. Nitocris Adoption).

Furthermore, the text recorded on the ste. Cairo CG 42208 shows that cattle (*j3wt*) were, among other things, conveyed to the heiress through an *jmj.t-pr*-document.

Another important concept that can be seen in this document is the item made for the appointment of a guardian for the minor child (pKahun VII.1). Also, one can conclude from the context of ste. Cairo CG 34016 that the wife was placed to act as mediator/trustee. In this case, the children could only inherit via their mother.

Finally, as regards the type of property inherited through the document in question, they are *ḫt*-property and *ḥnw*-possessions.

The witnesses:

According to LOGAN the actual *jmj.t-pr*-documents had three witnesses[496]. The related documents disclosed that the witnesses or those for whom the document was made in their presence came from different sectors of Egyptian society. The witnesses were the chief of the phyle, the temple doorkeepers, the scribe of pillars, the priests (*ḥmw-nṯr*), *wab* priests, and the friends of the temple (*smr.w nw ḥwt-nṯr*).

Likewise, the persons in whose presence this document was drafted, are the king and the queen themselves - when they are parties of this document - the vizier, the overseer of the town, the noblemen, the steward of six great houses, *s3b* official, and the priest (*ḥm-nṯr*) were also witnesses.

Sometimes the issuer indicated that he made his document in front of witnesses without nominating them.

The bureaux:

The bureaux where the *jmj.t-pr*-document was concluded or deposited are as follows:

[496] LOGAN, *op. cit.*, 71.

The document that *ꜥnḫ-rn* made in favor of his brother was copied and deposited as a record (*snn*) at the second herald of the South (pKahun VII.1). The document that *Kbsj* made in favor of his brother, was drafted by the office of the herald of the northern district (*wḥmw-wꜥrt*), and in the vizier's office (*ḫ3 n ṯ3ty*). The text discloses that this document was transmitted between the two previous offices (stè. Juridique 11, 23). The *jmj.t-pr*-document that king Ahmose drew up in favor of his wife, was made in the southern festival hall (*m ḥbyt rsyt*) in the presence of the divine statue of Amun (ste. Ahmose -Nefertari, 21). Moreover, the document was sealed (*ḫtm*)[497] in the vizier's office in the presence of the vizier himself and the town's overseer (ste. Cairo CG 34016, 19).

An interesting text suggests that the future ramification of an *jmj.t-pr* could take place in the bureau of the king (*ḫ3 nb n nswt*). In other words, when someone wanted to dispute the document, he had to go to any bureau of the king (ste. Cairo CG 34016, 15 f).

Renewing and dictating the *jmj.t-pr*-document:

One important sentence about the *jmj.t-pr*-document is recorded in ste. Juridique (12-13) as follows:

One has instructed him to renew[498] it (=*jmj.t-pr*) each year according to the law.

Accordingly, one assumes that the *jmj.t-pr*-document concerning a testamentary disposition succession was renewed annually in accordance with the law (order). It seems that the renewal of an *jmj.t-pr* lay in the responsibility of one of the parties. Unfortunately, it was not easy to know which one of the parties was meant, because of the frequent use of a personal pronoun at this particular point of the text in question. Perhaps, the state officials examining the document every year had to ensure that it would be activated after the death of the issuer and that the property would pass directly to the beneficiaries.

On the other hand, the previous text also states that the *jmj.t-pr* was dictated (*ḏd*) to the scribe of the great *ḫnrt*-department. Maybe a high-ranking official dictated it to the scribe in order to record it on a papyrus' roll (ste. Juridique, 12-14), as one of texts stated that the *jmj.t-pr*-document had been written by the scribe, a son of the town's overseer (ste. Cairo CG 34016).

[497] It seems that the *jmj.t-pr*-document should have been sealed by the Vizier, and this was an obligatory matter, as well as all deeds of this kind (VAN DEN BOORN, *op. cit.*, 180 f.; LIPPERT, *Einführung in die altägyptische Rechtsgeschichte*. Einführungen und Quellentexte zur Ägyptologie 5, 73; LIPPERT, Inheritance, 6).

[498] *sm3wy* is causative, translated by *Lesko* III, 48 as 'renovate, renew'.

Effectiveness of the *jmj.t-pr*-document

According to ste. Juridique (12-13) and pKahun VII.1, the *jmj.t-pr*-document should be renewed from year to year in accordance with the law, while an earlier *jmj.t-pr*-document was revoked and a new one put in its place. I agree with LIPPERT that this document did not become effective immediately but after the death of the issuer[499]. It seems that the document was deposited at a governmental office after it was drafted, or with a trustworthy third party. Then it was examined year after year, apparently by the officials of the state, until the moment of activation came, i.e., after the issuer's death.

There may have been exceptional cases, in which an *jmj.t-pr*-document became effective immediately after having been written, during the issuer's life, like the institution of the son as "staff of old age[500]", where the son was appointed instead of his father, who went into partial retirement. In such cases, it would be necessary to make explicit provisions in the *jmj.t-pr* for it to be executed before the death of the issuer[501] (pKahun I.1).

The function of an *jmj.t-pr* in succession matters

According to the preceding examples, the function of the *jmj.t-pr*-document in the inheritance process can be summarized as follows:

A. It confirmed the inheritance transfer to the legitimate heirs (in terms of a customary intestate succession).
B. It was used for bequeathing to the illegitimate heirs, such as the wife.
C. It was used to establish a guardian for the minor heir.
D. It was used to set the wife as a mediator, who holds undivided inheritance for a while.

The relation between an *jmj.t-pr*-document and an *wḏ.t-mdw*-document:

The Egyptians did not distinguish between the two forms of disposal, namely the *jmj.t-pr*-document and *wḏ.t-mdw*-document. Both of them were used whereby both were marked as a declaration of will. It is precisely this fact that makes it understandable that *wḏ.t-mdw* could be

[499] See LIPPERT, *op. cit.*, 4 f.

[500] For further details about this term and the examples in which the son was named as the *mdw jꜣw* for his father, see BLUMENTHAL, E., Ptahhotep und der 'Stab des Alters', in J. Osing and D. Gunter (eds.), *Form und Mass*. Festschrift für Gerhard, 84-97; MCDOWELL, 'Legal Aspects of Care of the Elderly in Egypt to the End of the New Kingdom', in: M., Stol and S. P., Vleeming (eds.), *The Care of the Elderly in the Ancient Near East*, 201 ff.; SHIRLEY, *The Culture of Officialdom An examination of the acquisition of offices during the mid-18th Dynasty*, 64.

[501] See LIPPERT, *op. cit.*, 5.

used in the sense of last will, as long as it did not relate to the transference of objects; in this case, the *jmj.t-pr* was used[502].

According to the relevant texts, one of the general arrangements of *wḏ.t-mdw* was to allow the use of *jmj.t-pr*. The *wḏ.t-mdw* was an authorization from the grantor/founder of the endowment to the incumbent. When the incumbent wanted to transfer his office's assets to his son, he could use the *jmj.t-pr* thereupon[503].

Both the *wḏ.t-mdw*-document and the *jmj.t-pr*-document served to bind the assets to a family or quasi-family association. Besides the *wḏ.t-mdw* the donor himself also made an *jmj.t-pr* for the succession regulation. The possibility emerged that the transfer-business behind an *jmj.t-pr* could be a particular case of a *wḏ.t-mdw* act secured by this document form[504].

Finally, I would suggest that one of the differences between the two documents in question was that the use of the *wḏ.t-mdw*-document was limited to the higher ranked officials, since a reference that a lower-ranking official wrote an *wḏ.t-mdw* is not yet known, while the *jmj.t-pr* -document could be drafted by any person, regardless of his position, as long as he was free. Also, one can suggest that *wḏ.t-mdw* was used only for conditional inheritance transfer, unlike *jmj.t-pr* which was valid to transfer whatever kind of inheritance.

3. *ḥ3ry*-document

GARDINER understands that *ḥ3ry* is a derivative of the word *ḥrw* (day), and its primary meaning is "journal" and "journal-entry"[505]. GUNN also mentions that it means "journal" and suggested that the word occurred as early as the Twelfth Dynasty in the famous text of pBerlin 10012[506] that states that the temple journal included a copy of the letter declaring the heliacal rise of Sothis[507]. This word is attested also in Instructions of Amenemope 21.9, where GRIFFITH translated it as "document"[508]. The text reads:

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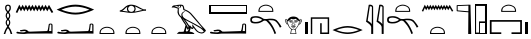
[502] GOEDICKE, *Die privaten Rechtsinschriften aus dem Alten Reich*, 199.

[503] See MRSICH, *Untersuchungen*, 130 f.

[504] MRSICH, *op. cit.*, 130 f. For such relation see also THÉODORIDÈS, A, 'Les contrats d'Hapidjefa (XIIe dynastie, 20e s. av. J.C.)', *RIDA* 18, 1971; MRSICH, *Fragen*, 236.

[505] ČERNÝ, *JEA* 31, 1945, 32.

[506] This Papyrus was published in transcription by BORCHARDT, 'Der zweite Papyrusfund von Kahun und die zeitliche Festlegung des mittleren Reiches der ägyptischen Geschichte', *ZÄS* 37,1899, 99, and the facsimile done by MÖLLER, *Hieratische Lesestücke für den Akademischen Gebrauch*, I, I9.

[507] This suggestion is based on a reinterpretation of a sentence in said papyrus (1.21) as follows:  'And let this letter be entered (lit. made) in the journal of the temple' (ČERNÝ, *op. cit.*, 32.)

[508] GRIFFITH, 'The Teaching of Amenophis the son of Kanakht', *JEA* 12, 1926, 218.

> "make not for yourself false documents (*ḥ3ry*), they are gross treason (?)(worthy) of death"[509].

In the Decree of Horemheb, the word in question occurred as well, translated by BREASTED as "daily register"; Horemheb mentions he had appointed two judges to assess the two lands, after he had sought two officials perfect in speech, excellent in good qualities, knowing how to judge the innermost heart. Then he assigned them to the great cities of the South and the North and put before them regulations in the daily register (*ḥ3ry*) of the palace[510].

Furthermore, the word *ḥ3ry* survived in the Twenty-Fifth Dynasty, in the unusual hieratic pLouvre 3228, 8[511], which dates to year 3 of Taharqa. This case deals with a sale of a slave, in which a man and his sister took the oath indicating to their proceeding statement concerning this sale, saying:

I shall not be able to withdraw the declaration (*ḥ3ry*), which is (found) above[512].

REDFORD concluded that *ḥ3ry* originally referred to a series of dated entries "a daybook", but it had another meaning in the Ramesside era, i.e., "dated record of a legal act or declaration"; the main feature of this kind of documents is its specific date that gave legal force to it[513]. DONKER VAN HEEL/HARING used the meaning "dated record/document" for *ʿr.t ḥ3ry* and highlighted the attestation this word in the community of necropolis workmen, and according to its use there they suggested that it does not stand for just any type of dated document[514].

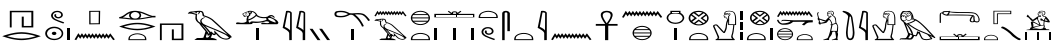
In succession matters, the relevant word is attested only once, dating to the Twentieth Dynasty; in her testament, the lady *Njwt-nḫt-tj* explains how she appeared in front of the local-*qnbt*-council to make a document (*ḥ3ry*) concerning her property. She informed the judges that she had eight children, how she brought them up, and how she gave them the necessary equipment/outfit when they wanted to establish (*grg*) homes of their own to get married. However, when she grew old, she was entitled to expect some support from them.

[509] BUDGE, *The teaching of Ȧmen-em-apt, son of Kanekht*, 170, 221; GRIFFITH, *op. cit.*, 218.
[510] BREASTED, *Ancient Records of Egypt*, III, 31 (&63).
[511] This Papyrus is published in facsimile by REVILLOUT, *Quelques textes démotiques*, pl. i; contents in GRIFFITH, *Catalogue of the Demotic papyri in the John Rylands Library*, 15.
[512] ČERNÝ, *op. cit.*, 32.
[513] REDFORD, D. B., *Pharaonic King-lists, Annals and Day-books: a Contribution to the Study of the Egyptian Sense of History*, (SSEA Publication 4) Mississauga, 1986, 97 ff. ; DONKER VAN HEEL, K./HARING, J. J. B., *Writing in a Workmen's Village: Scribal Practice in Ramesside Deir El-Medina*, vol 16, Peeters, 2003, 101.
[514] *IBID*, 101 f.

Unfortunately, three of her sons were not dutiful to her at this age, so she decided to disinherit them and bestowed her property on the remaining five, who supported her.

According to ČERNÝ and PESTMAN, this followed all Egyptian legal documents, in which the author declares his testament by making an oral public statement in the presence of a statutory body or witnesses, and it was subsequently recorded as an actual event on a papyrus or an ostracon, that ensured the legal validity of the document[515].

The term *ḥ3ry* is written twice in the testament of *Njwt-nḫt-tj*. Its introductory lines, directly after the date, specifies:

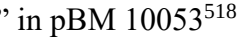


This day of drawing up the document (*ḥ3ry*) concerning her property (*3ḫt*) by the citoyenne *Njwt-nḫt-tj*, before the council (*qnbt*): (pAshmol.Mus. 1945.97 doc. I, col. I: 4-5).

ČERNY say that this word here must be a technical term indicating the written record of a legal act conducted on a specific day[516]. The term appears in a description of the legal act, which the woman made in the *qnbt* before the fourteen judges, to limit inheritance to five of the legitimate heirs and to deprive the other three.

Furthermore, the relevant term is written in the docket (outside) on the verso of the papyrus (cols. 5 and 6):

The roll of the document, which the citoyenne *Njwt-nḫt-tj* [made] (concerning her) property (*3ḫt*).
(pAshmol. Mus. 1945.97, I, cols 5 and 6)

According to ČERNÝ[517], the term *ḥ3ry* in the previous example qualifies the word  *ʿwty* "roll", like what  "statement" in pBM 10053[518] and  "name-list" and  "receipts of corn" in Pleyte and Rossi, pTurin[519] do.

DONKER VAN HEEL/HARING stated that this papyrus has the features of a document that was to be placed for future reference, and it was presumably deposited at home, and not in a certain administrative office. Consequently, *ʿryt ḥ3ry* indicates a text of a private will, which had been conducted by the higher administrative authority and preserved at the home of the concerned party (the heirs)[520]. Therefore, one can propose that the small archive recorded on pAshmol. Mus. 1945.97 contains an original *ḥ3ry*-document, drafted by the lady *Njwt-nḫt-tj* with respect to her *3ḫt*-property. This actual *ḥ3ry*-document is recorded on both the recto and verso of

[515] See ČERNÝ, *JEA* 31, 1945, 42 and PESTMAN, P.W., The ''Last Will of Naunakhte' and the accession date of Ramses V', in Demarée, RJ & Janssen, J.J. (eds.), *Gleanings from Deir el-Medina*, 1982, 174.
[516] ČERNÝ, *op. cit.*, 32.
[517] ČERNÝ, *op. cit.*, 32.
[518] pBM 10053, 1, 4
[519] pTurin 49, 2 ; 65c, 3.
[520] DONKER VAN HEEL/HARING, *op. cit.*, 102.

Document I from this archive (cf. Pl. 46+46c). Therefore, the document can be analyzed as follows:

The form

The document itself consists of several essential parts:

1. Label

In the legal document, the purpose of the "label" or "docket" is to identify the nature of the document. On the verso of the papyrus, the label or docket of the *ḥ3ry*-document is written in a way in which it is visible when the papyrus was rolled. It runs in a single line declaring the type of the document, which the testatrix made in favor of her children[521]. I prefer to translate this line: "*the roll of ḥ3ry-document, which the citoyenne Njwt-nḫt-tj [made] (concerning her) property (3ḫt)*". Maybe this label or docket is similar to the modern-day heading of a legal document, for example, the power of an attorney, a bill of sale, or a divorce settlement agreement.

2. Date of the writing of the document

It is clear that the Egyptians had a standardized way to write dates, whether in the legal documents or the other documents: the year first, the month second, the season third, the day last. The mention of the date had particular importance for when the legalization of the document was formalized. The text shows that this document was drafted during the third year from the reign of Ramses V.

3. Identifying Label

At this point, the name of the document is mentioned again with the name of the author.

4. The statutory body

The names of judges are mentioned, in whose presence the document was drawn up. The local-*qnbt*-council before which the document was made, consisted of 14 persons, all of them employed for the work on the royal tombs. They were two chief workmen, two scribes, two draughtsmen, six ordinary workers, and two district officers. The drafting of the document before this statutory body or witnesses possibly gave more validity to the draft and authenticated the testamentary disposition of the testatrix[522].

[521] ČERNY, *op. cit.*, 31.
[522] See *IBID*, 31, 42.

5. The items of the document

The text of the document consists of several items:

A. First item

This item concerns children who had the right to inherit from their mother; it contains a list of five children: three males and two females.

B. Second item

This item concerns the children who were disinherited. It contains four children: one male and three females. It is noted that one of the female beneficiaries had been mentioned in the list of children who should inherit, and in the list of the children who should not inherit. The text shows that this female should come in the division of the whole property inherited, except for the *oipe* of emmer and *hin* of fat.

C. Third item two matters:

* The affirmation of the rights of all children in the estate of the father.

* One of the disinherited children, named *Nfr-ḥtp*, was also cut out of the testamentary disposition because he had already got more than his due share in the form of copper vessels[523].

6. Recording

This document was written by the scribe *Jmn-nḫt*, from the department of the king's tomb, who was one of the statutory body's members.

The original *ḥ3ry*-document, which the lady *Njwt-nḫt-tj* made in respect of her property ends at this point after a reference to the recording. It seems that this document was deposited in the scribe's archive until the moment of its effectiveness came. The relevant papyrus contained another text written in a different hand and of a later date, after a year and twelve days, after the draft of the actual *ḥ3ry*-document. This text is an undertaking to comply with the will. To EYRE, this document was no public record, but preserved in the family archive where it was found[524].

This text shows that the workman *Ḫʿ-m-Nwn*, second husband of the lady *Njwt-nḫt-tj*, and his children presented themselves again in the local-*qnbt*-council and promised to execute *Njwt-nḫt-tj*'s testamentary disposition precisely as she prescribed before in the actual *ḥ3ry*-document.

[523] WILKINSON, T., *Writings from ancient Egypt*, 134.
[524] EYRE, *The Use of Documents in Pharaonic Egypt*, 107.

This court appearance took place after the death of *Njwt-nḫt-tj*. Her second husband, the workman *Ḫʿ-m-Nwn*, acted as the executor of her testamentary disposition[525].

It seems that a dispute flared up after the testatrix's death, when the disinherited son, *Nfr-ḥtp*, contested his mother's testamentary disposition. It was apparently resolved, and *Ḫʿ-m-Nwn* and the children show their acceptance of *Njwt-nḫt-tj*'s testamentary disposition. *Nfr-ḥtp* took an oath and assured that he would not contest again and would comply with his mother's disposition.

The assets

The assets transferred through a *hꜣry*-document are property (*ḫt*), land property (*swt*) and store-room (*wḏꜣ*-building), *oipe* of emmer, *hin* of fat, washing-bowl of bronze, 10 sacks of emmer, the cauldron, the *ḫꜣ*-tool (chisel), the *jrr*-vase, the pick, and the further copper.

In other words, one could transfer immovable property and personal property by means of the *hꜣry*-document. Also, it is clear that the intangible personal property is bequeathed through this documents, it is represented here by the rights that the testatrix acquired during her life (see the former chapter).

The author/testatrix

It appears that *Njwt-nḫt-tj* was already of advanced age when drafting her *hꜣry*-document. ČERNÝ stated that she was married twice and that the children with whom her will is concerned were not from her first husband, the scribe *Qn-*(*ḥr*)*-ḫpš.f* but had been borne by her to her second husband, the workman *Ḫʿ-m-Nwn*[526]. When her first husband died, she inherited *ḫt*-property and *swt*-property from him. Her share consisted of one-third share of a joint property before marrying the workman *Ḫʿ-m-Nwn*, with whom she had eight children surviving at the end of her life[527].

In her opening words, *Njwt-nḫt-tj* provided identification and stated that she was a free woman (*nmḥ*) of the land of Pharaoh. ČERNÝ thought that this was probably of importance as it gave her the right to dispose of her property[528]. Then she spoke about the reason for her appearance in the local-*qnbt*-council; it was about her eight children and her property.

[525] See IDEM, 'The Evil Stepmother', *JEA* 93, 2007, 240; PESTMAN, The 'Last Will of Naunakhte' and the accession date of Ramses V', 175.
[526] ČERNY, *op. cit.*, 44.
[527] EYRE, *JEA* 93, 240.
[528] ČERNY, *op. cit.*, 44.

The text does not mention her mental capacity, but her appearance in the statutory body and face-to-face verbal conversation with them is sufficient proof that she had the mental capacity, and there was no need to mention this explicitly.

Beneficiaries

The beneficiaries are some of the author's children, and those who inherit are identified by name. The testatrix presents her children to the statutory body as slaves (*bꜣk*). Undoubtedly, they are free persons like their mother, but *Njwt-nḫt-tj* just wanted to show the authorities sitting in the statutory body that her children are like obedient servants for them[529].

The children are four males and four females; those who should inherit were:

the workman *Mꜣꜣ-nḫt-twf*,

the workman *Qn-ḥr-ḫpš.f*,

the workman *Jmn-nḫt*,

the citoyenne *Wꜣst-nḫt-tj*,

the citoyenne *Mnʿt-nḫt-tj*.

And those who were disinherited:

the workman *Nfr-ḥtp*,

the citoyenne *Ḥnw-šnw*,

the citoyenne *Ḥʿ-tꜣ-nwb*.

One of her sons, named *Qn-ḥr-ḫpš.f*, received a special reward. Since the reason for giving this son a special favor is unclear. Perhaps he was the eldest/favorite son and pledged to take care of his father upon the death of *Njwt-nḫt-tj*[530]. It was mentioned also this last will that he should receive a tool along with his equal fifth share in the property[531].

The function of the *ḥꜣry*-document

It is an open question why the lady *Njwt-nḫt-tj* drafted this kind of document, and why she did not use the *jmj.t-pr*-document for transferring her property. Maybe the function of the *jmj.t-pr*-document did not serve the intent of *Njwt-nḫt-tj*, who wanted to bequeath her property to some of her children and disinherit others. The *jmj.t-pr*-document may not have had the authority to transfer the property for some of the heirs and restrict it for other heirs. From this point of view, I suggest that this matter is one of the differences between those two documents, at least in succession matters.

[529] ČERNÝ, *op. cit.*, 45.
[530] DONKER VAN HEEL, K., *Mrs. Naunakhte & Family*, 103.
[531] ČERNÝ, *op. cit.*, 49.

4. *sḫ/sš* writing

SETHE translated this term as "eine Schrift"[532]. Likewise, GARDINER rendered it as "writing"[533]. DONKER VAN HEEL/HARING stated that the substantive *sš*, derived from verb *sš* 'to write', may refer to document of any kind[534].

This term used in the inheritance documents, where it refers to a kind of document which the testators made in favor of their heirs and trustees. It is attested in the succession issues four times[535]. The text recorded in pBerlin 9010 dating to the Sixth Dynasty gives us the official report of the tribunal sitting, during which the clerk of the tribunal started by summarizing the arguments of the plaintiff, followed by those of the defendant, ending with the note of the magistrate's decision. THÉODORIDÈS[536] believes that the eldest son of the testator, *T3w* inherited the possessions of his dead father and had formal control in order to administrate the assets on behalf of his brethren. His adversary, *Sbk-nḫt* brought a suit against him, alleging that the father, *Wsr*, had made an official document according to which *Sbk-nḫt* controlled the family and its assets. *T3w* argues the reality of this document, stating, "*His father never made it in any office whatsoever*". The statutory body, in which this case was tried, issued that the existence and authenticity of the document in question could only be verified by three witnesses. They must confirm that the document was concluded in their personal presence[537].

This word is attested also in the archive recorded on pAshmol. Mus. 1945.97. It comes in the form *n3 sš.w* 'the writings'. DONKER VAN HEEL/HARING[538] assumed that this word in this text clearly apply to legal documents otherwise to referred to as *h3ry* 'dated record'. When the lady *Njwt-nḫt-tj* made her testament, her husband and their children went to the statutory body to made the following statement:

> "As for the writings which the citoyenne *Njwt-nḫt-tj* has made concerning her property, they are perfect." (pAshmol. Mus. 1945.97, I, col. 5: 11-12)

[532] SETHE, *ZÄS* 61, 1926, 72.
[533] GARDINER, *JEA* 26, 1940, 23.
[534] DONKER VAN HEEL/HARING, *op. cit.*, 102.
[535] In this regard, I would like to recall that there is a reference in our texts to this kind of documents; in the dispute over *Nšj*'s estate, *Ḫʿy* mentioned in his arguments that he had acquired the disputed lands from *Ḥwy*, father of *Ms* by *sḫ*-document (writing) in the time of the king Horemheb, which was made in front of witnesses (cf. inscr. *Ms*, N 11).
[536] THÉODORIDÈS, The Concept of Law in Ancient Egypt, 297.
[537] JASNOW, 'Old Kingdom and First Intermediate Period', in Westbrook (ed.), *History of ancient Near Eastern law*, 109.
[538] DONKER VAN HEEL/HARING, *op. cit.*, 111.

Also, this archive contained a statement by *Ḫʿ-m-Nwn* and his son *Qn-(ḥr)-ḫpš.f* with respect to a specific object among the property by *Njwt-nḫt-tj*: washing-bowl. When *Qn-(ḥr)-ḫpš.f* received a bowl from his father, he pledged to give a regular quantity of grain as compensation[539]. Moreover, he swore:

> "As Amun endures, and as the Ruler[LPH] endures! If I take this (income in) grain from my father (they) shall take away this reward of mine, and I shall <give >one pair sandals to the workman *Jmn-nḫt*, and he (*Qn-ḥr-ḫpš.f*) will give one box (to) the workman *Mɜɜ-nḫt.f* (in order) to pay for the writings which they have made concerning the deposition of their father." (pAshmol. Mus. 1945.97, IV: 7 ff.)

The term in question also occurred during the Twentieth-Dynasty in the Adoption Papyrus, which contains two formally distinct parts. The text written in the first part was described as a *sḫ*-writing. It reveals that the stable-master *Nb-nfr* made a *sḫ*-writing in favor of his wife, the musician of Setekh, *Nɜ-nfr*.

> Year 1, 3rd month of the summer season, day 20 under (his) Majesty the king of Upper and Lower Egypt, Raamesse-khaaemwese[LPH], the beloved of Amun, the god Ruler of Heliopolis[LPH], given life to all eternity. This day of the proclamation of the appearance of this august god to Amun when he stands up and appears offering to Amun.
>
> Further, *Nb-nfr*, my husband made a document (writing) for me, *Nɜ-nfr*, the singer of the (god) Setekh, he made (me) a child of his, and wrote down unto me all his possessions, (as) he had no son or daughter apart from myself. (He declared): 'Regarding all profit (*mʿḏɜ*) that I have made with her, I will transmit it (to) *Nɜ-nfr*, my wife. If brothers or sisters of mine stand up and make a claim against her at my death tomorrow or after tomorrow, saying, Give me a part of my brother's (possessions)'.
>
> In the presence of many and numerous witnesses:
>
> The stable-master *Rjr*
>
> The stable-master *Kɜ-jrj-sw*
>
> The stable-master *Bn-jrj,* son of *Dwɜ-nfr*
>
> In the presence of the stable-master *Nb-nfr*, son of *ʿn-r-kɜ-jɜ*
>
> In the presence of the Sherden *Pɜ -kɜ-mn*
>
> In the presence of the Sherden *Sɜ-tɜ-mnw* (with) his wife *ʿḏdw-ʿɜ*.

[539] *IBID,* 111 f.

> See, I have made the transmission for *Rn-nfr*, my wife today, in the presence of *Ḥw-jrj-mw*, my sister. (pAshmol. Mus. 1945.96: 1-12)

If we suppose that the previous text was the original writing, which the husband made for his wife, consisting of the date, the naming of the author/testator, and his declaration in favor of his beneficiary (his wife). It is followed by the specification of the object of the document and the limitation of the legal title to the beneficiary.

The validity of the document is secured by a list of eight witnesses.

The writing in question consists of essential parts as follows:

1. The Date

The testamentary disposition of *Nb-nfr* starts by giving the document date. It is dated to the day of Ramses XI's accession to the throne.

2. Label

The Adoption papyrus itself has no label on the outside[540].

3. Items of the *sḫ*-writing

It consists of the following three items:

A. The first item regards an adoption; the wife stated that her husband had adopted her to become his legitimate heiress.

B. The second item treats the inheritance. The wife mentioned that she and her husband had no common children; hence, he stipulated that everything (*mʿḏ͡ʒ*) he had should be passed down to his wife.

C. The third item deals with the limitation of a legal title to the wife, and none of his family had a right to appeal against this document. They could not merely claim the inheritance upon the death of the testator.

4. Witnesses

As mentioned above, the validity of the document was secured by a list of eight witnesses. However, the testator took the precaution of arranging for his sister to be among the witnesses[541].

[540] GARDINER, *JEA* 26, 1940, 23.
[541] *IBID*, 25.

The author/testator

This part of the papyrus maybe regards the will of the original testator, *Nb-nfr*, who made a document for his wife[542]. In his document *Nb-nfr* formally adopts his wife, *Nꜣ-nfr*, as a child since they had no children and give her rights to his matrimonial property.

The beneficiary

The beneficiary was the wife of the childless testator. His wife was adopted as his daughter.

The assets

The assets transferred through *sḫ*-documents are the origin of the property of the couple, which is mentioned in the text under the term *mꜥḏꜣ* (profit) (see the former chapter).

The function of a *sḫ*-writing in the inheritance process

In sum, based on the previous examples, we can assume that the *sḫ*-document had the following function:

1) Establishing/appointing a guardian/trustee to act on behalf of the minor children until they would come of age. According to this document, this guardian was tasked with the responsibility of the administration of the estate on behalf of those minor children as well.

2) This document was used when the childless testator wanted to bequeath his property to a person that was not entitled to inheritance in terms of intestate customary succession law as a wife. Such a person had to be established first as a legitimate heir by adoption, and then the inheritance could be conveyed to him through such a document. Perhaps this document guaranteed the adopted person's right to an inheritance against any claim by relatives of the deceased testator.

5. *sḫr* plan/arrangement

Another general term for the written document could be *sḫr*, which means "plan or arrangement"[543]. This term is attested twice in succession matters; the first was in the pTurin 2021+p Geneva D 409, which dates to the Twentieth Dynasty. ČERNÝ/PEET translated it as "arrangement" in this example[544].

The circumstances behind drafting this document were as follows: a prophet called *Jmn-ḥꜥ* had been twice married, first to a lady called *Tꜣ-ṯꜣry*, who was dead at the time the document was written, with whom he had children. Then he had married a certain *Jnk-sw-nḏm*, who seems to be childless, and did not seem to have any children of her own[545].

[542] *IBID.*
[543] Wb IV, 258.10-260.16.
[544] ČERNÝ/PEET, *JEA* 13, 1927, 32 f.
[545] See *IBID*, 36.

The prophet *Jmn-ḫ*ˁ distinguished between the property which he gathered during his second marriage, which consisted of four slaves (two females and two males), and the acquisition that he had made in common with his first wife and which consisted of nine slaves. Since the prevailing norms prohibiting, in general, a wife to inherit from her husband. She could be entitled to only one-third of the acquisitions, which she and her husband made together during their marriage[546]

ALLAM believed that *Jmn-ḫ*ˁ wished to give his second wife whole property which he had gathered in common with her (her legal one third and his two-third share), and he wanted to be sure that his children by his first wife give up any claim to the two-thirds share, which would normally have gone to them upon his death[547]. For this reason he had to adopt her.

Therefore, he appeared, in the company of his two eldest sons, before the great-*qnbt*, presided over by the vizier, consisting of 19 members, to declare his testament in order to ensure that his wife received more than she was strictly entitled to[548].

During a court hearing on this case, the vizier interrogated the children about the arrangement (*sḫr*), that their father made for his second wife, *Jnk-sw-nḏm*. They replied that they were well-aware of it, and their father was at absolute liberty to do whatever he wanted regarding his property. The vizier then gave instructions to the scribe of the court of the temple, to record this arrangement (*sḫr*) on a roll of papyrus in the temple and make a copy of it to the high court of the town.

This term also occurred in succession matters during the Twenty-Second Dynasty; a text recorded on the sta. Cairo CG 42208 reveals that the fourth priest of Amun, *Nḫt-f-mwt*, gave his property to his daughter through a testamentary disposition document.

The testator invoked the pharaonic law stating:

> According to the words of the great God: 'Let any man do/execute the arrangements (*sḫr.w*) for his possessions (*jšt*)' (sta. Cairo CG 42208 front: 14).

That means that legal action was taken under the name *sḫr*, and every person in Egypt was at absolute liberty to write such a *sḫr* document concerning his assets.

It is clear from the previous examples that *sḫr* refers to the legal act in the great-*qnbt*, presided over by the vizier, and recorded on a papyrus roll to preserve/file in the temple archive. Moreover, a copy of the *sḫr* was made to send it to the great-*qnbt* of the town.

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[546] ALLAM, *Papyrus Turin 2021*, 24.

[547] ALLAM, *op. cit.*, 23 ff.; see also JASNOW, 'New Kingdom', in Westbrook (ed.), *History of ancient Near Eastern law*, 328.

[548] ALLAM, *op. cit.*, 23 ff.

I assume that the *sḫr*-document was one of the legal documents[549], by which inheritance can be conveyed to one other than the legitimate heirs, such as the wife who was not entitled to inherit from her husband in accordance to the customary norms of inheritance. But it seems that such a person should be established first as a legitimate heir by adoption.
Finally, the assets transferred through *sḫr*-documents were slaves (*ḥm*/*bꜣk*), possessions (*jšt*) and houses (*pr*).

6. *Rꜣ*-declaration

It seems that when the term *rꜣ* (mouth, speech, declaration) is used in a law document, it is with a judicial rather than a legal value: we have never encountered passages that *rꜣ* had introduced the clauses of an act, and in particular the stipulations of a donation or dispositions on account of death[550].

This term is attested in the inheritance documents once. It is dated to the Twentieth Dynasty. The text of ste. Amarah deals with two declarations (*rꜣ*) made by the mother (*Tꜣ-mḥyt*) and the son (*Ḥrj*) to the daughter (*Jrt-ḫw*). They declared that the father's possessions (consisted of arable land, slaves, and trees) and the joint-property that belonged to the mother are a right to the daughter.

THÉODORIDÈS[551] highlighted the situations, in which this term was used as follows: It is used in the legal proceedings to designate the arguments of the parties from the beginning of the '*Ms* Trail', where it is used to announce the "pleading" of the plaintiff and defendant[552]. In a repressive case, it also introduced the deposition of witnesses[553], and the same may be true in judicial investigation[554], it can also be used in administrative documents[555]. It also can be said that *rꜣ* is a technical term that offers the acceptance of a "complaint", "request"[556], or a "response to a request"[557], where the defendant's arguments are presented. For example, in the

[549] What further strengthens the assumption that the term *sḫr* was used in official documents is in ste. Apanage (7-9) when *Jw-w-r-jwṯ* purchased the 556 *arouras* of land from peasants, as he paid its price to them in silver. Then he registered these lands in the land registry of the temple of Amun. Those peasants gave *Jw-w-r-jwṯ* a *sḫr* document as evidence that they had received the price, see also inscr. *Ms*: N 16-N 21.
[550] THÉODORIDÈS, 'La stèle juridique d'Amarah', *RIDA* (3) 11, 1964, 78.
[551] *IBID*, 78 ff.
[552] See GARDINER, 'The Inscription of Mes: A contribution to the study of Egyptian judicial procedure', in Sethe, K. (ed.), *Untersuchungen zur Geschichte und Altertumskunde Ägyptens*, IV, Leipzig, 1964, 7, 12.
[553] Cf. pBM 10.335 (DAWSON, 'An Oracle Papyrus Britisch Museum B.M. 10.335', *JEA* 11, 1925, pl. 38.
[554] For example, see oDeM 44 (ČERNÝ, *Catalogue des ostraca hiératiques non littéraires de Deir el-Médinéh*, I, pl. 31.
[555] For example, see oDeM 38 (ČERNÝ, *op. cit.*, I, pl. 28).
[556] For example, see oDeM 292.1 (ČERNÝ, *op. cit.*, IV, pl. 14).
[557] Cf. ste. Juridique : 8.

case recorded on the oGardiner 53, the plaintiff *Ḥʿ-m-nwn* mentioned that he gave his donkey to the water fetcher *Pn-n-njwt*, probably in an adept relationship. This animal died in the possession of *Pn-n-njwt*. He was judged four times to replace the animal, but he did not excuse the court's verdict. The same matter continued to be litigated, and *Pn-n-njwt* was eventually sued for the fifth time. Now he made a confession that is probably to be understood as an admission of guilt[558]. It is clear in this text that the floor is given to the opposing party (*Pn-n-njwt*)*: sḏm* (*w*) *r3.f* "his deposition was (then) heard", which means that we went to the hearing of the respondent's arguments, which stated (*ḏd.f*)[559].

In the inheritance case, recorded on the ste. Amarah, THÉODORIDÈS[560] believes that it seems unlikely that *Ḥrj* and *T3-mḥyt* filed a complaint against *Jrt-ḫw*. It must rather be assumed that, as in the oGardiner 53, we are in the presence of the formula introducing the point of view of the defense represented here by *Ḥrj* and *T3-mḥyt*. Complete, this formula would probably have offered the same aspect: *sḏmw r3.f* , *ḏd.f*; … *sḏmw r3.s* , *ḏd.s*. It should be deduced from this that it was indeed *Jrt-ḫw* who had the initiative of the debate; *Ḥrj* and *T3-mḥyt* would have taken the measures reproduced by the stela to respond favorably to an action which it would have brought because she would have liked to be rewarded with property belonging to her father.

LIPPERT[561] indicated that this stela deals with a division document from the New Kingdom. The procedure at that time consisted of a public oral declaration of intent (*r3*) by the testator regarding which property should go to which heir; this was then recorded in writing.

7. *sḏm r3* 'hear a deposition'

MCDOWELL sees that *sḏm r3* is an expression for litigation and testimony. She highlighted[562] the situations, in which this construction can be used as follows: detailed history of conflicts or precise accounts of the transaction are headed simply *r3 n N* or *sḏm-r3 n N* in which the expression *sḏm-r3* "hearing the deposition" used also to record the text of the claimant's deposition written down for his own use or to be presented to the authorities[563]. It is also used

[558] ALLAM, *HOPR*, 158 f.
[559] THÉODORIDÈS, *op. cit.*, 1964, 79 f.
[560] *IBID*, 80.
[561] LIPPER, Inheritance, 7 f.
[562] MCDOWELL, *Jurisdiction in the Workmen's Community of Deir El-Madina*, 18 ff.
[563] Cf. oDeM 434 (ČERNÝ, *Catalogue des Ostraca hiératiques non littéraires de Deir el Medineh*, 5, 25, pl. 25) ; oDeM 580 (SAUNERON, S., *Catalogue des ostraca hiératiques non littéraires de Deir el-Médineh*, 7, pls. 15a, 15.); oDeM 582 (*IBID*, 7, pls. 17a, 17).

when an official comes to hear a complaint or accusation[564]. In the tomb Robbery, the testimony of the witnesses[565] and offenders[566] is often introduced with words *sḏm-r3* and *šsp r3*.

This term is attested in the inheritance documents only once. The verso of pBulaq 10 contained a copy of *sḏm-r3*, by its means *Ḥ3y* bequeathed his *swt*, which he inherited formerly from his father *Ḥwy*, to his children.

DAVID sees that it is a unilateral deed concern part of the father's estate for his children, but it does not mention any thing about old age or death, of future descent and distribution rule. Its legal step is a public hearing (*sḏm r3*) of a notification list of inherited immovable assets for their transportation (*r rdjt*), and material apportionment (*pšw.w*) during the same day followed by the oath of the donees[567].

The form

The deed itself consists of two parts, each consisted of several essential parts as follows:

The first part: declaration

1. Label

The nature of this deed is identified as *sḏm r3* "hearing the statements". It is a public hearing of a notification list of inherited real estate.

2. Date of the transmission (*r dj.t*)

DAVID opined that the coincidence between the date of declaration and the date of the tradition indicates that assets were transferred to the heirs during the same day[568].

3. Items

This item concerns the immovables, which the issuer intend to give to the beneficiaries. Each building was mentioned here with its location and its measure size. Also, it was mentioned the number of shares, to which this building must be divided.

The second part: transfer

1. Date of the material partition (*pšw.w*)

[564] E.g. GARDINER, *Ramesside administrative documents*, 55, 11-14.
[565] Cf. inscr. Ms N2
[566] Cf. oGardiner 53, 7 (ČERNÝ/GARDINER, *HO*, 49.1) ; oCairo 25556, 6 (ČERNÝ, O*straca hiératiques nos. 25675-25832*. Catalogue général des antiquités égyptiennes du Musée du Caire, Cairo, 1930, 44).
[567] DAVID, A., *The Legal Register of Ramesside Private Law Instruments*, 99 ff.
[568] *IBID*, 99.

2. Items

   First item: the same plots are again enumerated, in somewhat different words and not in the same order, but with the names of the beneficiaries.

   Second item: specific clause concerning the repayment of the estate's debt.

3. The oath: it clear that all the inheritors took the oath that they will respect the arrangement which has been taken by the issuer.

Assets:

Regarding the assets that were inherited through *sḏm rʒ*, our example reveals that the *swt*-property, which consisted of several buildings, such as *ḥbt*-building, *ʿt*-house, *mr*-pyramid, *štʒy.t*-building, *jḫy*-stable, and the *mḫr*-magazine. Also, the plots in residential are transferred through this legal act.

The beneficiaries:

The beneficiaries are the author's children, and those who inherit are identified by name. They are four sons (*Mntj-pʒ-ḥʿpy*, *Qʒḥʒ*, *P-n-njwt*, and *Bʒ-sʒ*) and one daughter (*Grg*).

III. Donation

LIPPERT sees that documents used for the bequeathing of an inheritance diversified over time and were progressively replaced by donations and divisions after the Middle Kingdom, and in the New Kingdom, *jmj.t-pr*-documents[569] appeared side by side with the donations that were not explicitly qualified as *jmj.t-pr*. The reasons for this are not completely clear; it seems that the *jmj.t-pr*-document became only a type of document used for bequeathing the positions and valuable property at this time. Moreover, the necessity to have the *jmj.t-pr*-document sealed by the vizier made the procedure more costly and complicated, and might also have contributed to its limited use by the lower classes. LIPPERT considered also that the fragmentary oGardiner 55 is a draft or preparatory notes for such donation, in which a man proclaimed that his humble possessions should be allocated to his wife and children. She also recognized that pTurin 2021+ pGeneva D 409 provides another example of a donation that might also involve the adoption of the beneficiary wife[570].

Furthermore, LIPPERT indicates that there were documents for donation, as in the Old Kingdom, belong to the *jmj.t-pr*-document, but they are not explicitly identified as *jmj.t-pr* within the text. For example, the ste. Amarah contains abbreviated transcripts of two wills in the form of donation. Maybe they go back to original *jmj.t-pr*-documents but were simply called *r3* "declaration" within the stela itself. Also, the so-called ste. Apanage might have been an *jmt-pr*-document or a simple donation[571].

According to LIPPERT, there was no clear evidence for the use of donation documents as wills after the New Kingdom[572].

IV. Division

The division documents of the New Kingdom show that the division is a procedure consisting of a public oral declaration of intent (*r3*) by the testator about what items of his property should be given to whom, which was then recorded in writing[573]. Through these documents, equal or unequal portions of property were allotted to several potential heirs, usually the children of the

[569] For an interpretation of the *jmj.t-pr*-document as regulating complicated circumstances, including donations and property transfers against payment, see LIPPERT, *op. cit.* 5; MRSICH, *Untersuchungen*, 69; see also GOEDICKE, *op. cit.*, 204.
[570] LIPPERT, *op. cit.*, 6.
[571] *IBID*, 6.
[572] *IBID*, 7.
[573] *IBID*, 7 f.

testator. Clay Tablet 3689-7+8+11 from Balat from the Sixth Dynasty[574] records a division of the property of the deceased testator. In this case, the property inherited consisted of 16 water wells. It remains unclear how this division came about, and the text shows that it was announced to the authorities by a certain employee, called *Kmj*, not by the testator himself. Maybe the division had been decided by the testator himself before his death, then deposited with the employee *Kmj*. It cannot, moreover, be excluded that the division was enacted by the administrative council to whom the clay tablet was addressed[575]. The relevant property was divided between the four children of the testator; one received eight water wells, one received four water wells, and the other two sons received two water wells, respectively.

LIPPERT believes that the Will of Naunakhte, is a protocol of a division, although including the disinheritance of some children as well since it calls itself *h3ry n 3ḫt* "document about property"[576].

V. Adoption

Having children was critically important for the Egyptians, although the law on legal succession allowed the inheritance to be passed to the siblings if there were no biological children[577]. In general, the childless person needed support during his old age, and adoption was a common way to establish such a person to look after childless couples. An ostracon from the New Kingdom relates that childless Egyptians had to adopt an orphan, who would then act for them as their "eldest son": "*As for him who has no children, he adopts an orphan instead to bring him up. It is his responsibility to pour water onto your hands as one's own eldest son*"[578]. On the other hand, adoption was probably the usual way if the bequeather was childless and desired to restrict the inheritance from falling to the brethren as legitimate heirs[579].

The procedure of adoption consisted of simply making a verbal declaration in front of witnesses[580]. However, it seems that this action was taken only after numerous attempts by the

[574] See PHILIP-STÉPHAN, A., *Dire le droit en Egypte pharaonique: Contribution à l'étude des structures et mécanismes juridictionnels jusqu'au Nouvel Empire*, 2008, 260 f. ; IDEM, 'Deux actes de disposition inédits découverts dans l'oasis égyptienne de Dakhla', *Revue historique de droit français et étranger* 83, 2005, 273 ff.

[575] LIPPERT, *op. cit.*, 7.

[576] *IBID*, 8. For the late examples of division documents, see oLouvre E 13156 (ALLAM, *HOPR*, 202 f), pBibl. Nat. 216 and pBibl. Nat. 217 (PESTMAN, *Les papyrus démotiques de Tsenhor*, 1994, 51 ff.); pBM 10120 B (ERICHSEN, *Auswahl frühdemotischer Texte* I, 1950, 33 f.).

[577] LIPPERT, *op. cit.*, 4.

[578] WENTE, *Letters from ancient Egypt*, 149 n. 206.

[579] LIPPERT, *op. cit.*, 8.

[580] GARDINER, *JEA* 26, 1940, 25.

husband and wife to sire a biological child, which even included a prayer to the gods that remained unanswered[581].

If the testator was childless and wanted to bequeath his assets to someone, but this one had no legal right to inherit from him in terms of customary intestate succession, such as the wife or a non-blood relative. In that situation, the testator had to find a lawful means to establish that person as the legal heir. Adoption was the common means for that, by which a childless person could acquire an heir and exclude his blood relatives. It provide "line of inheritance" for the adopter person, and ensure care for childless couple during their old age[582]. It seems that the act of adoption gave the adopted child the same rights of inheritance as the parent's biological child[583]. Yet, it is still unclear that the adoption could be effective without document or was it necessary to be recorded in a document[584].

According to surviving documents, the following persons were adopted for purposes of inheritance:

Wife as an heiress through adoption

According to the prevailing norms of inheritance, the husband and wife could not inherit from each other. However, when the husband was childless and wanted to prevent his estate from being given to his siblings, he had to adopt his wife to become his daughter, so he could bequeath to her his entire estate without any legal objection by anyone of his blood-relatives. Similarly, this was the case when the husband married twice and had children with only one of his wives. If he desired to bequeath his property to his children with his childless wife, he had to adopt his childless wife in order for her to inherit from him.

There are two instances of adopting the wife by her husband. The first is recorded in the Adoption Papyrus. The married couple had remained childless, and since the husband had at least one sister, she was the heiress and was entitled to inherit his property. He had resorted to an extraordinary expedient of adopting his wife to become his daughter. By this way, he would not die childless, but his widow would receive his property and consequently she could dispose according to her wishes[585]. GARDINER mentions that the employment of this unusual legal

[581] BIERBRIER, M., *The tomb-builders of the pharaohs*, 32 f.; LIPPERT, *op. cit.*, 4.
[582] SHIRLEY, *The Culture of Officialdom*, 72 f.
[583] See GARDINER, *JEA* 26, 1940, 26.
[584] LIPPERT, *op. cit.*, 4.
[585] JANSSEN/PESTMAN, *JESHO* 11, 166.

fiction, shows how intensely the thought of inheritance in a direct line was rooted in the Egyptian mind.[586] (pAshmol. Mus. 1945.96, 1-11).

The second case of an adoption of a wife by her husband is recorded in pTurin 2021+pGeneva D 409. The husband had been married twice, with children from his first wife, who was probably deceased. He had no children from his second wife, and according to the legal order of succession, his children from the first marriage would have inherited everything that he had. However, he wanted to give the property that he had acquired with his second wife to her. Yet, the current contemporary norms of inheritance would have frustrated his desires upon his death. In order to overcome this obstacle, there was apparently no other choice than an adoption[587]. EYRE thinks that the adoption, in this case, intended to provide security for the wife after the death of the husband in the marital property[588].

Brother as an heir by adoption

There are several references in *Codex Hermopolis* that explicitly state that siblings of the testator could inherit from him in the absence of biological children. Therefore, a brother could not inherit his sister when she had children by birth or through adoption.

The Adoption Papyrus records another adoption case where a woman adopted her younger brother and appointed him as administrator of the whole estate on behalf of his other adopted siblings, and she gave him full authority as executor of her will and as the children's trustee, this partly on account of the kind treatment she had received at his hands. She gladly welcomed his desire to marry a girl among her adopted children[589], to strengthen the relationship between him and the other children. She stipulated that every one of the adopted children shall live with him and inherit an equal share in her property (pAshmol. Mus. 1945.96: rec. 20-ver.10).

Niece as an heiress by adoption

A niece could be established as an heiress (as the eldest daughter) for her aunt by adoption. We have a case from the Twenty-Sixth Dynasty where the God's Wife of Amun *Šp-n-wpt* II adopted her niece, the daughter of her brother, King Taharqa, to become her heiress. The underlying reason for this adoption was succession. Now, after the daughter of King Taharqa had been adopted by her aunt, she could inherit her position (God's Wife) (ste. Nitocris Adoption, 3-4).

[586] GARDINER, *JEA* 26, 1940, 25.
[587] For the view that says that this papyrus has an adoption case like pAshmol. Mus. 1945.96, see ALLAM, *Papyrus Turin 2021*, 23 ff.
[588] EYRE, *JEA* 78, 1992, 210.
[589] GARDINER, *op. cit.*, 26.

Strangers (non-relatives) as heirs through adoption

The succession documents have two examples of non-familial members, who were adopted to become legitimate heirs. In the case recorded in the Adoption Papyrus, the wife of a stable master reports how she together with her husband had purchased a female slave, who later had given birth to two daughters and a son. Although the texts have no details about the father of these slaves, GARDINER mentioned that possibly the Egyptian will understand that the father was none other than the stable master[590]. The wife then had taken those children and raised them, being otherwise childless. As the children behaved properly towards her, she declared that she made them freemen of the land of Pharaoh. By this declaration, EYRE points out, the wife tried to bare any claim on them from their families on their mother and their father's side, except the claim of *P-n-djw* – her younger brother, whom she had adopted as well – to act as paterfamilias, they were not slaves any longer, but were his younger brethren[591].

Then she adopted those persons, made them her children and announced in her testament that all of her assets, including fields in the countryside and movables of different kinds, should be distributed equally among the four children adopted (pAshmol. Mus. 1945.96).

The second known case of an adoption of a stranger/non-relative dates to the Twenty-Sixth Dynasty. A text is known as. ste. Nitocris Adoption discloses that the God's Wife *Šp-n-wpt* II adopted a non-blood relative, the princess Nitocris, the daughter of king Psamtik I, as her daughter. Psamtik I reported to the legal body his intention to give his daughter to Amun to be a God's Wife, although he acknowledged that *Šp-n-wpt* II already had an heiress. Then the legal body appreciated the king's decision. After that, princess Nitocris left the court in the north at her father's command and went to Thebes on a royal flotilla to join the sisterhood of the votaresses of Amun[592]. When the God's Wife *Šp-n-wpt* II saw her, she was pleased with her and loved her more than anything and made over to her an *jmj.t-pr*-document. She resolved to give her all her property in the country and town, as well as to establish her upon her throne, and inherit the position of God's Wife after her eldest daughter *Jmn-jr-dj.s*.

Lastly, I point out that there were some cases not considered technically an adoption, in which the childless testator provides himself with a "son-like" figure who could look after him and his wife in old age[593]. An example from the reign of Tuthmosis III, written on the statue of the

[590] See GARDINER, *op. cit.*, 25 f.
[591] EYRE, *op. cit.*, 208.
[592] CAMINOS, 'Nitocris Adoption Stela', *JEA* 50, 1964, 97 ff.
[593] SHIRLEY, *op. cit.*, 73.

royal barber *Sj-bꜣstt*[594], explains how he passed on the title of royal barber, which he inherited from his father *Nb-sj-ḥḥw* to his slave *Jmn-jw*, and married him to his niece[595] to make him joint-heir with his wife and sister[596].

It is evident from the discussion of the previous examples that the adoption was a legal means available to the childless testator to establish an heir. It was used to create an heir among the blood relatives, such as siblings and nieces, and from non-blood relatives, like a wife and strangers (household slaves). Furthermore, the testator had a way to alter the customary intestate succession through adoption.

Most of the adoption cases reveal that an inheritance conveyance to the adopted person was accompanied by drafting a legal document or other legal actions. Maybe such a document was a security to protect the adopted person's rights of inheritance.

The following table shows the document or other legal procedures associated with the bequeathing through an adoption:

Text	**Testator/Adopter**	**Adopted person**	**Accompanying documents**
pAshmol. Mus. 1945.96, 1-11	Husband	His wife	*sḫ*-document
pTurin 2021+pGeneva D 409	Husband	His second wife	*sḫr*-document
pAshmol. Mus. 1945.96: rec. 20-ver.10).	Sister	Her younger brother	His marriage to the testatrix's daughter/his sister by adoption
ste. Nitocris Adoption, 3-4	Aunt	Her niece	----
pAshmol. Mus. 1945.96	Woman	Household slaves	----
ste. Nitocris Adoption	God's Wife *Šp-n-wpt* II, the sister of King Taharqa	Princess Nitocris, the daughter of king Psamtik I	*jmj.t-pr*-document

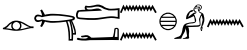
[594] Louvre statue E. 11673 (DE LINAGE, J., 'L'Acte d'établissement et le contrat de mariage d'un esclave sous Thoutmès III', *BIFAO* 38, 1939, 217-34)
[595] SHIRLEY, *op. cit.*, 73.
[596] JASNOW, 'New Kingdom', in Westbrook (ed.), *History of Ancient Near Eastern Law*, Leiden, 321.

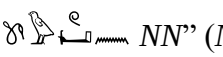
Summary

In sum, since we do not know a word that means “testator/testatrix” in the ancient Egyptian language yet, the father/husband is attested as a testator since the beginning of the Old Kingdom and throughout pharaonic history. He could bequeath his children in terms of intestate customary succession law, and through a testamentary disposition as well. Furthermore, the husband could bequeath his wife by means of adoption together with the appropriate document. Likewise, the woman appeared as a testatrix for her children, male and female, since the Old Kingdom onwards. Our texts show that the woman as a testatrix enjoyed the same rights and privileges that a man had: she could draft legal documents and appear in front of the statutory body to sue for her property. And she could establish an heir through adoption, for instance, adopting her younger brother and the household slaves as well. On the other hand, she could emancipate the slaves and make them her heirs through adoption. Furthermore, the Egyptian woman could disinherit some of her children for several reasons, like not looking after her during her old age.

A brother could appear as a testator of the testamentary disposition to his (younger) brother. Our texts contain an example of a half-brother who worked a testator to his half-brother and bequeathed him his office through a legal document. An elder sister could appear as a testatrix to her younger brother, but she established him as one of her children by adoption. An aunt could act as testatrix to her niece, but this was done after she adopted her niece to become ‘her eldest daughter’.

The texts refer to “trustee/guardian” by the term *rwḏw* and the term *šd nḫn*: to establish a trustee/guardian the texts used the following expressions:

“*NN*  *NN*” (*NN* shall act as guardian/tutor for *NN*).

“ *NN*  *NN*” (*NN* made *NN* the trustee (*rwḏw*) for *NN*).

The texts prove that the process of inheritance conveyance entailed an active role of the guardian/trustee in the pharaonic period. The person appointed by the testator had to take care of the minor heirs and manage the estate on their behalf until they would come of age. Many family members played such a role; for instance a mother, could act as a trustee of younger children after the death of her husband. The eldest/favorite son/daughter could appear as a guardian of the rest of the siblings as well. The relevant texts defines the *rwḏw* as a person who benefits from the estate without causing any damage to the resources of the assets. According to one text, the *rwḏw*’s task is to satisfy the children of the deceased according to their order of birth with regard to the profits of the property. Moreover, the texts reveal that the eldest one of

the adoptive children was placed as a custodian for the whole inheritance, and the matters which the testator made were entrusted in their entirety to him. In the absence of an adult son or daughter, the testator sought to appoint a guardian from outside the family, most likely a relative, to take care of property inherited; legally he was responsible for preserving the assets as if he was the deceased testator himself.

The ancient Egyptians had two systems by which the inheritance was conveyed from the testator to the heir: the customary intestate rules of succession, and the testamentary succession. The first states that the children and grandchildren of the testator were a priority over other blood-relatives. The elder children preceded the younger children in choosing their shares, and the males preceded the females as well.

On the other hand, it is still difficult to ascertain how many shares each heir received, because the method of inheritance division varied over time. For example, we observed that the whole estate was given to the eldest/favorite son, and the other children were not entitled to inherit with him at certain times of the pharaonic period. And at other times, we find the inheritance was divided equally between all the heirs, without any distinction. Sometimes, the eldest/favorite son was entitled to an additional share in the inheritance of the paternal estate, because he was generally expected to bury the parents.

It is also clear that female heirs could receive shares of land like male heirs, often receiving their inheritance at the time of marriage in the form of a dowry. The siblings could inherit from their childless brother in terms of intestate customary succession law. Those siblings inherited from their childless brother following their birth order, and the males preceded the females in choosing their lots of inheritance. According to the relevant texts, the property of the deceased went to his heirs in order of precedence, to

1. his children or grandchildren;
2. his brothers and sisters;
3. his parents (probably);
4. his other family members (his relative *h3w*);
5. and non-blood relatives.

In the absence of the testator's children, grandchildren, siblings, and parents, or blood relatives, he could establish an heir from among non-relative persons. That was done by implementing the pharaonic law clause that says: "*Let the possessions be given to him who buries*". In terms of this law, the testator could find a non-relative person to look after him in old age and bury him after his death. In return, this person could inherit from him.

The second system was made up of written declarations that allowed for individualized arrangements[597]. The testator used to make a legal document when he wanted to pass down his property to a person who was not a legitimate heir in terms of intestate customary succession law, or when he wanted to allocate certain objects or shares of varying sizes to specific persons of his legitimate heirs.

Egyptians used several types of legal documents in the inheritance process. It seems that the function of each document varied according to different circumstances behind the drafting of each document. According to our texts, we can summarize the functions of these documents as follows:

- If the testator wanted to bequeath his property to persons not considered legitimate heirs of his or to confirm that his inheritance would go to his legitimate heirs, he had to draft an *jmj.t-pr*-document in favor of them — this type of document was used throughout pharaonic history.
- If the testator wanted to disinherit some of his legitimate heirs and bequeath others, he had to draw up a *hꜣry*-document. This type of document is attested only once in the inheritance process, and dates to the Twentieth Dynasty.
- If the testator wanted to appoint a trustee/guardian for his minor heirs, he had to write a document referred to as *sḫ*-writing. This document's validity and eligibility were ascertained by three witnesses, reliable in their opinion. The appointed trustee was most likely a relative of the testator's family.
- If the testator wanted to bequeath to his wife, he first had to adopt her and then write a *sḫr*-settlement or *sḫ*-writing in her favor.
- The husband could bequeath to his wife through an *jmj.t-pr*-document without adopting her.
- If the testator wanted to convey his inheritance to his heir as usufruct, a trust, or a *fideicommissum*, he had to draft a *wḏ.t-mdw*-document. In such cases, the testator turned his property into an endowment for providing his own eternal cult and entrusted it to persons/heirs only for the benefit. This type of document is attested in the inheritance process only during the Old Kingdom.

Moreover, the Egyptians used adoption as way to establish an heir. When they failed to have a biological child, for example, the husband adopted his wife and made her his legitimate heiress;

[597] See LIPPERT, *op. cit.*, 1.

the sister adopted her younger brother and made him one of her adoptive children; and the aunt adopted her niece and bequeathed her office to her. Furthermore, the testator adopted his household slaves and made them free people. It seems that the adoptive heir enjoyed the same rights and benefits as the biological heir, and the eldest one of the adoptive children worked as a guardian/trustee to the other minor adoptive children. The practice of adoption in matters of inheritance was not limited to ordinary members of society but also practiced by members of the royal family to establish a legitimate heir to them.

Apparently, the bequeathing through adoption had to be accompanied by other legal procedures, such as drafting a legal document, perhaps in order to strengthen the situation of the adoptive heir and to avoid losing his share of inheritance if the blood relative of the testator tried to claim an inheritance.

Furthermore, according to the available documents, inheritance was conveyed in the form of a donation, fictitious sales, and through division documents.

Third Chapter

INHERITANCE LITIGATION AND DISINHERITANCE

Inheritance issues were major challenges for judges, especially if the deceased left large amounts of income, real estate, and shares. Challenges were further complicated if the deceased had children from more than one wife. Whenever the heirs were delayed in dividing the estate, disagreements and discord between the heirs was imminent, and extended the length of the litigation period.

As was often the case in matters of succession in pharaonic times, disputes flared up between the heirs over the division of the inherited property, and the disputants found advantage in resorting to legal bodies to dispel the dispute and give every person his right as the testator declared in his testament or as was stipulated by the customary intestate succession law. This chapter is devoted to a study of several points, like the statutory bodies that decided on inheritance issues, and crimes and offenses committed by the co-heirs against each other. Then it lists prominent examples of conflicts between the inheritors and analyzes them legally, examining the different stages of litigation over a disputed inheritance. Finally, it studies the concept of disinheritance in pharaonic Egypt to identify the causes and the factors that made the testator deprive his legitimate heirs of inheritance.

I. Statutory bodies

The judicial bodies are generally attested in textual sources from the Old Kingdom onwards. Although there are several terms and expressions that express the concept of the statutory body[598], we do not yet know any that are independent of inheritance matters. In the pharaonic period, the judicial bodies took care, among other issues, of inheritance matters.

The statutory bodies that were concerned with issues of succession varied, and their roles differed from each other. According to the available documents, the bodies in question are as follows:

[598] For further details about statutory bodies in ancient Egypt, see SPIEGELBERG, 'Die *ḫnbt stmjw* und der Title 'Richter', *Rec. trav.*, 28, 1906, 170 ff.; HELCK, *Untersuchungen zu den Beamtentiteln des ägyptischen Alten Reiches*, 74; WARD, W., *Index of Egyptian administrative and religious titles of the Middle Kingdom*, 167 no. 1450; STRUDWICK, *The administration of Egypt in the Old Kingdom*: *The highest titles and their holders*, 178, 188, 197; VAN DEN BOORN, '*wḏʿ-ryt* and justice at the gate', *JNES* 44, 1985, 6 ff.; ALLAM, 'Egyptian Law Courts in Pharaonic and Hellenistic Times', *JEA* 77, 1991, 109 ff.; QUAEGEBEUR, 'La justice à la porte des temples et le toponyme Premit', in Christian Cannuyer, and Jean-Marie Kruchten (eds), *Individu, société et spiritualité*: *Mélanges égyptologiques offerts au Professeur Aristide Théodoridès*, 201; JONES, *titles, epithets and phrases*, vol. I, 165, no. 630, 388-389, vol. II: 613-616, nos. 2252; VERSTEEG, *Law in Ancient Egyptian Fiction*, 24 Ga. J.Int'I&Comp.L. 37, 1994, 37 ff.; JASNOW, 'Middle Kingdom and Second Intermediate Period', in Westbrook (ed.), *History of ancient Near Eastern law*, 264; LIPPERT, 'Law Courts', in Elizabeth Frood, Willeke Wendrich (eds), *UCLA Encyclopedia of Egyptology*, Los Angeles, 2012.

D3d3t-body

D3d3t is a particularly common term for a "court" in the Old Kingdom and thereafter[599], but infrequently appears in the New Kingdom[600]. It is not reasonable to assume that the *d3d3t*-council was very different from the *qnbt*-council. Most probably the much older word *d3d3t* fell out of use over time, got replaced by *qnbt*, but reemerged during the Late Period[601].
Obviously, such councils had significant administrative or advisory functions, besides a judicial and notarial capacity[602]. Such a council probably only advised the nomarch and the mayor[603].

Based on the respective documents, this council played an active role only twice in the conveyance of an inheritance. The first one is dated to the Sixth Dynasty and recorded on Clay Tablet 3689-7+8+11. This text deals with one of the earliest real divisions of property between children of the deceased. It is possible that this division was enacted by the legislative council to whom the tablet was addressed[604]. The text tells that one of the employees, who refers to himself as "*b3k jm* (=*j*), the servant who I am", reported to a member (the letter carrier) of the *d3d3t*-council that he had implemented the will/deposition (*wḏ.t*) of a deceased testator. That concerned the division of his inheritance among his four children, after someone named *Kmj* had appealed to him, who may have been trustee for the heirs upon the death of the testator.

The details of the second case are recorded on a royal stela known as ste. Ahmose-Nefertari from the Eighteenth Dynasty. The text tells that the office of 'the second priest of Amun' was given to queen Ahmose-Nefertari by her husband, king Ahmose I. This conveyance took place in the presence of the full *d3d3t*-council of the city Thebes and by means of an instrument specified as the *jmj.t-pr*-document, valid from son to son, (from) heir to heir. After that, the office in question was registered in the queen's name in the presence of the *qnbt*-council and the officials of the Amun (temple).

It is clear from these examples that the role played by this council was registration, enacting the division of inheritance in the first case and, in the second case, acting in a supervisory role in the process of transmission of the office.

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599 JASNOW, 'Old Kingdom and First Intermediate Period', in Westbrook (ed.), *History of ancient Near Eastern law*, I, 105; LIPPERT, 'Law Courts', in Elizabeth Frood, Willeke Wendrich (eds), *UCLA Encyclopedia of Egyptology*, 1.
600 JASNOW, *op. cit.*, 302.
601 ALLAM, 'Egyptian Law Courts in Pharaonic and Hellenistic Times', *JEA* 77, 1991, 116.
602 LIPPERT, *op. cit.*, 2; JASNOW, *op. cit.*, 105. See also, PHILIP-STÉPHAN, *Dire le droit en Egypte pharaonique: Contribution à l'étude des structures et mécanismes juridictionnels jusqu'au Nouvel Empire*, 47 ff.
603 LIPPERT, *op. cit.*, 2.
604 IDEM, 'Inheritance', in Elizabeth Frood, Willeke Wendrich (eds.), *UCLA Encyclopedia of Egyptology*, 7.

Local-*qnbt*-council

When Egypt became a sprawling empire, the king and the vizier needed to delegate some legal responsibility to the local councils[605] that were found throughout Egypt[606]. Such councils started to be used at the beginning of the Middle Kingdom, until the beginning of the Late Period[607]. A local-*qnbt*-council was an association made up of the most esteemed inhabitants of the locality. It was apparently responsible for directing current affairs and maintaining order; in other words, it also exercised power as a local panel of judges[608].

The best known local-*qnbt*-council is from Deir el-Medina[609]. The composition of this council differed for each session and all the members were, from a legal point of view, laymen, who owed their membership to an influential position in the society [610]. Each session was composed of a various number of judges; some of the cases were attended by three, four, five, seven, or twelve judges. Sometimes the texts failed to record all the judges attending the session, or the scribe only noted certain judges or important people[611]. ALLAM speculated that they were not a permanent judicial bench, and the judiciary probably met only when necessary. The judges were the most eminent persons in the community, such as chief workmen, scribes, deputies, guards, policemen, and painters. Those who bore no specific title were probably ordinary persons but respectable inhabitants[612]. There is a fragmentary ostracon[613] containing an example of a local *qnbt* that was composed of four members, two of whom are women[614]. Such local councils were under the direct authority of the vizier who was in contact with the council members through his scribes and often personally visited this community (e.g. Deir el-Medina)[615].

The texts show that officials from the outside locality also attended the council session[616]. Irregularly administrators (officers) or the scribe(s) of the vizier, chiefs of police (*ḥry-mḏ3y*) could also be present. This probably showed a certain interest to the central administration[617].

[605] VERSTEEG, *Law in ancient Egypt*, 43.
[606] VERSTEEG, *op. cit.*, 40.
[607] LIPPERT, Law Courts, 1.
[608] ALLAM, *op. cit.*, 110.
[609] JASNOW, 'New Kingdom', in Westbrook (ed.), *History of ancient Near Eastern law*, I, 303.
[610] TOIVARI, J., 'Man versus woman: Interpersonal disputes in the workmen's community of Deir el-Medina', *JESHO* 40, 1997, 160.
[611] VERSTEEG, *op. cit.*, 55 f.
[612] ALLAM, *op. cit.*, 110.
[613] oGardiner 150 (ČERNY/GARDINER, *HO*, 21, pl. 61.3).
[614] See BEDELL, *Criminal law in the Egyptian Ramesside Period*, Brandeis University Dissertation, 48.
[615] MCDOWELL, *Jurisdiction in the Workmen's Community of Deir El-Madina*, *Jurisdiction*, 10 f.
[616] ALLAM, *op. cit.*, 110.
[617] TOIVARI, *op. cit.*, 160.

The local council of Deir el-Medina, for example, had a bailiff (*šmsw n qnbt*), who executed orders by the judges, as well as a scribe, who registered the proceedings and might have been responsible for reporting the judgment in the proper legal phrasing[618]. The scribes of this community were second to the chief workmen, but that does not mean that the scribe has to report to the chief workmen. He was a state employee under the authority of the vizier, he usually also bore the title 'king's scribe'[619].

The local council of Deir el-Medina held its session in a place known as a *ḫtm*-building[620], which literary means "sealed structure", generally translated as "fortress"[621]. VAN DEN BOORN[622] proved that the *ḫtm* was also used in the meaning of "storehouse, magazine" or, more generally, rooms, houses, and spaces that ought to be locked and opened on time. He, followed by MCDOWELL[623], prefers a more general translation, "enclosure". VERSTEEG assumed that this building had an open space in or near it, where even a large group of people involved in the judicial process and curious spectators could assemble[624].

According to ALLAM, the following types of conflicts adjudicated by the local-*qnbt*-council of Deir el-Medina:

A. Cases of the fulfillment of obligations (payment, sale, and loan of object and animals).
B. Litigation concerned with landed property, some family law and inheritance.
C. Penal matters, such as theft of object, and the violations of sexual mores, and slander.
D. Notarized acts in inheritance matters and transactions of immovables[625].

According to the known texts, the tasks entrusted to the local-*qnbt*-council in inheritance matters were the conclusion and registration of the inheritance documents (testaments). This can be seen in one of the Twentieth Dynasty's cases, whose details are recorded on a papyrus known as pAshmol. Mus.1945.97. The lady Naunakhte (*Njwt-nḫt-tj*) appeared in front of the magistrates of the local-*qnbt*-council to draft a document (known as *ḥ3ry*-document) concerning her property[626]. The council session, before which the testamentary deposition was made, was

[618] LIPPERT, *op. cit.*, 5.
[619] ALLAM, *op. cit.*, 112.
[620] For the location of the *ḫtm*, see BURKARD, 'Das *ḫtm n p3 ḫr* von Deir el-Medine Seine Funktion und die Frage seiner Lokalisierung', in Dorn, Andreas; Hofmann, Tobias (eds), *Living and Writing in Deir el-Medine. Socio-historical Embodiment of Deir el-Medine Texts*, 31.
[621] See *Lesko* II, 198.
[622] VAN DEN BOORN, *Duities of the vizier*, 44-45; MCDOWELL, *op. cit.*, 94.
[623] *IBID*.
[624] VERSTEEG, *op. cit.*, 49.
[625] ALLAM, *op. cit.*, 111.
[626] For this case see ČERNÝ, *JEA* 31, 44.

composed of fourteen members, all of whom worked on royal tombs. They are two chief workmen, two scribes, two draughtsmen, six ordinary workers, and two district officers.
This local-*qnbt*-council thus has a prominent role to play in fulfillment this testament. Nearly one year later lady Naunakhte's second husband and her children went before this local-*qnbt*-council again for implementation of the plan that was made by the testatrix concerning the inheritance.
This testament/document was done in a statutory body with all the accompanying requirements relating to a scribe, witnesses, etc. in order to legitimize the proceedings[627].

There is another attestation of a role played by the local-*qnbt*-council in succession matters recorded on a fragmentary papyrus from the Nineteenth Dynasty. This text reports a dispute over inheritance, which was resolved by the local-*qnbt*-council of the town *Mr-wrt* (Kom-Madinat-Gurab in Fayoum). Since this text is incomplete, not all stages of the proceedings can be discerned, but based on the surviving parts of the text, one can conclude that there was a session held to decide a dispute that flared up between some individuals, who together inherited some slaves (pBM 10568) [628].

It is clear from the previous survey that the functions of the local-*qnbt*-council in inheritance matters were settlement of inheritance disputes, and it was an official place where the testators could draw up their documents (or to write a will). This statutory body also supervised the execution of the testaments according to the personal wishes of the testator.

Temple-*qnbt*-council

In the same vein, the priests could also establish *qnbt*-councils associated with temples. During the New Kingdom, the staff of most temples would rarely have represented an exclusively religious association. They played a major part in secular activities; in agriculture, in commerce, and in industry, and a high percentage of the population worked on the lands of those temples. Therefore, the great temples became important centers, with considerable influence in the economic and political, as well as spiritual, life. As dignitaries and officials of a particular locality were authorized to establish a *qnbt*-council for matters of local government, the clerics in an important temple could form themselves into such a council, responsible for the

[627] VAN BLERK, N. J., *Aspects of succession law in ancient Egypt with specific reference to testamentary dispositions*, 275.
[628] ALLAM, *ZÄS* 128, 2001, 89 ff.

administration of the temple activities, including justice for its employees and the population attached to it[629].

The texts disclose that the tasks of the temple-*qnbt*-council were the same as what the local-*qnbt*-council did, but there are fewer attestations[630]. This *qnbt* was involved in adjudicating disputes, and also had a notarial capacity in cases related to inheritance. The text recorded in pBerlin P 3047 contains an example of a dispute between co-heirs over the landed property which they had inherited together. This dispute was resolved by the *qnbt*-council of the temple, composed of nine clergymen and the scribe of the registry (*sš n tmꜣ*), who came from the *qnbt*-council of the city.

The text shows that the session was held in the state's hall (*ꜥrryt*), in the southern city (Thebes), beside *ḥry-ḥr-Mꜣꜥt*, the great gate of Ra-mes-su (Ramses II).
The plaintiff *Nfr-ꜥbt* filed a complaint against his brother *Ny-jꜣ*, who had seized all inherited land for several years, and he had not given *Nfr-ꜥbt* a share. During the session of the trial, the plaintiff submitted documents in support of his claim, and then the council questioned the defendant, who admitted that the testimony of the plaintiff was right. Therefore, the council decided that the lands would be given to the plaintiff (pBerlin P 3047).

From this attestation of the temple-*qnbt*-council in inheritance issues, which is the only one we have so far, one could highlight that this statutory body is taking a decisions concerning disputes on the inherited real estate.

Great-*qnbt*-council (*qnbt ꜥꜣt*)

The great-*qnbt* sat in the national capitals and chief cities[631] and was presided over by the vizier, and its members were chosen from among the highest dignitaries[632], who were the most important government officials and the foremost judicial administrators in Egypt[633]. Since the king was not the central character in the judicial machinery[634], the vizier played this role and supervised the six great courts (*qnbt ꜥꜣt*), in which the local judge served[635].
When Horemheb ascended to the throne, he reorganized the judicial machinery and established two permanent high courts (*qnbt ꜥꜣt*). The great-*qnbt* in Heliopolis had jurisdiction in Lower

[629] ALLAM, *op. cit.*, 110 f.
[630] *IBID*, 111.
[631] JASNOW, *op. cit.*, 302.
[632] ALLAM, *op. cit.*, 111.
[633] VERSTEEG, *op. cit.*, 40.
[634] ALLAM, *op. cit.*, 110.
[635] VERSTEEG, *op. cit.*, 40.

Egypt, and the great-*qnbt* in Thebes was responsible for Upper Egypt. The vizier of Lower Egypt presided the Heliopolitan great-*qnbt*, and his counterpart presided over the Theban great-*qnbt*[636]. Then in the Late Period, the great-*qnbt* was no longer under the presidency of the vizier, instead; the chief scribe was in charge[637].

The members of this *qnbt* were high officials, like the chief priest of Amun, royal butler, a scribe of the Pharaoh, the mayor of Thebes, a military officer. They were generally chosen by the vizier and sometimes by the king himself[638]. Texts defined them by the term (*srw*) officials, which replaced the title "superiors" (*wrw*) in the Late Period[639]. For example, three individual jurists appeared in every case heard by the great-*qnbt* for several years during the reign of Ramses XI. They may have been quasi-permanent judges[640], as some cases were heard by the vizier alone without any assistance from other judges[641].

ALLAM[642] mentioned that the great-*qnbt* dealt with the disposition of the big cases that could not be judged by the local-*qnbt*-council and exceeded its power and capacity, like:

A. Examine lawsuits on civil law, such as litigation over a large estate.
B. Serious crimes such as the robberies of royal tombs.

The great-*qnbt* could also give orders to the lesser statutory bodies, such local-*qnbt*-council concerning the enforcement of sentences[643].

The tasks of the Great-*qnbt* in matters of inheritance

In the light of the available texts, the tasks entrusted to this body in matters of inheritance during pharaonic Egypt were as follows:

A- Deciding on lawsuits relating to inherited land

A case is preserved on the walls of a tomb at Saqqara. It introduces one *Ms* who lived in the Ramesside period. *Ms* gives us a vivid account of a whole series of lawsuits that dragged on for around one and a half centuries concerning private landholdings of considerable size. The story began when king Ahmose I who had conferred a tract of land upon the forefather of *Ms* as a

[636] BEDELL, *op. cit.*, 3-4; ALLAM, *op. cit.*, 109,115; VERSTEEG, *op. cit.*, 45 f.
[637] ALLAM, *op. cit.*, 115.
[638] LIPPERT, *op. cit.*, 4.
[639] ALLAM, *op. cit.*, 115.
[640] VERSTEEG, *op. cit.*, 56; BEDELL, *op. cit.*, 52 ff.
[641] VERSTEEG, *op. cit.*, 51.
[642] See ALLAM, *op. cit.*, 111.
[643] *IBID.*

reward for his services. After the death of *Nšj*, the forefather of *Ms*, his estate passed on as a whole to numerous heirs who continued to have indivisible shares.
During the reign of king Horemheb, the first quarrel flared up among the six heirs, of whom a lady called *Wrnr* was apparently the eldest. Therefore, the great-*qnbt* was called upon, with the consequence that *Wrnr* was appointed as trustee (*rwḏw*) for her brothers and sisters.
Then, *T3-ḫ3l*, the younger sister of *Wrnr*, contested this decision and refused to be one under her elder sister's trusteeship, and appealed to the great-*qnbt* for a revision. All the co-heirs appeared in front of this *qnbt*, which was presided over by the vizier for litigation.

Then the great-*qnbt* ruled that the disputed estate should be parceled out among all co-heirs, and ordered the priest of the litter, *Jny*, who was one of its members, to go to the location of the estate to implement its final decision.

The second dispute arose during the reign of king Ramses II, when one *Ḥwy*, son of *Wrnr* regained actual possession of the estate and cultivated it year after year. Upon his death, the management of the estate fell to his widow, *Nwb-nfrt*. One *Ḫʿy* alleged that *Nwb-nfrt* and her husband had forcibly seized his land, which he claimed by a title-deed testified by witnesses. Then *Ms* accused *Ḫʿy* of having seized his land's share, expelled him from the lands, and prevented his mother from cultivating the land in question.
Consequently, all parties to the conflict appeared before the great-*qnbt* of Heliopolis, which was presided over by the vizier and in presence of the scribe of the royal table *Ḫʿ*.

After the vizier questioned the litigants, the scribe of the royal table *Ḫʿ*, intervened and asked the vizier about the final verdict, but the vizier saw that *Ḫʿ* had to go to the royal treasury to examine the original documents in the land register. After examination, the vizier instructed the priest of litter *Jmn-m-jpt* together with the local-*qnbt*-council of Memphis to implement the ruling of the great-*qnbt* and to divide the land in dispute on the ground[644].

Based on the two cases mentioned above, it is clear that the presence of the vizier in the great-*qnbt* was necessary[645]. He interrogated the litigants and then issued the final verdict. The

[644] For further details about this dispute see:
GARDINER, 'The Inscription of Mes: A contribution to the study of Egyptian judicial procedure', in K. Sethe (ed.), *Untersuchungen zur Geschichte und Altertumskunde Ägyptens*, IV, 1940, 1 ff;. CRUZ-URIBE, 'New Look at the Adoption Papyrus', *JEA* 74, 1988, 220 ff. ; ALLAM, 'Some remarks on the trial of Mose', *JEA* 75, 1989, 103 ff.; EYRE, C., 'The Adoption Papyrus in social context', *JEA* 78, 1992, 207 ff.; IDEM, C., *The Use of Document in Pharaonic Egypt*, 155 ff.
[645] BEDELL sees that the Great-*qnbt* could not hold its session without the vizier (BEDELL, *op. cit.*, 52).

aforesaid cases did not refer to any effective role for the other judges, who were in the company of the vizier.

As for the 'scribe of Pharaoh', he sat on the great-*qnbt* like any of the principal judges, who seemed to be the only one among the judges who could intervene in the proceedings and act with the same authority as the vizier. As can be seen in the second case, the royal scribe was present and intervened, possibly on behalf of the losing party. He was then informed by the vizier that, as an official of the Residence, he was entitled to examine the central registers for himself[646]. The priest of the litter was a member of the great-*qnbt*, as he acted as a deputy of this statutory body, who was sent to the location of the disputed estate, and had to implement the tribunal's decision. Then he had to submit a report to the court that all the court sentences had been implemented.

Also, it is essential to note that it was difficult for the local-*qnbt*-council to adjudicate the cases concerning the lands, but it could receive orders from the great-*qnbt* to preside over disputes which arose in the areas under its jurisdiction. For example, Heliopolitan great-*qnbt* gave orders to its deputy to go together with the local-*qnbt*-council of Memphis to the area of Hunpet, where the lands in dispute were located, to implement the final decision, i.e., making a division of these lands and informing every heir of his share.

B- Supervise the conclusion and registration of inheritance documents

The role of the great-*qnbt* in the processes of conclusion and registration of documents used for the bequeathing of inheritances can be seen in the case recorded in pTurin 2021 and pGeneva D 409 (Twentieth Dynasty). The writer recounts how this case took place in the great-*qnbt*, presided over by the vizier, and concerned a certain god's educator called *Jmn-ḫʿw* who had been twice married. He had children with his first wife, but apparently not with his second wife. These papyri did not record an actual dispute but the case was intended to avoid a future quarrel between the children of *Jmn-ḫʿw*'s first wife and his second wife[647]. According to ALLAM[648], the husband adopted his second wife because he wanted to be confident that the children from his first wife give up any claim concerning the share of two-thirds of their father's property, which he and his second wife had acquired together.

For this reason, the father went with two of his older children to the great-*qnbt* in order to make a document/testament concerning his inheritance. He decided to give the first property (the

[646] ALLAM, *JEA* 77, 1991, 114.

[647] ČERNÝ/PEET, *JEA* 13, 1927, 37 ; JASNOW, 'New Kingdom', in R. Westbrook (ed.), *History of ancient Near Eastern law*, 328.

[648] See ALLAM, 'Papyrus Turin 2021 Another Adoption Extraordinary', in Cannuyer C. and Kruchten J. (eds), *Individu, societe et spiritualite. Melanges Théodoridès*, 23 ff.

possession which he acquired during his first marriage) to his children and the second property (which he had during his second marriage) to his second wife.

During the session of the trial, the vizier questioned the children regarding the arrangement which their father intended to do in favor of his second wife. The children informed the vizier that they were aware of their father's decision and that they had no objection. After that, the vizier gave instructions to the priest and scribe of accounts of the *qnbt*-council of the temple to record these arrangements on a roll in the temple and made a copy for the great-*qnbt* of Thebes.

Oracle of the god council

There is one of the statutory bodies known as oracle god in pharaonic Egypt. The first attestation of the oracular consultation dates to the New Kingdom. It seems the idea of an oracle had been developed by the higher authorities in the Egyptian government, who likely used the oracle to further their political agendas. Over time the idea of the oracle spread to all levels of Egyptian society. It then became common practice in various matters other than the originally solely legal issues[649].

The process of the litigation by the oracle god can be described as follows: the statue of the god or the divine king was placed on the litter and carried by some priests in public and in open air[650]. BEDELL thought that the petitions were placed before the idol when he was in the celebration procession[651]. LIPPERT mentioned that it remains unclear whether the oracular event took place on certain prescribed days or whether special processions had been arranged for them. Most of the trials before the oracle god were dated to the 10th, 20th, and 30th day of the month, which constituted the “weekends” in ancient Egypt, cuts both ways[652].

After the litigants submitted their petitions to the oracle, the oracular verdict was delivered the following three ways;

A. The oracle god answered with Yes/No motions when the priest asked him, “Is A's claim correct?” or “is B the guilty?”.
B. Priests reed orally the lists of possibilities in front of the oracle god to give his consent at a particular point.

[649] MCDOWELL, *op. cit.,* 107.
[650] VERSTEEG, *op. cit.,* 58.
[651] BEDELL, *op. cit.*, 240.
[652] LIPPERT, Law Courts, 7.

C. Two written statements were placed in front of the god, one of the plaintiff and another of the defendant, then the oracle god move toward one of them, indicating who was right[653].

In fact, the priests who carried the litter acted as judges and made a decision. It was they who spoke, not the oracle. Since the movement of the litter was under their control, they could move it in whatever direction they wanted[654], claiming that it was the god who inspired to them.

In general, the oracle differed from one region to another; for instance, in Deir el-Medina, the deified king of Amenhotep served as oracle, and adjudicated the cases there as the founder of the worker's community[655]. In Abydos, the people took their cases to the oracle of Ahmose I, and the deified Ramses II attested as the oracle in the city of This (near Abydos)[656]. At the oasis of El-Dakhleh, the god Setekh served as oracle, and he ruled in a case of water sources[657]. Compared with evidence from elsewhere, comprehensive data about the oracle at Deir el-Medina shows that the basic features of the oracle in the workmen's village differed little from oracles elsewhere in Egypt during the same period[658].

As for the types of cases that had been decided before the oracle god, in civil matters, the oracle god solved cases relating to ownership and real property, such as the inheritance of real property. In penal matters, the oracle god identified thieves who stole objects and he could establish the value of the looted objects[659]. It seems that the god oracle was as an alternative institution for poor people who had no opportunity to institute legal proceedings before the local councils. There is an assumption that the oracle god had a greater influence than other legal bodies in imposing decisions in the cases that dealt with inheritance issues[660].

Several succession cases were adjudicated before the oracle god, Amenhotep I, most of them dating to the Ramesside period; A case was written on the recto of pBulaq 10 shows that the workman *Ḥwy* appeared before the oracle god in the *qnbt* and asked him to decide on a dispute involving inheritance between him and his siblings.

[653] LIPPERT, *op. cit.*, 7.
[654] VERSTEEG, *op. cit.*, 59.
[655] MCDOWELL, *op. cit.*, 108; VALBELLE, *Les ouvriers de la tombe, Deir el-Medineh a l'epoque ramesside*, 1 ff.
[656] BEDELL, *op. cit.*, 213, 216 f.; VERSTEEG, *op. cit.*, 58 f.
[657] See GARDINER, 'The Dakhleh Stela', *JEA* 19, 1933, 19 ff.
[658] MCDOWELL, *op. cit.*, 108.
[659] See VERSTEEG, *op. cit.*, 60.
[660] TOIVARI, *op. cit.*, 168.

Ḥwy had buried his father and his mother and provided them the funeral furniture, but his brothers and sisters had not offered any help with that. Because the law of Pharaoh, says: "*Let the possessions be given to him who buries*", *Ḥwy* had the right to inherit the possessions of his parents, but his brothers and sisters contested this and claimed their mother's possessions. Therefore, *Ḥwy* appeared before the oracle god and the officials in the *qnbt*. The final verdict of the oracle god was to give the possessions in question to *Ḥwy*.

In this case, one notes that the trial took place in the *qnbt* before the oracle god and in the presence of the local-*qnpt*-council's members (*srw*)

Two cases were written on oPetrie 16; they were also solved by this oracle god. It seems that the case recorded on the verso was jurisprudence for several cases, such as the former case of *Ḥwy* against his brethren. This case states that a workman called *S3-W3ḏyt* had buried his mother and provided her with two coffins, while his brother and sisters did not participate. The case that was written on the recto shows that the workman *Nb-smn* made a coffin for the lady *Jwn-r* and buried her, which won him right to her share in the lower *wḏ3*-building, but her daughter came to divide this building with him. Therefore, the son of the workman *Nb-smn* appeared before the oracle god to advocate his father's right in this building (oPetrie 16 rec.). It is clear that the son of *Nb-smn* wrote his case on the right side of the ostracon and copied *S3-W3ḏyt*'s case on the other side as legal precedent for his case.

We have two cases that date to the reign of Ramses III. The first case (oPetrie 21) illustrates that the workman *Ḫʿ-m-W3st* sued the workman *Nfr-ḥtp* because the latter (*Nfr-ḥtp*) had forcibly seized his (*Ḫʿ-m-W3st*) father's house (*ʿt*) and the share of *Sḫmt-nfrt*. For that reason, *Ḫʿ-m-W3st* appeared before the oracle god in the presence of the two chief men and the persons who carried the litter. Then the oracle god sentenced that the house should be given back to the workman *Ḫʿ-m-W3st*.

The second case (oGenf 12550) shows that the workman *Jn-ḥr-ḫʿ* filed a complaint to the scribe of the department of the king's tomb against the workman *Jmn-m-jpt*, who wanted to divide a certain *wḏ3*-building with him. The complainant explained to the scribe how the building in dispute was transferred in the form of inheritance between his four elder brothers; the younger brother received it after the elder brother. Then the complainant informed the scribe that it was now his turn to inherit this house, but a third party interfered and prevented that conveyance from taking place and claimed that he had a right to this building.

It seems from the surviving parts of the text that a session was held in the *qnbt*. During this session, the father of the defendant testified against his son and confirmed the complainant's statement.

Three days later, after the complaint was filed, another session was held, this time before the oracle god. It seems that the oracular verdict was issued in favor of the complainant because the defendant took the oath by the lord and he conceded that he would not speak again for this building.

A case on oGardiner 23 is significant because the litigation was settled after two sessions[661]. This case dealt with a dispute over the real estate of a workman named *ꜣ-nḫt*. The first session was held before the oracle god and in the presence of the following individuals:

- Two chief workmen
- The priests, who carry the god (four priests)
- The whole team of the workers

During the session, the oracle god decided that the real estate of the workman *ꜣ-nḫt*, which consisted of a house (*pr*), a house (*ꜥt*), a *ḫnw*-building, and a tomb (*mꜥḥꜥt*), should be given to his son *Ms*, the first party of the case.

The second session was held at the bureau of the *ḫtm* (seal) of the Necropolis' administration, in the presence of:

- A foreman.
- The scribe, *Jmn-ḥtp*, from the Necropolis' administration.

During this session, the workman *Jmn-*(*n*)*-njwt-nḫt* - the other party of the case - took an oath by the lord and said orally that he would not argue again against the possession of any building that belonged to the workman *ꜣ-nḫt*, and admitted that they were a legal right of the latter's son, *Ms*.

The last case is recorded on oGardiner 103. It seems that it was a process of recording, not an operation of the litigation. A father wanted to register all of his possessions under his son's name, for which purpose they appeared together in front of the oracle god. After the oracle god had confirmed the father's desire, the father changed his mind and decided instead to divide his assets again and let all his children benefit. This son received a building (*wḏꜣ*) as his share, but,

[661] For example, there is a lawsuit concerning payment that was decided by the local-*qnbt*-council at Deir el-Medina, which was settled after three sessions (see ALLAM, *JEA* 77, 1991, 110).

later, he discovered that he could not own this building because it had been turned into an endowment (*Waqf*) by one of his ancestors.

So, he, alone, stood again before the oracle god and informed him with this matter, petitioned to him to allow him to participate in the division of the other things with his brethren.

In this regard, one must consider the role of the oracle god Amun in the inheritance case recorded on ste. Ahmose-Nefertari from the Eighteenth Dynasty. In this case, King Ahmose I draw up an *jmj.t-pr*-document to his wife, the queen Ahmose-Nefertari, by its mean she received a lot of things, and she was appointed in the position of "the second prophet of Amun". The text reveals that the document in question was concluded before the oracle Amun, in the presence of the king himself and noblemen, and the full *ḏ3ḏ3t*-council. After that, the god Amun pledged that he would protect the *jmj.t-pr*-document for ever, and declared himself the only defender of this agreement.

Also, the oracle god Setekh played a role in an inheritance case at the oasis of El-Dakhleh. It seems that the people there took their cases to the oracle Setekh. A limestone Dakhleh stela gives us various information about the natural conditions, administration, cult, and topography of a distant Oasis[662]. It deals with a trial bearing on the ownership of a plot of land adjacent to an overflowing well. The priest of Setekh, *Nsj-sw-b3-Jst*, stood before the prince *W3y-h3-s3t* to claim the ownership of the land, alleging that the well had belonged to his mother. The prince advised him to bring this matter before the oracle god. The priest's claim was based primarily on the fact that a new sheet of inundation water had appeared in the neighborhood and that the area covered by it was fed by none other than his mother's well. Then the court judges returned to the official registries of the state to ascertain the veracity of the information provided by the applicant in his complaint. They found that the well in question belonged to the complainant's mother. Since the ownership of the land was closely connected with the ownership of the well, the possessor of a well was deemed to have good title to all the land irrigated by it[663]. The final court decision confirmed that the possessions of the mother belonged to her son, and no one had the right to appeal again[664].

[662] GARDINER, *op. cit.*, 19.

[663] See *IBID.*, 20, 28 f.

[664] In the late Period, a statutory body known as *rwj n wpy.t* "judgment house" ALLAM indicated that this expression was a label of a real law court with true judges, in this statutory body, one could initiate legal procedures, as the declarations could also be written down and other documents and testaments put forward and verified there. Also, a statutory body referred to by the idiom *wpj.w* "the judges" is attested before the Ptolemaic period. Both of these two legal bodies were crucial in succession matters (ALLAM, *JEA* 77, 177 ff.). For examples, see pVienna D

II. The types of crimes and offenses committed in relation to inheritance

Inheritance documents reveal that there are different types of offenses that are committed by the heirs against each other, as well as by non-relatives against the legitimate heirs. They violated the system of succession and did not follow the customary intestate rules of succession, and these violations can be summarized in the following points:

A. Taking over the entire inheritance and not giving one of the heirs his share

This offense occurred during the Nineteenth Dynasty; evidenced in a case recorded on pBerlin P 3047 in which it seems that the eldest/favorite son was appointed as trustee of all property inherited that consisted of a plot of arable lands. This son received these lands along with his siblings; afterward, he transferred his share to the temple of Mut in order to draw income from it. One of the brothers accused him having seized the whole inherited lands for himself and his other brethren for some years, and had not given him a share of these lands. Consequently, the aggrieved party appeared in front of the temple-*qnbt*-council to decide this case and to ask for his inheritance right.

B. Claiming all inheritance, despite the loss of the legal right of it

Our texts also state on several occasions that there was a pharaonic law stipulating that an inheritance had to be given to the person who buried his parents. The case that recorded on the recto of pBulaq 10 shows that some heirs did not comply with this law and violated it. One of the brothers complained against the rest of his brethren, who came to claim his inheritance, which he had acquired by applying the law in question, since they had not helped him when he buried his parents and provided them with the necessary funerary furniture for the process of shrouding and burial.

Upon the death of their mother, it was clear that the son who buried his parents would inherit all their own property, but the siblings objected to this matter and tried to change the partition plan that the mother had done before her death, and came to claim their mother's property. For this reason, the son resorted to the oracle god to decide so that he could protect his inheritance from the claims of his brothers.

12003+ pVienna D 12004 (MALININE, 'Une affaire concernant un partage', *RdE* 25, 1973, 192 ff. pls. 10 ff.), pRylands IX (GRIFFITH, *Catalogue of the Demotic papyri in the John Rylands Library*, 97 f., 102.).

C. Attempt to participate in the division of inheritance despite the loss of the legal right in inheritance

This type of contravention is attested during the Twentieth Dynasty. It was mentioned on the recto of oPetrie 16. The daughter of a testatrix attempted to divide her mother's share in the *wḏȝ*-building, which devolved to a certain workman because he buried the daughter's mother and provided her with funerary furniture.

It seems that the daughter lost her right to the inheritance, because she disregarded the pharaonic law stating: *"Let the possessions be given to him who buries"*, although she legally was considered as legitimate by her mother.

Despite all of this, she came to quarrel with one of the sons of this workman and asked to receive a portion of the inheritance in question. The son was forced to go to the oracle god to decide on this matter and confirm his right to the disputed building. This irregularity is an attempt of participation in inheritance without legal justification.

D. Attempt to prove ownership of inheritance (inherited real estate) illegally

This offense is attested in the reign of Ramses III when a workman called *Ḥʿ-Nwn* discovered an underground shaft linking his tomb and the neighbor's tomb. It is recorded on oBM 5624. When the workman *Ḥʿ-Nwn* found this shaft, he tried to prove his ownership of both his tomb and the tomb of his neighbor, the grandson of *Ḥȝy*.

Therefore, his neighbor appeared in front of the oracle god for a decision. He explained to the judges that this tomb was an inheritance assigned to him by his grandfather. He proved his rights by narrating the history of his ancestors' ownership of this tomb. He mentioned that the tomb in question had been a property of his grandfathers, more than one and a half centuries ago. Then the oracle god settled this dispute and confirmed the grandson's right to this tomb. Thus, the oracle god adhered to the rules of succession law since he gave the tomb to the legitimate heir.

E. Attempt to change the testator's plan concerning inheritance:

This offense that occurred during the Ramesside period is recorded on oBerlin 10629. According to the statement of the testator's daughter, her siblings tried to change their father's plan concerning an inheritance. It seems that the daughter received some things as her share of parental inheritance during the time of her wedding. Upon the death of the father, the dispute erupted between this daughter and her siblings concerning this share because their mother had alleged that she gave it to the daughter.

Later, the mother seized those things again and bought a mirror. Then the children came and demanded their share and distribution of the things among all of them.

Therefore, the daughter resorted to appearing before the oracle god to decide on this conflict and to restore her looted inheritance.

This irregularity demonstrated changing the father's arrangements for inheritance. That happened because of the mother's false allegations.

F. Attempting to abolish legal guardianship

An example of this is in an inscription carved on the north and south walls of the tomb of the Treasury-scribe *Ms* at Saqqara, dating to the Nineteenth Dynasty. This inscription gives an account of a previous lawsuit dating to the reign of Horemheb, concerning private landholdings. The litigation arose among the descendants of *Nšj*, of whom the lady *Wrnr* was appointed a trustee for all co-heirs. Thereupon *T3-ḫ3l*, a sister of *Wrnr*, filed a complaint to the great-*qnbt* and demanded rights for herself with her brothers and sisters. Apparently, she succeeded in abolishing *Wrnr*'s guardianship of the entire landed property.

Although this was not a legal a contravention, the *Codex Hermopolis* contains an item stating that the eldest/favorite son/daughter could hold all the father's property until one of the other inheritors came to claim his share. Then the estate would be distributed among them (inscr. *Ms*: N3-N5).

G. Expulsion of the legitimate heir from his lands, which he had inherited from the father

The abovementioned inscription dealt with another offense. Treasury-scribe *Ms* highlighted that this offense was committed against him and his mother upon his father (=*Ḥwy*) death by a certain *Ḫʿy*, who did not allow his mother to cultivate the lands, which they inherited from his deceased father and expelled him from this territory. Consequently, the dispute flared up between *Ms* and his mother on one side and *Ḫʿy* on the other side during the reign of Ramses III. It seems that *Ms* and his mother lost the trial since the other party explained in his deposition that he gained this territory from *Ḥwy* through a title-deed testified by witnesses, dated from the reign of King Horemheb (inscr. *Ms*: N 5-N 7).

H. Taking over the inherited property by force

Texts express this procedure with the verb (*jṯ3*). This contravention is attested during the Twentieth Dynasty and recorded on oPetrie 21. A legitimate heir accused someone of seizing his father's house forcibly. In more detail, the dispute flared up between the two workers *Ḫʿ-m-W3st* and *Nfr-ḥtp* over the real estate of the workman *B3kj*, the father of *Ḫʿ-m-W3st*.

Both conflicting sides petitioned the oracle god in the presence of the two chief workmen and carriers of the statue. The god announced his judgment in favor of the legitimate heir *Ḥˁ-m-W3st*.

I. Theft of an inheritance after the death of the testator

In the inscription on the Bowl Qau[665], dating to the end of Old Kingdom, *Špsj* petitioned his dead parents because his inheritance, consisting of arable land (*3ḫt*), was being robbed. *Špsj* presumably had additional means of addressing his problem, such as going to a statutory body, but he called upon his parents as the benefactors and protectors of his inheritance[666].

[665] For this text see GARDINER/SETHE, *Egyptian Letters to the Dead, mainly from Old and Middle Kingdoms*, 3-5+17-9, pls. 2-3a.

[666] TROCHE interpreted that this inheritance was stolen (TROCHE, J., 'Letters to the Dead', in Jacco Dieleman and Willeke Wendrich (eds), *UCLA Encyclopedia of Egyptology*, Los Angeles, 2018, 2).

III. Practical examples of cases and disputes

A dispute can be described as an occasion where one person feels s/he has been abused by another, of equal or unequal status, who is then blamed and confronted[667]. TOIVARI[668] followed ROBERTS[669] highlighted that in resolving the disputes in general three basic forms of third-party interaction can be identified: bilateral negotiation, passive (mediation), and active (arbitration or adjudication) interactions. He also highlighted that the active third-party interference in problem-solving, in workmen's community of Deir el-Medina, is represented in turning to a higher authority as local-*qnbt* and oracle god. Those references to disputes settled by a third party are mostly seen in legal and administrative documents, rather than in private letters.

The related documents contain numerous examples of disputes over an inheritance that were resolved in various legal bodies. The following paperwork identifies each dispute separately and analyzes it, its parties, identifies who was a plaintiff and who was a defendant, and establishes the legal background of this dispute:

1. Dispute *Sbk-ḥtp* against *T̲ꜣw*

This dispute is recorded in pBerlin 9010, from the Sixth Dynasty. This text is one of the oldest known legal texts from the Old Kingdom. MÖLLER was the first who studied this text and copied it correctly. ERMAN concluded that this text deals with a legal issue of inheritance but could not stand on precise details of the case. Both scholars described the text in question as a trial protocol; in other words, as a report submitted to the king[670]. SETHE suggested that this a decision made by the statutory body, most likely a local-*ḏ̲ꜣḏ̲ꜣt*-council[671], after a dispute between two parties. It was more accurately a mediation decision, not the final verdict, as it contains a conditional decision[672].

The first party: *Sbk-ḥtp*, the trustee

The second party: the overseer of the foreigners *T̲ꜣw*, son of the testator *Wsr*.

Causes of conflict: guardianship and management of the property of the royal noble, the overseer of the foreigners *Wsr*.

[667] TOIVARI, J., 'Man versus woman: Interpersonal disputes in the workmen's community of Deir el-Medina', *JESHO* 40, 1997, 154.
[668] TOIVARI, *op. cit.*, 154 f.
[669] ROBERTS, S., 'The Study of Dispute: Anthropological Perspectives', in John Bossy, (ed.), Disputes and Settlements (Cambridge: Cambridge University Press), 1983, 14 f.
[670] SETHE, 'Ein Prozeßurteil aus dem Alten Reich', *ZÄS* 61, 1926, 68.
[671] MUHS, *The Ancient Egyptian Economy: 3000–30 BCE*, 28.
[672] SETHE, *op. cit.*, 68.

Case details: unfortunately, the beginning of the text is missing, but the surviving parts of the text make it clear that someone named *Sbk-ḥtp* brought a legal document, specified as *sḫ*, concluded by a man named *Wsr*, the testator, who had appointed *Sbk-ḥtp* as guardian of his children, wife, and all his possessions (*jšt*) in his house. Furthermore, this *Sbk-ḥtp* stated that the testator had ordered him to satisfy all his children and treat the older and younger according to their age.

Then, *T3w*, son of the testator, appeared and objected to the statements made by *Sbk-ḥtp*, and explained that his father had never prepared such a document for his opponent, *Sbk-ḥtp*, at all.

Subsequently, the text contains a condition stating that if *Sbk-ḥtp* could bring three reliable witnesses to take an oath, and fully recognize that this document had been made by *Wsr* in favor of *Sbk-ḥtp* in their presence, he would be the guardian over the family of the testator, and the property in dispute would remain under his management. On the other hand, if he failed to do so and did not assemble three witnesses, the property of the testator would remain in the hands of his son, *T3w*.

Legal background: since the text in question is incomplete, we do not know how and when the case began precisely, as it is difficult to determine the full role of each litigant through the litigation's phases. SETHE[673] stated that the possessions of *Wsr* had not yet been in possession of *Sbk-ḥtp* until this very moment, because the complainant here is *Sbk-ḥtp*, who was supposed to have filed a complaint at the beginning of the trial (in the lost beginnings of the text). He then appeared in front of the judges to confirm his claims (in lines 1-3) and then brought his personal document (*sḫ*-document), which supported his position in the case, while *T3w* was the defendant who made his counter-defense (in the lines 3-4).

SETHE's point of view was based on the system used in Egyptian litigation, that the complainant first had to file a complaint and then confirm his claims in front of the judges before the defendant had to respond to the plaintiff's reply. The court then made its final verdict. Moreover, SETHE assumed that *T3w* was the eldest son of the testator *Wsr*, and according to succession order in the Old Kingdom, the whole property of the testator should be conveyed to his eldest son, who had a special privilege, as well as the rest of the children. The initial decision of the statutory body was in favor of the eldest son and supported his statements, and he would lose the case when the other party succeeded in bringing the required witnesses[674].

[673] SETHE, *op. cit.*, 68 ff.

[674] *IBID.* For further details about this case see THÉODORIDÈS, The Concept of Law in Ancient Egypt, 297.

2. Dispute of *Snj-ms*' children against an unknown woman

This dispute is recorded on the ste. Cairo CG 34016 dating to the reign of the king Thutmose III, which was found in the funerary chapel of the royal prince *W3ḏ-ms*, son of the king Thutmose I. This stela belongs to a certain official called *Snj-ms*[675], who was a tutor of the abovementioned royal prince.

The first party: the testator *Snj-ms*, or his eldest/favorite son *Sj-ꜥ3*.

The second party: unknown woman, perhaps, the first wife of testator *Snj-ms*.

Causes of conflict: property (*ḫt*) of *Snj-ms*, the testator.

Case details: unfortunately, this text contains many gaps, which makes it extremely difficult to identify all the details of this case, but from the surviving parts of the text, we can read the following events:

- The tutor of the royal prince, *Snj-ms* drafted an *jmj.t-pr*-document in favor of his wife *Ḥw-ḏ3r* and his children (one son and three daughters) in the 21st year of the reign of Thutmose III.
- In this document, the issuer stipulated that his wife, *Ḥw-ḏ3r*, would obtain all his possessions until her death, and then the estate should be divided among his four children.
- It is visible in lines (5-7) that an unknown person objected to this division and filed a formal complaint with the statutory body. Thereupon, the statutory body issued a decision stating that all the property of *Snj-ms* should be given to his children.
- In line 8, someone says that something had been done against his wishes because he repudiated that he had not given birth to any person there.
- In lines (12-13), an unknown person says: "*I am in the same city with you, and I am a Nubian, and you are Hori (Asian)*".
- In line 15, the vizier instructed that all orders be executed.
- The issuer (*Snj-ms*) then mentioned that he had made this document in favor of his four children and stipulated that no one had a right to dispute this document, and if he did, he would never be heard in any bureau. If the document were to be delayed, nobody should interfere with it.

Legal background: SPALINGER stated that *Snj-ms* desired to transfer the property to his wife to seize it until she became old, and then it should be divided between his children. However, a

[675] SPALINGER, 'The will of Senimose', in *Studien zu Sprache und Religion Ägyptens Zu Ehren von Wolfhart Westendorf überreicht von seinen Freunden und Schülern I: Sprache*, 631.

problem arose shortly after the death of his wife *Ḥw-ḏ3r* when an unknown woman intervened during the distribution of property among children. It would seem that a plaint was formally repeated in statutory body that unknown person interceded, and hassle centered on the distribution of *Snj-ms*' property. A formal decision was then issued that the property would be given to the children of *Snj-ms*.[676]

REDFORD suggested that the unknown women in the phrase "*I am a Nubian and you are Hori (Asiatic)*" was addressing *Sj-ʿ3* (son of *Snj-ms*). He relied on a text of a statue belonging to *Sj-ʿ3*, now the Egyptian Museum in Cairo (CG 570). This text reveals that *Sj-ʿ3* had two names, one of which was Hori[677]. That means the unknown woman here came to litigate with the eldest/favorite son of *Snj-ms*, *Sj-ʿ3*, not against *Snj-ms* personally. In this regard, SPALINGER presented the possibility that *Snj-ms* had been married twice, first to an Egyptian woman to whom he gave part of his property by means of a testamentary disposition, then to an Asiatic woman whom he had probably met while campaigning with Thutmose I in West Asia. The upshot of the situation was a later action raised at the devolving of his property to his half-Asiatic children, now fully grown. After his death, the Egyptian wife came to object to the plan which he had done for his children of the Asiatic wife[678].

3. **Disputes of *Nšj*'s offspring against each other, and a foreigner**

These disputes are recorded on the southern and northern walls of a tomb at Saqqara, which belonged to the treasury scribe *Ms*[679]. This text was translated for the first time, and its juristic aspects were studied by MORET in 1901. Then, GARDINER published his contribution; he collated the text with the utmost care and advanced a far more reliable rendering of the legal procedures described[680]. He concluded that the text included two parallel reports, each of them starting with the formula *ḏd.tn*. One belongs to *Ms* (the first party) and the second belongs to his adversary *Ḫʿy* (the second party) of the main case in the text[681].

The main case in this text is a dispute between *Ms*, a descendant of the overseer of ships *Nšj*, against the trustee *Ḫʿy*, son of the trustee *Wsr-ḥ3t*, son of *Ṯ3wj*, son of *P3-rʿ-ḥtp*, which took place during the reign of king Ramses II. Both former litigants indicated in their depositions to

676 SPALINGER, *op. cit.*, 632 ff.
677 REDFORD, 'A Gate Inscription from Karnak and Egyptian Involvement in Western Asia during the Early 18th Dynasty', *JEA* 99, 1979, 279.
678 SPALINGER, *op. cit.*, 637 f.
679 GARDINER, 'The Inscription of Mes: A contribution to the study of Egyptian judicial procedure', 1964, 3.
680 ALLAM, 'Some remarks on the trial of Mose', *JEA* 75, 1989, 103.
681 GARDINER, *op. cit.*, 4; ALLAM, *op. cit.*, 105.

some other cases had been taken place earlier since the days of Ahmose I. The bone of contention in the lawsuit is a landed property, which *Nšj*, a distant forefather of *Ms*, was awarded by Ahmose I, because of his distinguished services, and subsequently became known as Hunpet of *Nšj*. After the death of *Nšj*, this estate remained contested until the reign of Ramses II, among individuals in *Nšj*'s bloodline as well as persons who were not descendants of *Nšj*[682].

As demonstrated, the text in question contains more than the case of *Nšj*. Each of the other subjects are here examined independently:

The first case

During his litigation against *Ḫʿy*, the treasury scribe *Ms* referred to an old conflict that had flared up between his forebears during the days of Horemheb.

The first party: the lady *Wrnr*, perhaps the favorite daughter of *Nšj*.

The second party: the brethren of the lady *Wrnr*, led by their sister, the lady *Tȝ-ḫȝl*.

Causes of conflict: lifting *Wrnr*'s custodianship over an inherited landed-property and distribute it among all of the six co-heirs.

Case details: upon the death of *Nšj*, at the time of Horemheb, the estate passed down to six privileged descendants. *Wrnr*, possibly the eldest of them, was appointed a trustee for the entire estate. It seems that *Tȝ-ḫȝl*, sister of *Wrnr*, filed a complaint to the great-*qnbt*-council and demanded her rights and her other siblings' rights to the landed property. Apparently, she succeeded in persuading the judges to abolish *Wrnr*'s guardianship of the entire landed property.

Therefore, the great-*qnbt*-council sent one of its members to the actual location of the lands in order to divide it between the heirs and hand each heir his share.

After this case, the litigation dragged on for generations. There is a reference to the recurring disputes between *Wrnr* and her son *Ḥwy* on one side against her sister *Tȝ-ḫȝl* and her son, the officer *Smn-tȝwy* on the other side. This dispute took place at the great-*qnbt*-council and the local-*qnbt*-council of Memphis. After the death of *Wrnr*, her son *Ḥwy* continued the struggle alone with his aunt *Tȝ-ḫȝl* and her son *Smn-tȝwy*. Through his testimony, one of the witnesses about *Ms*'s case against *Ḫʿy* refers to the dispute in question. He stated that the scribe *Ḥwy* disputed with the lady *Tȝ-ḫȝl*, then with her son, the officer *Smn-tȝwy*. Furthermore, this witness mentioned the verdict of the statutory body that the lands remained with *Ḥwy*[683].

[682] GARDINER, *op. cit.*, 25 f.; ALLAM, *op. cit.*, 104. GABALLA, *The Memphite tomb-chapel of Mose*, 28 f.
[683] GARDINER, *op. cit.*, 25 f.; ALLAM, *op. cit.*, 104.

The Second Case

The main case in the inscription of *Ms* is a long dispute between *Ms* and his mother *Nwb-nfrt* on one side against the administrator (*rwḏw*) *Ḫʿy* on the other side. Apparently, there is no biological connection between *Ḫʿy* and his adversary *Ms*.

The first party: the lady *Nwb-nfrt* and her son *Ms*.

The second party: the trustee *Ḫʿy*, son of the trustee *Wsr-ḥ3t*, son of *T3wj* son of [*P3*]-*rʿ-ḥtp*.

Causes of conflict: the landed share of *Ḥwy*, father of *Ms*, which *Ḥwy* inherited from his mother, the lady *Wrnr*, daughter of the overseer of ships *Nšj*.

Case details: in his deposition (N 2-11), *Ms* explains that the dispute between him and his adversary began when his mother tried to cultivate the landed share of his father *Ḥwy*, but the administrator *Ḫʿy* prevented her and expelled *Ms* from his father's land. Therefore, the lady *Nwb-nfrt* (mother of *Ms*) filed a complaint against the administrator *Ḫʿy* in the year 14+x of the reign of Ramses II.

Both sides in the conflict appeared before the vizier in the great-*qnbt*. During the great-*qnbt* hearing, the lady *Nwb-nfrt* asked to bring the official registers of lands from the treasury and likewise from the office of the granary of Pharaoh. She accused *Ḫʿy* that he had produced a forged document before the great-*qnbt*, by collusion with one of its members. This document removed *Ms* from being a successor of *Nšj*.

On the other hand, the second party in the case, *Ḫʿy* explained in his deposition (N 11-20) that *Ḥwy*, father of *Ms* and husband of *Nwb-nfrt*, gave him the landed share in dispute through a title-deed as testified by witnesses, dated to the reign of Horemheb. Then he had allowed one of his relatives to cultivate it. He also mentioned that *Ḥwy* and his wife had seized this land unlawfully and leased it to a certain craftsman. Therefore, *Ḫʿy* filed a complaint against them in the great-*qnbt* of Heliopolis, presided over by the vizier.

Both *Ḫʿy* and his adversary in litigation appeared before the vizier, equipped with their title-deeds; while *Ḫʿy*'s document went back to the reign of Horemheb (N 11), *Nwb-nfrt*'s evidence recorded the estate as an award given by Ahmose to *Nšj*. But the vizier did not trust these documents, because they came from the private archives of the parties.

Hence, the lady *Nwb-nfrt* promptly asked the vizier to order that the official land registers be brought from the treasury, (and) likewise the department of the granary of Pharaoh. After the official land registers had been brought, the vizier started to interrogate both parties. He asked *Nwb-nfrt*, "*Who is your heir [among] the heirs who are upon the two registers that are in [our]*

hand?, to which Nwb-nfrt answered, there is no heir (of mine) among them". Then the vizier announced to her that she was wrong.

Then we learn of a royal scribe who, assisting at the court session intervened, apparently on behalf of *Nwb-nfrt*. The text reads*: "the scribe of the royal table Ḫʿ, son of Mntw-m-mnj, said to the vizier, 'What is the decision which you make (with respect) to Nwb-nfrt?' The vizier said to him, 'You (belong) to the Residence, may you go the Treasury in order to look into her concerns'. Ḫʿ came out and said to her, 'I have examined the documents, but you are not inscribed therein'".* Upon the examination of the official registers, the scribe told *Nwb-nfrt* the bitter fact that the official registers did not confirm her claims.

Legal background: GARDINER[684] went along with the argument of *Ms* and his mother, who alleged that their adversary, *Ḫʿy*, had produced a forged title-deed before the great-*qnbt*, after some official had tampered with the official registers. Therefore, the final verdict was issued by the vizier, based on a forged document. Confident in the authority of GARDINER, Egyptologists have understood that the trial involved the corruption of Egyptian officials[685]. But ALLAM[686] in his study did not follow that line of thinking, and noted the following:

There are many passages in the text that have been misunderstood. Firstly we should not assume that the court's verdict must have gone in *Ms*' favor, but our task is to weigh the respective arguments and try to complement the picture drawn up by one party with elements given in the report of his opponent, and we should not consider that presence of the legal inscription in *Ms*' tomb, or depicting him raising both his arms high before two pairs of the seated members of the *qnbt*-council, as proof that *Ms* won the case. Defendant *Ḫʿy* asserts in his deposition that he acquired these lands through the official title-deed, in other words, his claim is substantiated by the title-deed certified by witnesses. Furthermore, *Ms*, the other party of the case does not deny *Ḫʿy*'s right at all. We have to assume that *Ḫʿy* had acquired a certain right to possess the lands so that one of his relatives could cultivate his share of lands in peace (N 11-12). So, the document of *Ḫʿy* was authentic and dated as irrefutable proof[687].

On the other hand, *Nwb-nfrt* can by no means claim the land for her heir, her son Ms; no doubt she was aware of this bitter fact. Before the vizier, she consequently had to accept purely that her son no longer had any right in the disputed land. The judgment of the vizier, properly

[684] GARDINER, *op. cit.*, 1 ff.
[685] ALLAM, *JEA* 75, 1989, 103 ff.
[686] *IBID.*
[687] *IBID.*

founded, had, of course, to go against her. However, the vizier did not accept the arguments by both parties, as he sent the royal scribe for the sake of a direct and fresh examination of the official land registers. Then her son, *Ms*, did not accept the decision of the court against her mother, as he did not find other arguments, against *Ḫʿy*'s claim; he only recapitulated the previous history of the estate. He mentioned that the lands were awarded from Ahmose I to his forefather *Nšj*, and he was *Nšj*'s descendant. Little wonder, then, that *Ms* alleged that the official registers, on which the court's decision was based, were untrue. Also, one can sense confusion in words of *Ms*: "*I am confident that I am the descendant of Nšj. The division was made for me together with them, but the administrator Ḫʿy does not acknowledge..*" (N7)[688].

So, *Ms* failed to provide any new evidence. If he had any title-deed or any legitimate right, he would not have hesitated to introduce it, and since he was in no strong position he could not address the official statutory body. But he found one way to appeal the notables of the locality (*dmj.t*), who obviously would testify on his behalf. Moreover, the testimony of the witnesses, on the northern and southern walls (N 20 ff. and S 2 ff.) also provided no new evidence against *Ḫʿy*'s claim, and in the absence of any new evidence by *Nwb-nfrt* and her son, or even in the statements of the witnesses, it was difficult for the vizier to repeal his previous rule. For this reason, *Ms* spent his life amidst resentment of the court's decision and recorded this case in his tomb, hoping for a better solution to his case in the world to come[689].

4. **Dispute *Ḥ3y* against his uncles and aunts**

This dispute is recorded on the recto of pBulaq 10 from the Twentieth Dynasty (reign Ramses III), while the verso of the same papyrus records an official deposition of *Ḥ3y*, the son of *Ḥwy*, concerning the real estate of his father which he had given to his children[690]. It seems that the dispute recorded on the recto of this papyrus took place, several years earlier, before the text was written, perhaps under Merenptah or Amunmesse[691].

The first party: *Ḥ3y*, son of *Ḥwy*, son of the lady *T3gmyt*.

The second party: his uncles and aunts, children of *T3gmyt*.

Causes of conflict: the possessions of *T3gmyt*, the testatrix.

Case details: the recto states that the workman *Ḥwy*, gave his mother, the lady *T3gmyt*, a burial place, and a coffin. Firstly he gave this coffin to a workman named *P3-ṯ3w-m-dj-Jmn*, perhaps

[688] ALLAM, *op. cit.*, 103 ff.
[689] *IBID.*
[690] IDEM, *HOPR*, 289 ff.
[691] JANSSEN/PESTMAN, 'Burial and inheritance in the community of the necropolis workmen at Thebes (Pap. Bulaq X and O. Petrie 16)', *JESHO* 11, 1968, 143.

in order to inscribe and paint it. Likewise, *Ḥwy* mentions that he made a burial place for his father, *Ḥwy-nfr*.

The son of *Ḥwy*, *Ḥ3y* tells us that his uncles and aunts, the children of the lady, *T3gmyt* came to contest and claim her possessions, while they had not helped his father when he buried his parents (*Ḥwy-nfr* and *T3gmyt*). He then began to appeal to the oracle god. His claim was based on the law of Pharaoh, stating that the possessions should be given to the person who buries the testator. He also reminded the judges of a legal precedent (case of *S3-wḏyt* and his mother *T3y-nḥsy*). That was similar to his case, where the possessions of the mother were given to one of her sons because he alone buried her.

The text ends with a court statement made by the oracle of Amenophis concerning the resolution between *Ḥ3y* and his uncles and aunts; the possessions of the lady *T3gmyt* were given to her grandchild (*Ḥ3y*).

Legal background: The testatrix *T3gmyt* passed away during the time of Sethos II, lifting some children and property. Her son *Ḥwy* took care of her burial, but his brethren did not help him. Sine, he did so alone without the aid of his brothers and sisters, the entire inheritance passed to him according to the law of Pharaoh and following the precedent of the legal decision in the case of the estate of *T3-nḥsy*. *Ḥwy* then died, leaving in his turn a son, *Ḥ3y*, who came into possession of his father's property, including the inheritance of *T3gmyt*. At this point, the other children of *T3gmyt* came forward and demanded a share of their mother's inheritance as her heirs, alleging that *Ḥwy* had not buried their mother all by himself[692].
JANSSEN/PESTMAN believe that this case needed to be decided judicially not because the other party of the case refused to implement of the former law but because it was questioned whether *Ḥwy* alone was responsible for the burial. So, the problem was put before the oracle god only for this reason. Such matters were decided by the oracle god because it was difficult to prove by document or through witnesses. The officials asked the oracle god whether *Ḥwy* alone had buried his mother. When the oracle god affirmed the burial, officials enforced the law of Pharaoh and assigned the possessions of *T3gmyt* to *Ḥ3y* son of *Ḥwy*, rejecting the claim of *T3gmyt*'s other children[693].

[692] JANSSEN/PESTMAN, *op. cit.*, 146.
[693] *IBID*, 146 f.

5. **Dispute of a daughter against her siblings and her mother**

This dispute is recorded on oBerlin 10629 from Deir el-Medina, which dates to the Nineteenth Dynasty[694].

The first party: the daughter and her husband.

The second party: her mother and other siblings.

Causes of conflict: the things which the father gave to the daughter during her marriage, consisting of two copper shares (one shawl, one knife, one pot).

Case details: the text states that the daughter sued her siblings because the mother had alleged that she had given two copper shares to the daughter, while the daughter asserted that she had acquired those shares by her father, probably during her marriage. The daughter shows that she received the shares in question through the scribe *P-n-t3-wrt*.

Later, the mother took those things from her daughter and bought a mirror with their revenue, and then the children came and demanded their share in the things that the mother had bought. Consequently, the daughter appealed to the oracle god and asked to reappraise the shares in *dbn*.

Furthermore, the daughter stated that her father had recommended that a certain amount of grain (five sacks of emmer, and two sacks of barley) be given repeatedly to her husband over the course of seven years, but he had only received four sacks.

Legal background: ALLAM explained that the father had assigned his daughter's husband (repeatedly) an amount (seven sacks) of grains. This performance (grains), over the time, was partially fulfilled, but not as the father ordered, where the daughter and her husband received only four sacks. In addition, the girl received two copper shares from her father. These things were given to the daughter through the scribe *P-n-t3-wrt*, and this was done with the consent of the mother, as seen from the text on the verso of the ostracon. Later, the mother seized those things again and bought a mirror. Then the children came and demanded their share and distribution of the things among them. This caused the conflict erupted between this daughter and her brethren. So, the girl complained to the oracle god and asked that the value of these things be reconsidered. Perhaps she wanted her own rights to fulfilled in advance[695].

[694] PESTMAN, *Marriage and matrimonial property in ancient Egypt*, 143; ERMAN, *Hieratische Papyrus aus den Königlichen Museen zu Berlin*, 3.

[695] ALLAM, *HOPR*, 28 f.

6. Dispute *Nfr-ʿbt* against his brother *Ny-jȝ*

This dispute is recorded on pBerlin P 3047 from the Nineteenth Dynasty[696].

The first party: the royal table scribe, *Nfr-ʿbt*.

The second party: his brother, the storekeeper *Ny-jȝ*, from Amun temple.

Causes of conflict: distribution of tracts of arable land, which they inherited together.

Case details: the text summarizes a lawsuit dating to the year 47 of the reign Ramses II. It records a hearing in the state's hall (*ʿrryt*) in the southern city by the local-*qnbt* of priests of the temple of Karnak headed by the high priest of Amun *Bȝk-n-Ḫnsw*. It included the priest *Wnn-nfr*, from the Mut temple. The only non-priestly member was the scribe of the registry (*sš n tmȝ*), *Ḥwy*, from the *qnbt*-council of the city[697].

The storekeeper *Ny-jȝ* inherited tracts of arable land along with his siblings, and acted as agent for his siblings; afterward, he transferred this land to the temple of Mut in order to draw income from it. According to the economic role played by temples during the New Kingdom, some landowners conveyed their land to the temple for management and cultivation. KATARY highlighted that the transfer of the land to the temple guaranteed a regular income for the landowner, who does not like to be held responsible for farming the land personally, because the temple had the expertise and workers needed to ensure the best results in its cultivation. In return, the income of these lands was divided between the temple and the landowners[698].

The events of this case can be summarized as follows:

- The text states that this dispute was resolved by the temple-*qnbt*-council, which comprised nine clerics and the scribe of the registry (*sš n tmȝ*), who came from the local-*qnbt*-council of the city (Thebes). The text states that the trial was held at the state's hall (*ʿrryt*) in southern city (Thebes), next to the great gate (*ḫry-ḥr- mȝʿt*) of Ramses II.
- The royal table scribe, *Nfr-ʿbt*, filed a complaint against his brother, the storekeeper *Ny-jȝ* stating that he had inherited some fields along with his siblings, but his brother *Nfr-ʿbt* had taken all the lands for himself and other siblings for several years and not given *Nfr-ʿbt* a share. Apparently, *Nfr-ʿbt* wanted to transfer his share of land to the temple of Mut in order to reap crops to make some clothes.

[696] HELCK, 'Der Papyrus P 3047', *JARCE* 2, 1963, 65 ff.

[697] See EYRE, *The Use of Document in Pharaonic Egypt*, 171.

[698] KATARY, S., 'The administration of institutional agriculture in the New Kingdom', in Juan Carlos Moreno García (ed.), *Ancient Egyptian Administration*, 2013, 759 f.

- Parties in dispute appeared before the temple-*qnbt*-council. *Nfr-ꜥbt* was equipped with his personal document that strengthened his claims.
- The temple-*qnbt*-council questioned *Ny-jꜣ* about his brother's accusation. *Ny-jꜣ* did not deny his brother's rights and admitted that his testimony was right.
- The magistrates of the council then issued the final decision on this dispute; the land in dispute would be transferred to *Nfr-ꜥbt*.
- *Nfr-ꜥbt* then decided to give them to the priest *Wnn-nfr* from the temple of Mut. The text also contains a copy of the statement which *Nfr-ꜥbt* made for a priest from the temple of Mut, called *Wnn-nfr*. He said to him: "*Look, my lands (ꜣḫt) shall you cultivate, and you shall give me one-third of their production, from the cereals and vegetables*". Then the priest acknowledged that he would do this.

Legal background: According to one of the items in the Hermopolis manuscript, recorded on col. VIII. 30-32, which provided that if the father died without assigning his property to any of his children while alive, the eldest/favorite son would take possession of his estate as long as none of the other children claimed their right[699].

It seems that our text deals with the same situation. Probably that after the father had departed, the lands were transferred, undivided, to his children together. *Ny-jꜣ*, logically the elder one of them, was appointed as trustee to administrate the lands on behalf of his siblings.

Perhaps these lands remained under trustee's control for a while, then were transferred to the temple, and all co-heirs benefited from its income except *Nfr-ꜥbt*, who applied to the *qnbt*-council of the temple to claim his right in these lands. Then the magistrates ruled in accordance with the previous law.

7. Dispute of the son of the workman *Nb-smn* against *Wꜥb*(*t*), the daughter of *Jwn-r*

This dispute is recorded on the recto of the oPetrie 16, which dates to the Twentieth Dynasty.

The first party: son of the workman *Nb-smn* as deputy for his other brethren.

The second party: *Wꜥb*(*t*), daughter of the testatrix, the lady *Jwn-r*.

Causes of conflict: share of the lady *Jwn-r* in the lower *wḏꜣ*-building.

Case details: the text reveals that the son of the workman *Nb-smn* is the speaker, who narrates that an offense had been committed against him by the daughter of the testatrix, *Wꜥb*(*t*).

[699] For this item of the Hermopolis manuscript, see MATTHA/HUGHES, *The Demotic legal code of Hermopolis West*, 39; DONKER VAN HEEL, K., *The legal manual of Hermopolis: [P. Mattha], text and translation*, 93.

He mentioned that his father, the workman *Nb-smn*, gave a wooden coffin, painted with pictures to the lady *Jwn-r*, whereby his father had obtained a right to part her property (share of the lower *wḏ3* building). It seems that when the children of *Jwnr* started to divide her possessions, the son of *Nb-smn* appealed to the oracle god in order to receive an oracle confirming the rights of *Nb-smn*'s children.

8. Dispute of *S3-W3ḏyt*, son of the lady *T3-nḥsj*, against his siblings

This dispute is recorded on the verso of the former ostracon.

The first party: *S3-W3ḏyt*, son of the lady *T3-nḥsj*.

The second party: his siblings, the children of the lady *T3-nḥsj*.

Cause of the conflict: unmentioned, but JANSSEN/PESTMAN thought that the former building is mentioned on the recto of this ostracon[700].

Case details: the text discloses that the workman *S3-W3ḏyt* made several things (one wooden coffin, painted with pictures, polished with *mrḥt*-oil, and one small coffin, from *mšd*) for his mother. He made them alone without the help of his siblings. Then he began to appeal to the oracle god and asked to be allowed to pass on her inheritance (a share of the storehouse).

Relationship between the two previous conflicts

ALLAM mentioned that the workman *Nb-smn* took care of the burial of the deceased lady *Jwn-r* by providing her with a coffin. For that, he received her rights to the storehouse, and these rights passed through an inheritance to his children. His son, probably [–] *nfr*, took part in the inheritance. His derived rights or those of his father were now denied by the daughter of the deceased. Therefore, *Nb-smn*'s son was applying for the decision on the dispute by the oracle god, in order to justify his right or his father's from the substantive side. He mentioned an earlier trial as precedent: a workman named *S3-W3ḏyt* had buried his deceased mother and thus inherited it; on the other hand, his brethren, who had not helped him with the funeral, did not object. This precedent seems to have become a legal norm in Deir el-Medina[701].

THÉODORIDÈS interprets this dispute quite differently. In his opinion, the dispute was merely the replacement of the reimbursement and was supposed to be refunded[702].

JANSSEN/PESTMAN tried to prove that there was a family relationship between the persons in the first case (on recto) and second case (on verso). They thought that the above-mentioned two disputes were about the same building (the *wḏ3*-building of lady *Jwn-r*), and the lady *T3-nḥsj*

[700] JANSSEN/PESTMAN, *JESHO* 11, 1968, 154 note l, 157.

[701] ALLAM, *HOPR*, 232 f.

[702] See THÉODORIDÈS, Les ouvriers- "magistrats" en Egypte à l'époque ramesside, *RIDA* 16, 1969, 141 ff.; ALLAM, *op. cit.*, 233.

was a daughter of the workmen *Nb-smn*. Her son *S3-W3ḏyt* used the first case (on recto) as a kind of title-deed when his brethren came to fight against him[703].

9. Dispute of the grandson of *Ḥ3y* against his neighbor *Ḫʿ-Nwn*

This dispute is recorded on a limestone ostracon known as oBM 5624. It dates to the Twentieth Dynasty (Ramses III) [704].

The first party: the grandson of *Ḥ3y* (the narrator in the text).

The second party: the workman *Ḫʿ-Nwn*, the neighbor of the first party.

Causes of conflict: possession of the tomb of the workman *Ḥ3y*, the grandfather of the first party, who lived during the reign of Horemheb.

Case details: on the recto of the ostracon, the grandson of the workman *Ḥ3y* states that both he and his neighbor, *Ḫʿ-Nwn*, started to repair their tombs at the same time. On the sixth day of the month, *Ḫʿ-Nwn* did not go to the official work in the royal cemetery but continued to work in his own tomb. He found an underground shaft linking both his tomb and a neighbour's tomb, the grandson of *Ḥ3y*. The grandson of *Ḥ3y* asserted that he was not there when the shaft was discovered, where both his neighbor and the officer *Nfr-ḥtp* went down to see this shaft.

The next day, the grandson of the workman *Ḥ3y* went down the shaft in company of *Ḥrj*, son of *Ḥwy-nfr*, and the workman *B3k-n-wrl*. Since he did not know the location of this shaft, the scribe *Jmn-nḫt* guided, and showed him the place, and how this shaft opened to the tomb of his neighbor *Ḫʿ-Nwn*.

On the verso of the ostracon, we find the grandson of *Ḥ3y* began to recapitulate the previous history of the tomb; in the 7th year of the reign of Horemheb, when his grandfather, *Ḥ3y* was appointed in the Necropolis body as a workman, the steward of the house *Ḏḥwtj-ms* distributed some real estate to the workmen. His grandfather received the tomb in dispute by decree (*sḫnw*), and since he had no male children, his property passed down to his daughter *Ḥnr*.

In the 21st year, the grandson of *Ḥ3y* appeared in front of the oracle god and asked him to decide the dispute. The oracle god then determined that the tomb in dispute was a right of the grandson of *Ḥ3y*. After that, he could complete the repairs.

Legal background: ALLAM elucidated that this dispute arose concerning the ownership of a tomb (*mʿḥʿt*). Both *Ḫʿ-Nwn* and his neighbor, grandson of *Ḥ3y*, wanted to repair their tombs at the same time, when an underground shaft linking the two tombs was discovered. *Ḥ3y*'s

[703] JANSSEN/PESTMAN, *op. cit.*, 157.
[704] ALLAM, *op. cit.*, 43.

grandson wanted to prove his right by recounting how his grandfather *Ḥ3y* had acquired this tomb from the state when he joined the royal cemetery. Since *Ḥ3y* had no heir, he gave all his possessions to his daughter *Ḥnr*, from whom the narrator acquired his inheritance as his grandmother. Through the previous recital of the facts relating to the tomb, he wanted to prove both his ancestors' ownership of this tomb and his own. Since the property dated back one and a half centuries, the narrator went to the oracle god to adjudicate this case and to confirm his right to this tomb. The oracle god adhered to the rules of the law of succession since he gave the tomb to the legitimate heir[705].

10. Dispute of the workman *Ḫʿ-m-W3st* against the workman *Nfr-ḥtp*

This dispute is recorded on the oPetrie 21, from the reign of Ramses III.

The first party: the workman *Ḫʿ-m-W3st*.

The second party: the workman *Nfr-ḥtp*.

Causes of conflict: the house (*ʿt*) of the workman *B3kj*, father of the first party, in addition to the share of *Sḫmt-nfrt*.

Case details: unfortunately, this text is damaged in several parts. From the surviving parts of the text, we can conclude that it deals with a dispute over inheritance, which was adjudicated by the oracle god. It is clear that the first party filed a complaint to oracle god against the second party. He appealed directly to the oracle god and petitioned him that injustice had been inflicted upon him by his adversary, who had taken his father's house (*ʿt*) by force, which is located in the great valley, in addition to the share of *Sḫmt-nfrt*.

At the hearing, the oracle god was asked many times, whether the house (*ʿt*) and the share of *Sḫmt-nfrt* in dispute should be given to the complainant, *Ḫʿ-m-W3st*, or not. The oracle god then agreed in the presence of two chief workers and the priests, who were carrying the statue of the god. The announcement of the verdict by the oracle god in the presence of the two chief workmen and priests is strong evidence on behalf of who won the case if anyone tried to contest it. Egyptians always required that a trial be held in public and witnessed by certain persons[706].

Although broken at the end of the text, it seems that the second party stood before the oracle god in turn and appealed to him, but the god rejected his claim and ordered him not to enter this building again.

[705] ALLAM, *op. cit.*, 45.

[706] See VERSTEEG, *Law in ancient Egypt*, 68.

Since the second party erected a stela in the house in question when it was in his possession, the oracle god was asked about it. Therefore, he announced that the second party could take back his stela, but had no right to this house.

Legal background: many Egyptologists have interpreted the word *wḏ* (ver. 6+8) as "pillar" since one of the parties of the case in question states that he set it up at the house (*ꜥt*)[707]. In such a situation it became an integral part of the house and the one who lost the possession of the house, had no right to remove it. This was because removing it may have caused and collapse of the house.

Since the oracle god ruled to remove the *wḏ*, according to the previous interpretation, the oracle's verdict was legally incorrect. Then DEMARÉE[708] proved that *wḏ* means "a stela" (made of stone or wood), not a pillar. Furthermore, since the stela was considered movable and not an embedded part of the house, this issue became legally more acceptable.

11. Dispute of a father and his son

This dispute is recorded on oGardiner 103 from Deir el-Medina, which dates to the Twentieth Dynasty.

The first party: the son.

The second party: his father.

Causes of conflict: the possessions of the father, which consisted of *wḏȝ* and *ḫnw* buildings, and other things.

Case details: The text reveals that both the father and his son appeared in front of the oracle god concerning the distribution of the father's possessions. In the beginning, the father addressed his son and said that he would sort it out by himself. The father then set up two documents (*mḏȝt*) and put them in front of the oracle god. One of the documents was placed in the hand of the scribe *Wnn-nfr*, who read it and said that every brick, which the father had erected, should be given to his son.

After that, the documents were thrown twice, and placed in the hand of the scribe *P-n-tȝ-wrt* for confirmation, but the father had changed his mind in the meantime and declared that he did not look at these documents and decided that he would give his son a donation (*twn*), while the other things would be divided among other children.

[707] See for example, SEIDL, E., 'Einführung in die ägyptische Rechtsgeschichte bis zum Ende des neuen Reiches' *Ägyptologische Forschungen*, 1951, 48 ; ALLAM, *HOPR*, 237 f.

[708] DEMARÉE, R. J., 'Remove Your Stela (O. Petrie 21= Hier. Ostr. 16, 4)', in Demarée and Janssen (eds.), *Gleanings from Deir El-Medina*, 1982, 103 p, 106.

The second part of the text contains a statement from the son; he states that his father had reclaim the *ḫnw*-building from him and had given him the *wḏ3*-building. The son also explained that he could not possess this building, because one of his predecessors had constructed it in the name of king Amenophis, lord of the town. Now it belonged to that god.

For this reason, the son petitioned the oracle god in order to let him participate in the division of the other things with the rest of his siblings.

Legal background: ALLAM pointed out that this dispute was over the family's property, and it was submitted to the oracle god, after which the trial took place. The father told his son that he would make the legal arrangement by himself. So, he wrote two documents: one with text affirming the son's inheritance, and the other denying it. Both documents were presented to the oracle god for verdict. After that, the oracle god ruled that all the property of the father should be given to his son. Then the throwing before the oracle god was repeated for confirmation.
But during the proceedings, the father suddenly reconsidered the division, and decided instead to give an *wḏ3*-building to his son after he took back the *ḫnw*-building from him, while the other things would be divided among the other children. Therefore, the son stood again before the oracle god and informed him that he could not own this building because it became an endowment (*Waqf*), arranged by one of his grandfathers. Finally, the son asked the oracle god to allow him to participate in the division with his brothers and sisters[709].

12. Dispute of *Ms*, son of *ꜥ3-nḫt* against *Jmn-(n)-njwt-nḫt*

This dispute is recorded on the oGardiner 23, which dates to the Ramesside period.
The first party: the workman, *Ms*, son of the testator, the workman *ꜥ3-nḫt*.
The second party: the workman *Jmn-(n)-njwt-nḫt*.
Cause of the conflict: the real estate of the workman *ꜥ3-nḫt* (consisting of *pr*-house, *ꜥt*-house, *ḫnw*-building, and *mꜥḥꜥt*-tomb).
Case details: although broken at the beginning, the text mentions that two law sessions were held to decide a dispute between the son of the testator and someone who apparently did not belong to the family of the testator. The first law session was held in front of the oracle god and in the presence of two chief workmen and the priests, the carriers of the image of the god, in addition to the whole team of workers. It was about the division of the real estate (a group of buildings) belonging to the workman *ꜥ3-nḫt* in favor of his son, *Ms*.

[709] ALLAM, *op. cit.*, 171.

During this session, the real estate of the workman *ꜥ3-nḫt*, that consisted of the *pr*-house and *ꜥt* -house, *mꜥḥꜥt*-tomb, and *ḫnw*-building were passed on to his son *Ms*.

The text in question contains a second judicial session that was held at the *ḫtm*-bureau of the Necropolis' administration, in the presence of one chief workman and the scribe from the Necropolis' administration. During this session, the second party of the case, *Jmn*-(*n*)-*njwt*-*nḫt*, took an oath and vowed before the statutory body that he would not argue again about these buildings, as he admitted that they were the right of *ꜥ3-nḫt*'s son, *Ms*.

Legal background: ALLAM assumed that the parties in the case petitioned the oracle god regarding the possessions of the workman *ꜥ3-nḫt*. It seems the oracle god rejected the claim of the workman, *Jmn*-(*n*)-*njwt*-*nḫt*, so he received a similar property from the state in order to prevent renewed struggle between them. The oracle god ruled that the entire property of the workman *ꜥ3-nḫt* should be given to his son. After that, the second party took an oath[710].

13. Dispute of *Jn-ḥr-ḫꜥ* against *Jmn-m-jpt*

This dispute is recorded on the oGenf 12550, which dates to the Ramesside period.

The first party: the workman *Jn-ḥr-ḫꜥ*, son of the workman *Jn-ḥr-ḫꜥ*.

The second party: the workman *Jmn-m-jpt*.

Causes of conflict: the real estate (the *wḏ3*-building) of the first party's father.

Case details: the text clarifies that the workman *Jn-ḥr-ḫꜥ* went to the scribe of the necropolis' administration to sue the workman *Jmn-m-jpt*, who obstructed the transfer process of the building to him.

The substance of his complaint was as follows: *Jn-ḥr-ḫꜥ*, the complainant narrates to the scribe, how this building was a possession of his father, then passed down to his eldest brother *K3nr*. After *K3nr* had died, this building passed down to the second brother *Ḥ3y*, then *Ḥ3y* was appointed as a chief workman somewhere, left this building to the third brother, *Q3ḥ3*. After *Q3ḥ3* had died, his son named *Ḫꜥ* received the building in question, moved to the harbor later, probably to work there. The building in question was thus left in the hand of his current lord (i.e., the chief workman in Deir el-Medina).

According to the order of succession, this building had to go to the last son of the testator, i.e. the complainant. But someone named *Jmn-m-jpt*, though apparently in no way connected with the family of *Jn-ḥr-ḫꜥ*, hindered this process, and announced to *Jn-ḥr-ḫꜥ* that he wanted to divide this building with him.

[710] ALLAM, *op. cit.*, 154.

The text then reveals that some law session was held in the local-*qnbt*-council. During this session, the father of the second party (*Jmn-m-jpt*) testified against his son and confirmed that the building in question was in possession of *Ḥ3y* and *Ḫʿ*, who were blood relatives of the first party, *Jn-ḥr-ḫʿ*.

Three days later, both parties stood before the oracle god to settle the issue. It seems from the surviving parts of the text that the second party petitioned the oracle god first, but the oracle god rejected his claim and ruled that the building in dispute should be given to the first party (the last son of the testator, *Jn-ḥr-ḫʿ*). Therefore, the second party took the oath by the lord and conceded that he would not demand this building again.

Legal background: ALLAM considers that after the son of the third brother, *Ḫʿ*, went to work at the harbor, the possession of the *wḏ3*-building went to his uncle *Ḥ3y*. Because *Ḥ3y* was still working a chief workman, the possession went to the last son of the testator, named *Jn-ḥr-ḫʿ*.

The complainant recounted the ownership history of this building to provide strong evidence for his claim. His right was also confirmed by the testimony of the father of his adversary[711].

14. Dispute of the weaver *Ḫʿ-m-tnr-r* against the ladies *Ḥ3t-špsy* and *B3k-prp*

This dispute is recorded in the pBM 1068, which dates to the Nineteenth Dynasty.

The first party: the weaver *Ḫʿ-m-tnr-r*.
The second party: perhaps the lady *Ḥ3t-špsy* and lady *B3k-prp*.
Causes of conflict: division of the inheritance, i.e. some slaves.
Case details: unfortunately, the text is extremely fragmented, and details of the case are thus unknown. But according to the available information in this text, one can deduce the following:

- A letter was sent concerning something. It seems that the events of the case in question took place in the Ramses city (Piramesses) in the presence of the vizier himself. Perhaps the issue was for one of the parties to seek a formal decision concerning or to register something formally.
- Afterward, the *qnbt*-council of the city of *Mr-wr* was approached by someone, telling them that they had received a complaint from the weaver *Ḫʿ-m-tnr-r*. The purpose of the complaint was that he wanted to participate in the division of an inheritance, which consisted of some slaves, possibly with the second party.

[711] ALLAM, *op. cit.*, 194 f.

- The first party probably asked the second party to give him a share of these slaves, but the second party replied that the slaves in question were not in their possession, with the exception of only one female slave that was not currently present.

Legal background: ALLAM offered that the main text gives an account of a session of the local-*qnbt*-council of town *Mr-wr* (Kom-Madinat-Gurab in Fayoum) dealing with a conflict between individuals who together had inherited some slaves. It seems that each inheritor received a share of the slaves' workdays. This text reflects a recently elaborated aspect – it is a usual practice in late periods – regarding the transfer of shares of slaves: several masters could possess one/same slave, whose work was then divided among them[712].

15. Dispute of the family of *Sʿnḫ-Ptḥ* against the family of *Jzzy*

This dispute is written in hieratic on a strip of linen now the Egyptian Museum in Cairo (CG 2575)[713]. It dates to the end of the Sixth Dynasty[714]. It is a letter by a widow and her son addressing the deceased husband. In this letter, both the wife and the son of the deceased petition the latter concerning the right to his inheritance because of offenses committed by others.

The first party: the family of the testator *Sʿnḫ-Ptḥ*, composed of his widow, the lady *Jrtj*' and his son *Jy*.

The second party: the family of *Jzzy*, composed of *Jzzy* (the father), the lady *Wʿbwt* (the wife), and *ʿn-ʿnḫj* (the son).

There is another person named *ʿn-ʿnḫj* son of *ȝȝj* (linen 10-11). He was probably an older member of this family; maybe the father of *Jzzy* or *Wʿbwt*. Maybe this person already had been dead when the letter in question was written.

Another man called *Jjnj* is mentioned in line 13. Judging from the determinative, he had probably died. It is impossible, however, to ascertain his role in the conflict.

Another man called *Bḥztj* possibly belonged to the same party as the family of *Wʿbwt*[715].

Causes of conflict: the inheritance of the deceased testator, *Sʿnḫ-Ptḥ*, which he had left to his son *Jy*. This inheritance consisted of several things, such as a house (*pr*), household furnishings, slaves, and leather.

[712] ALLAM, 'Ein Erbstreit um Sklaven (Papyrus BM 10568)', *ZÄS* 128, 2001, 96.

[713] For this texts, see GARDINER/SETHE, *Egyptian Letters to the Dead*, 1 ff. pls. 1, 1A; KELLER, S., *Egyptian Letters to the Dead in Relation to the Old Testament and other Near Eastern Sources*, 1989, 10 ff.

[714] GARDINER/SETHE, *op. cit.*, 1.

[715] WILLEMS, H., 'The End of Seankhenptah's Household (Letters to The Dead. Cairo JDE 25795)', *JNES* 50, 1991, 183 ff.

Case details: like most cases recorded in the letters to the dead, the details of the current case are not clear. Such cases are brief and the contents vague. They contain a lot of personal names and it is difficult to determine the role of each of them in the given events[716]. Still, we can discern the following events:

- The widow and her son wrote to the deceased husband in order to inform him of matters that had occurred after his death. They told him that a certain *Bḥztj* had come to claim leather.
- The lady *Wʿbwt* and her husband *Jzzy* had destroyed the house of the family of *Sʿnḫ-Ptḥ* and taken away furniture and the slaves of the household.
- The widow then asked her dead husband to take action against those aggressors (=lady *Wʿbwt* and her husband, *Jzzy*), before his son came under their son's authority.
- The widow asked her deceased husband to awake his father to make haste against *Bḥztj*.
- The widow then told her deceased husband that she went to his tomb in order to sue both *Bḥztj* and *ʿn-ʿnḫj*, the son of *ȝȝj*, and asked him again to rouse his siblings, friends, and fathers to act against them.
- The widow reminds her dead husband of his words, which he had said to his son when alive, that the houses of the father had to become the property of their children, saying, "*may your son maintain your house just as you maintained your father's house*!".
- Finally, the son spoke to his dead father, wishing him happiness and asking him to come against *ʿn-ʿnḫj* son of the lady *Wʿbwt* to help him to get his house back.

Legal background: According to WILLEMS bonds of kinship connected *Jrtj*'s household (the widow) and *Jzzy* and *Wʿbwt*'s households, although it is impossible to determine how exactly. One thing to keep in mind, however, is that only blood relatives were entitled to a share in the inheritance. That may help to explain *Jrtj*'s lack of power to dispose of her husband's property. Her son might have still been too minor to be charged with managing the entire estate. Perhaps, *Jzzy* or *Wʿbwt* were relatives of the deceased testator *Sʿnḫ-Ptḥ*, and had taken the responsibility of administering the whole estate by themselves. It is unclear whether they saw this as a way of seizing the whole inheritance. The text refers to another dispute that flared up between the first party and a man named *Bḥztj*, who came to claim some leather that was a part of the parental inheritance of *Jy*. With *Wʿbwt* and *Jzzy*, matters were apparently different. It is possible that

[716] See GARDINER, *Egyptian Letters to the Dead*, 26.

they not only had a claim to the leather mentioned in the early part of the letter but also to much of the rest of *Sʿnḫ-Ptḥ*'s property[717].

After the death of *Sʿnḫ-Ptḥ*, some time had passed before the widow wrote her letter. In the meantime, *Bḥztj* died. Only then did the affair reach a climax between the members of *Sʿnḫ-Ptḥ*'s family and the members of *Jzzy*'s family. Therefore, the widow went to her husband's tomb for litigation, and asked him to make haste against all the opposing parties to help her and her son to repossess their house and the servants/servants[718].

COLLEDGE thought that the widow and her son wrote to the dead husband to seek an act of revenge on the living after they had failed to recover their rights by the statutory body. The deceased person was thought to be influential in the necropolis[719].

16. Dispute of *Špsj* against his brother *Sbk-ḥtp* and against a person named *Šrj* son *Ḥnw*

This dispute is recorded on a bowl of red earthenware. BRUNTON informs us that this bowl comes from the tomb no. 7695 at Qau el-Kabir[720]. Both inside and outside of the bowl inscribed in hieratic hand. This bowl dates between the Sixth and Eleventh Dynasties, probably nearer to the earlier limit than to the latter[721].

This bowl contains two letters in which the son petitions his dead parent and informs them that some offenses had been committed against his inheritance by his brother and a man named *Šrj* son of *Ḥnw*.

The first party: *Špsj* son of *Jnḫ-n-mwt* and the lady *Jy*.

The second party: his brother *Sbk-ḥtp* and another man, named *Šrj* son of *Ḥnw*.

Causes of conflict: inheritance of both spouses *Jnḫ-n-mwt* and *Jy*, which they left to their son *Špsj*. This inheritance consists of arable land (*ȝḫt*) and the *jšt*-property.

Case details: this bowl tells its story fairly clearly, despite several difficulties in reading and interpretation. It consists of two letters from a certain *Špsj*. The letter inscribed on the inside is addressed to his dead father, while on the outside the letter is addressed to his dead mother. In both letters, *Špsj* petitions his dead parents, and explains the offenses that his brother and another person had committed against him. The events could be summarized as follows:

[717] WILLEMS, *op. cit.*, 188 ff.
[718] *IBID.*
[719] See COLLEDGE, S. L., *The Process of Cursing in Ancient Egypt*, 179.
[720] For Bowl Qau, see GARDINER/SETHE, *op. cit*., 3 ff., pls. 2-3a.; WENTE, *Letters from Ancient Egypt*, 1990, 211 f.; STRUDWICK, *Texts from the Pyramid Age*, 183.
[721] GARDINER/SETHE, *op. cit.*, 3.

In the letter to the father, *Špsj* petitioned his dead father and explained that a person (to whom the pronoun *sw* 'he' refers in line 8)[722] had harmed him despite the good deeds that *Špsj* had done for this person. *Špsj* narrated that he had brought this person home from another town, provided him with burial clothes and buried him among his kinsfolk in the necropolis.

Špsj then reminded his father of his disposition, which he had made for him when the father said that all his possessions should be assigned to his son *Špsj*.

Then, *Špsj* referred to another dispute between him and another man named *Šrj* son of *Ḥnw*, who had taken his arable land (*ȝḫt*).

After that, *Špsj* asked his father to sue his brother, who was with him in the netherworld.

In the letter to the mother, *Špsj* reminded her how he was very kind to her when she had asked him to bring quails.

He then complained to her that he had been wronged in the grossest manner by his brother *Sbk-ḥtp* and asked her to decide between him and his brother.

After that, he laid out the good deeds that he did towards his brother; he had brought him home from another town, shrouded him and buried him among his relatives in the cemetery.

Legal background: According to GARDINER/SETHE, the mother of *Špsj* has died before the father, and the dispute flared between *Špsj* and his brother directly before the final interment of the father. BRUNTON reports that the actual events of the find, it was part of the original burial equipment of a man who was likely the father[723]. TROCHE interpreted that *Špsj* petitioned his deceased parents because his inheritance (consisting of land) had been stolen, and he appealed to his parents as beneficiaries of his inheritance, although he has additional means by which he could dispel this dispute, such as going to statutory bodies[724].

[722] See GARDINER/SETHE, *op. cit.*, 4.
[723] *IBID*, 4 f.
[724] TROCHE, J., Letters to the Dead, 2.

The following table summarizes the different types of disputes over inheritance, and the types of statutory bodies that settled these disputes:

Case nr.	Source	Date	Type of inheritance in dispute	First party	Second party	Testator/testatrix	Degree of kinship between the parties to the conflict	Conflict cause	Statutory body	Final verdict
1	Papyrus Berlin 9010	Sixth Dynasty	possessions (*jšt*)/ property (*ḫt*)	*T͗w*	*Sbk-ḥtp*	*Wsr* (father of first party		guardianship and management of property inherited	not mentioned, most likely a local *ḏ͗ḏ͗t* council[725]	not mentioned, primary decision is in favor of first party
15	Linen Cairo CG 25975	End of the Sixth Dynasty	inheritance consists of house (*pr*), household furnishings, slaves and leather	the family of the testator *Sʿnḫ-Ptḥ,* (his widow *Jrtj*ˀ and his son *Jy*)	the family of *Jzzy*; *Jzzy* (father) *Wʿbwt* (wife) *ʿn-ʿnḫj* (son)	*Sʿnḫ-Ptḥ* (deceased)		destroyed the house and took away furniture and the slave of household that had been inherited.	petition to the dead testator	not mentioned

[725] MUHS, *The Ancient Egyptian Economy: 3000–30 BCE*, 28.

16	Bowl Qau	between the Sixth and Eleventh Dynasties	arable land (*ȝḫt*) and the *jšt*-property	*Špsj*	*Sbk-ḥtp* (with assistance from *Šrj* son *Ḥnw*)	*Jnḫ-n-mwt* (father of the parties of the conflict)	brothers	theft of inheritance by the second party	petition to the dead parent	not mentioned
2	Stela Cairo CG 34016	Seventeenth Dynasty	property (*ḫt*)	the favorite son of the testator *Sj-ʿȝ*.	unknown woman, perhaps, the first wife of testator	*Snj-ms* (father of first party)	the second party may be the stepmother of the first party	objection to the plan of inheritance which the testator has done for his children of the Asiatic wife.	unclear	unknown (the text is damaged)
3 (first case)	Inscription *Ms*	Eighteenth Dynasty (Horemheb)	arable land	the lady *Wrnr*	the lady *Tȝ-ḫȝl*	*Nšj* (father of parties to the conflict)	siblings	lifting the *Wrnr*'s custodianship over an inherited landed-property and division among the six co-heirs	the great-*qnbt*-council	in favor of the second party (division inheritance between the heirs)
5	Ostracon Berlin 10629	Nineteenth Dynasty	the share of the daughter from her	the daughter and her husband	the mother and	the father	siblings	seizing the first party's inheritance share and	oracle god	not mentioned

			father property (two copper shares; one shawl, one knife, one pot)		other siblings			not giving her amount of grains as father ordered.		
6	Papyrus Berlin P 3047	Nineteenth Dynasty	tracts of arable land	*Nfr-ꜥbt*	*Ny-jꜣ*	not mentioned	siblings	seizing the whole inherited land and not giving the first party a share	*qnbt*-council of the temple	in favor of the first party (*Nfr-ꜥbt* awarded his right in inheritance
14	Papyrus British museum 10568	Nineteenth Dynasty	slaves	*Ḫꜥ-m-tnr-r*	the lady *Ḥꜣt-špsy* and lady *Bꜣk-prp*	not mentioned	unclear	claim a share in the slaves' work	local-*qnbt* of town *Mr-wr*	unclear, it seems that it issued in favor of the first party
3 (second case)	Inscription *Ms*	Twentieth Dynasty (Ramses III)	landed share	the lady *Nwb-nfrt* and her son *Ms*.	*Ḫꜥy*, son of *Wsr-ḥꜣt*, son of *T̲ꜣwj* son of [*Pꜣ*]-*rꜥ-ḥtp*.	*Ḥwy*, father of *Ms*, and husband of the lady *Nwb-nfrt*	not blood related	seizing the land and expelled the legitimate heir (*Ms*) from his father's land	great-*qnbt* -council, presided over by vizier	not mentioned . According to ALLAM, it was in favor of

										the second party[726].
7	recto of the Ostracon Petrie 16	Twentieth Dynasty	a share in the lower *wḏ3*-building	son of the workman *Nb-smn*	the lady *Wʿb*(*t*)	the lady *Jwn-r* (mother of the second party)		claim a share in the mother's inheritance	oracle god	not mentioned, it seems that it was issued in favor of the first party
8	verso of the Ostracon Petrie 16	Twentieth Dynasty	perhaps a share in the lower *wḏ3*-building[727].	*S3-W3ḏyt*	the siblings of the first party	the lady *T3-nḥsj*	siblings	claim a share in inheritance	oracle god	in favor of the first party
4	Papyrus Bulaq 10	Twentieth Dynasty	the property (*3ḫt*)	*Ḥ3y*, son of *Ḥwy*, son of the lady *T3gmyt*.	other children of the lady *T3gmyt*	the lady *T3gmyt*	second party are uncles and aunts of the first party	claim a share in inheritance	oracle god in the *qnbt*-council.	in favor of the first party
9	Ostracon BM 5624	Twentieth Dynasty (Ramses III)	tomb (*mʿḥʿt*)	the grandson of *Ḥ3y*	*Ḫʿ-Nwn*	*Ḥ3y* (forefather of first party)	not blood related	attempt to prove the ownership of	oracle god	in favor of the first party

[726] ALLAM, *JEA* 75, 1989, 103 ff.

[727] See JANSSEN/PESTMAN, *JESHO* 11, 1968, 154 note l, 157.

								the tomb in dispute.		
10	Ostracon Petrie 21	Twentieth Dynasty (Ramses III)	the house (*ꜥt*) and the share of *Sḫmt-nfrt*	*Ḥꜥ-m-W3st*	*Nfr-ḥtp*	*B3kj* (the father of the first party)	not blood related	taking the inheritance by force	oracle god	in favor of the first party
11	Ostracon Gardiner 103	Twentieth Dynasty (Ramses III).	buildings (*wḏ3* building and *ḫnw* building)	*Nb-Jmn*(the son)	the father	the father	father and his son	participation in division of inheritance	oracle god	not mentioned
12	Ostracon Gardiner 23	Ramesside period	the real estate: house (*pr*), house (*ꜥt*), building *ḫnw* and tomb (*mꜥḥꜥt*).	*Ms*	*Jmn-(n)-njwt-nḫt*	*ꜥ3-nḫt* (father of the first party)	not blood related	claim of inheritance	oracle and local-*qnbt* council	in favor of the first party, who was given his father estate. The second party received an equivalent property from the state.

13	Ostracon Genf 12550	Twentieth Dynasty (Ramses III).	the building *wḏ3*	*Jn-ḥr-ḫ*ˁ	*Jmn-m-jpt*.	*Jn-ḥr-ḫ*ˁ (father of the first party)	not blood related	attempt to participate in the division of inheritance	oracle god and local *qenbet* council	in favor of the first party

IV. Stages of inheritance litigation

The process of litigation in criminal matters was conducted in two main stages. The first was the pre-trial, which began directly when a criminal complaint had been received. The officials would open a preliminary investigation, and if this investigation was fruitful, the officials would continue and intensify their investigations to identify and arrest suspects[728].

The second phase then began when officials presented a list of suspects to the vizier, who were then brought before the vizier for questioning[729]. The texts from Deir el-Medina, for instance, disclose that the criminal investigations were not different from those carried out in other locations. When the local officials discovered any irregularities they reported it to the office of the vizier, who then sent his officials to obtain more information and arrest the suspects, and had them brought to the eastern bank of the Nile for questioning. The vizier decided in the case: the suspects found innocent were released and those found guilty punished[730].

In civil matters, the first step for anyone who wanted to institute a civil lawsuit against another, was submission of a complaint to the vizier, who then determined whether the complaint was legally sufficient. If that was so, the accused had to file a written response to the vizier. The plaintiff, in turn, may have been authorized to reply to the defendant and that the latter could also replay to the latter. Then the vizier started questioning both the parties based on their statements[731]. Furthermore, parties were given the option to settle their dispute before the vizier's verdict[732].

The order of the procedure followed in the criminal trials was the same in the civil matters, but sometimes the state officials, and possibly the vizier, took the place of the plaintiff[733].

In the local councils during the Ramesside period, both the complainant and the accused were brought before the tribunal. The associated expression used to refer to this legal action was: *"It is the arrival, which N and Y did to the qnbt-council* (*sprj jr n N and Y r qnbt*)". Then the plaintiff made an accurate statement, clearly outlining the exact nature of his accusation and naming the

[728] VERSTEEG, *Law in ancient Egypt*, 72.
[729] *IBID.*
[730] MCDOWELL, *Jurisdiction in the Workmen's Community of Deir El-Madina*, 157.
[731] VERSTEEG, *op. cit.*, 70; THÉODORIDÈS, The Concept of Law in Ancient Egypt, 291, 311.
[732] VERSTEEG, *op. cit.*, 70, see ALLAM, 'Legal Aspects in the 'Contendings of Horns and Seth', in Lloyd A. B. (ed.), *Studies in Pharaonic Religion and Society in Honour of J. Gwyn Griffiths*, 137, 139-141.
[733] VERSTEEG, *op. cit.*, 74.

accused. He also provided a summary of the crime which the accused had committed against him since the judges did not even know the name of the defendant. This legal procedure is attested in the texts by the verb *smj*. However, such a statement was not necessary in the great-*qnbt*, because the judges acted in this statutory body like procurators (or plaintiff), as they had been provided with all the details of the crime before the trial[734].

This was a summary of the litigation phases in the criminal and civil matters in general. The next section focuses on some detail of the litigation phases in succession matters, and recreates an objective picture of the inheritance litigation in the light of the available data.

There were many procedures to be followed if a person wanted to sue for an inheritance. However, they are not a standard model that can be applied to all inheritance litigation cases. These procedures may differ according to the type of inheritance. For example, the steps involved in litigation regarding inherited lands are not the same as those applied in litigation for an inherited building.

A. Filing of the complaint

When the irregularities over an inheritance occurred, the aggrieved party had to file a formal complaint to the vizier/president of the statutory body. He could not start the litigation without an official complaint. Then he had to wait a few days until the judges sat in sessions to deliberate on the case and pass judgment.

The succession documents disclose that some inheritance cases were litigated during more than one session of the trial. There was plenty of time between filing the complaint and commencing hearings. For instance, in the case recorded on the ste. Dakhleh the petitioner submitted his complaint to the royal prince, who was dispatched to restore order in the oasis-land, in the 5th year of the reign of Shoshenk, 4th month of the winter season, day 16, but the petitioner stood in front of the oracle god to decide the case in the 5th year, 4th month, day 25. That means the examination and evaluation took nine days. Probably, the judges needed time to obtain all the available information about the pending case, especially in the cases submitted to the oracle god, since the priests who ruled in such cases instead of the oracle god likely needed sufficient time to examine the arguments presented (ste. Dakhleh: 7-8).

[734] BEDELL, *Criminal law in the Egyptian Ramesside Period*, 83 f.

At Deir el-Medina, for example, the scribe of the department of the king's tomb was responsible for receiving the complaints. The text recorded on the oGenf 12550 from the Twentieth Dynasty states that the legitimate heir had been wronged by someone who was not one of the co-heirs, and he went to this scribe to file a complaint. In his complaint, the aggrieved person clearly outlined the exact nature of his accusation, named the accused, and provided a summary of the crime which the accused had committed against him. Furthermore, this text reveals that the case in question was adjudicated three days after the complaint had been filed.

B. The appearance before the judges

The civil trial procedure ordinarily followed a prescribed sequence of events, with both litigants standing before the seated statutory body judges. During this phase, the plaintiff asserted his complaint. The statutory body announced the case 'heard' and ordered the defendant to respond. The judges needed to hear the sides of both parties[735]. In the case of the lady *Nwb-nfrt* and the trustee *Ḫʿy* recorded on the walls of *Ms*' tomb, the trustee *Ḫʿy* stated that he and *Nwb-nfrt* appeared before the vizier after filing the complaint: *"I complained to the vizier in Heliopolis. He (vizier) made me and Nwb-nfrt plead before the vizier in the great qenbet"* (inscr. *Ms*, N 12-N 13).

C. Examination of the personal documents

It was necessary for both litigants to appear before the judges holding their own personal documents, which made their position stronger for winning the case. In the case recorded in pBerlin 9010 from the Sixth Dynasty, the complainant *Sbk-ḥtp* went to litigate while holding his personal document (*sḫ*) against the son of the testator, *Ṯ3w*. He explained to the statutory body that this document had been drafted in his favor by the testator himself before his death. According to the words of *Sbk-ḥtp* the testator had appointed him as trustee for his minor children and his possessions by means of this document. However, the eldest/favorite son of the testator, named *Ṯ3w*, did not recognize this document and completely denied that his father had made it for the plaintiff. Furthermore, the eldest/favorite son of the testator did not indicate in his counter claim any document that the father had made in favor of him or even in favor of his other brothers and sisters; he also questioned the validity of the defendant's document[736].

[735] See VERSTEEG, *op. cit.*, 73.

[736] THÉODORIDÈS, The Concept of Law in Ancient Egypt, 297.; JASNOW, 'Old Kingdom and First Intermediate Period', in Westbrook (ed.), *History of ancient Near Eastern law*, 109.

Also, in the case recorded on the walls of *Ms*' tomb, we can see that *Ḫʿy* was involved in a litigation with *Nwb-nfrt* over the inherited share of land. Both of them appeared before the vizier at the great-*qnbt*, holding their personal documents, and then they unrolled the documents before the vizier: *"I have brought my documents … in my hands, since (the time) Nebpehtyre. Nwb-nfrt brought her documents (also), and they were placed (unrolled) before the vizier in the great qnbt*" (inscr. Ms: N 13-N 14).

In addition to the above, in the case recorded on the pBerlin P 3047 from the Nineteenth Dynasty, the royal table scribe, *Nfr-ʿbt* filed a complaint against his brother and accused him that he had not given him a share of the inherited arable land. Then *Nfr-ʿbt* and his brother appeared before the judges of the *qnbt*-council of the temple for litigation. Through litigation, *Nfr-ʿbt* said to the judges that had come with his documents in his hand and asked them to examine them. Then the accused was questioned by the judges and admitted that the testimony and the documents of *Nfr-ʿbt* were right (pBerlin P 3047).

D. Access to official records of the state

Typically, this action was taken when the litigation involved real estate inherited, like land, where the judges were not convinced by the arguments and personal documents presented by the adversaries. Therefore, the judges consulted the official registers of the state in order to ensure the accuracy of the information contained in personal documents. These registers were kept in two different official bodies; the treasury (*pr ḥḏ*) and the office of the granary (*šnwt*), each of which may had a supervisory role over the other. In a text from the Nineteenth Dynasty, we can see the relationship between these two bodies. This text reveals that the officials of the treasury and granary addressed each other about the registration of documents. A land record document was initially registered in the treasury and a copy was sent to the granary for the deposit as well (pSallier I: 8-11[737]).

Both the lady *Nwb-nfrt* and the trustee *Ḫʿy* stood before the vizier and unrolled their personal documents before him, but the vizier did not accept them and said, *"As to these documents, they are written by one of the two parties"*. So the official registries were brought and the information recorded therein examined in the presence of the adversaries themselves.

[737] See GARDINER, *Late-Egyptian Miscellanies*, 87 ff.; CAMINOS, *Late Egyptian Miscellanies*, 325 ff.

Furthermore, the judges allowed the litigants to read the text written in the official registries. For instance, the vizier asked the lady *Nwb-nfrt* (unsuccessful party in the case) to read the text written in the official registries by herself. After that, he asked her if she found the name of her heir written in these registries or not, then she responded that it did not exist (inscr. *Ms*: N13-N15).

In the case recorded on the ste. Dakhleh, the judges returned to the official registers to ascertain the veracity of the information provided by the applicant in his complaint. They found that the wells in question belonged to the complainant's mother. Since the ownership of the land was closely connected with the ownership of the well, the owner of a well was deemed to have good title to all the land irrigated by it[738].

An inheritance document from Deir el-Medina reveals that the litigants could have cited the pharaonic law as a reference precedent in their claim before the judges, but they could also cite legal precedents, namely similar cases that had been resolved in the past. Egyptians usually demanded that the trials be held in public place and that records of decisions be kept. It seems also that some of the litigants kept a lawsuit they had won in their private records. Both later judges and litigants could refer to the archives record decisions as precedents[739].

Ḥ3y son of *Ḥwy*, for example, based his claim against his uncles and aunts on the pharaonic law stating: *"Let the possessions be given to him who buries"*. Not only that, but he reminded the judges of a legal precedent (case of *S3-wḏyt* and against his siblings) similar to his case, where the possessions of the mother had been given to her son because he had buried her (pBulaq 10 rec.).

E. Sentencing in the case

After hearing the litigants, examining their personal documents, and accessing the official registers, the president of the tribunal announced the final verdict and determined the winner and the loser. The statutory bodies regularly issued their verdicts in simple terms: *m3ʿt* A *ʿḏ3* B 'A is right, B is wrong'[740]. In the case of *Ḫʿy* and *Nwb-nfrt*, the vizier declared that *Nwb-nfrt* was the unsuccessful party in the case: "*then you are in the wrong, so the vizier said to her*" (inscr. *Ms*: N15).

[738] See GARDINER, 'The Dakhleh Stela', *JEA* 19, 28 f.
[739] VERSTEEG, *op. cit.*, 68.
[740] *IBID*, 73. For further details about this expression see MCDOWELL, *op. cit.*, 23 ff.

In the statutory body known as oracle god, it was expedient for the final decision in the case to be made in the name of the god. The priests probably examined and studied the case, then declared the decision in the name of the god so that the litigants could accept it without any opposition from their side.

It should also be noted that the tribunal sometimes made a conditional decision, not a final decision. For example, in the case recorded in pBerlin P 9010, the statutory body rendered a primary decision in favor of one of the litigants, and ordered the other litigant to bring numerous reliable witnesses in order for them to confirm that his document was real.

F. Compliance with the judgment of the statutory body

After receiving a sentence, the litigants turned to each other and recited ceremonial pronouncements, the winner repeating the court's opinion and the loser agreeing to abide by it[741]. In some cases, at the close of the proceedings, the losing litigant formally promised not to re-open the case and took an oath. For example, in the case of *Ms* and *Jmn*-(*n*)-*njwt-nḫt*, the statutory body ruled that the possessions of the father should be given to his son *Ms*, and the plaintiff *Jmn*-(*n*)-*njwt-nḫt* could not be a party to a civil proceeding affecting this property:

> (Then) the workman *Jmn*-(*n*)-*njwt-nḫt* made an oath by the lord[l.p.h.], saying: I will not speak against any place (building) of *ꜣ-nḫt*, his father. They (places/buildings) are for who is living at his home (i.e., his son *Ms*). So he said orally in the presence of the chief workman *Nḫ-mwt* at the bureau of *ḫtm* (seal) of the department of the king's tomb, and the scribe, *Jmn-ḥtp*, from the department of the king's tomb (oGardiner 23).

G. Implementation of the statutory body's decision in reality

This action was usually done when the disputed inheritance was real estate (lands and building). The tribunal had to send one of its members (its deputy) to the actual location of the real estate in dispute in order to carry out the final verdict. In the case of the lady *Wrnr* and her siblings, for example, the great-*qnbt* ruled that the land in dispute should be divided among the heirs, so it sent one of its members, named *Jny*, to the village *Nšj*, where the disputed lands were located. He divided the land and gave every heir his share.

[741] VERSTEEG, *op. cit.*, 73.

Furthermore, the great-*qnbt*-council entrusted the local council to implement the final verdict. In the case of *Nšj*'s children, the great-*qnbt* summoned the priest of litter *Jmn-m-jpt* and dispatched him to the disputed lands in order to assemble all co-heirs and show everyone their share. He was assigned to this task with the local-*qnbt* of Memphis. Perhaps the reason for the entrustment of the Memphis *qnbt* in this matter was that the disputed lands were located in its jurisdiction. "*Then the priest of the litter Jmn-m-jpt was summoned, and he was dispatched saying: Assemble the heirs and show them the land and make a division for them. So he was instructed, together with the qnbt of Memphis*" (inscr. *Ms*, N 17).

The statutory body sent one of its members to the disputed estate during the litigation stages before issuing its final statement. In such a case, his task was to examine the irregularities and obtain the information the judges needed to issue the final verdict. In the case of *Ḥ3y*'s grandson and his neighbor, for example, they were arguing about a tomb's ownership. One day after discovering the problem, the scribe *Jmn-nḫt* came to the disputed tomb in order to see the discovered shaft, which was the reason for conflict, "*I did not know (the place), where the tomb's shaft is. The scribe Jmn-nḫt found the place and said: come down (in order to) you can see the place, which opens to the tomb of Ḫ*ˁ*-Nwn*" (oBM 5624).

It seems that after the deputy of the statutory body examined the disputed estate and obtained the information and testimony of the witnesses, he should write a report about all of this. He then submitted this report to the statutory body after his return. Fortunately, there a copy of this report at the end of the legal inscription of *Ms*:

> Copy of the examination [made by] the priest of the [litter], *Jny* who was an official (member) of the *qnbt*-council, of the Hunpet of the Ship-master *Nšj* [which was in the village of *Nšj*, as follows: "I arrived at the village of *Nšj*, the place where the lands are and of which the citoyenne Wrnr and the citoyenne *T3-ḫ3l* spoke. They assembled the heirs of *Nšj* together with the great men (notables) of the town who make --- of the Hunpet [of] *Nšj* in order to hear their deposition(s) (inscr. *Ms*: S8-S10).

V. Disinheritance

The extant texts on succession do not point to any legal rule that explicitly addressed the reasons why a testator would deprive his legitimate heirs of participating in his own inheritance. A reason may be the scarcity of textual documents relating to the inheritance issues in the pharaonic period. Therefore, I would like to initially point out based on an in-depth study of inheritance practices and legal precedents that the reasons of the disinheritance listed below were only special conclusions to identify possible factors that made a testator disinherit his legitimate heirs.

In the pharaonic period, the testator had the ability to deprive any of his children at will, yet not all of them. He needed at least one of them or someone else as a "son" and heir[742]. JANSSEN/PESTMAN highlighted that the testator in ancient Egypt could not deprive his children of an inheritance in favor of other persons, at least not without their consent; but he was free to disinherit some of his children in favor of others, or to allocate a larger portion to some[743]. LIPPERT opens that there is no case attested the complete disinheritance of kinships before the New Kingdom, although the inheritance of the eldest sons was curtailed in favor their other brethren since the Sixth Dynasty[744]. Through the various transactions between the testators and the heirs, and through the analysis of the disputes between the heirs themselves as well as through the arguments of the litigants submitted to the statutory body concerned with inheritance issues, it is clear that there were several reasons that led to the disinheritance. This is discussed below:

1. Non-compliance with the division plan set by the testator

Several inheritance wills/documents revealed that the testator set up a list of the property that he intended to transfer to the heirs. In such a list, he named each heir and his portion in the property, to which all co-heirs had to swear an oath[745] at the end of the will. In so doing, they demonstrated their respect for their father's arrangements. They also pledged that they would not object in the future to the division plan and they would be punished by beating and deprived of their respective share if anyone of them objected.

[742] MANNING, 'Demotic law', in Westbrook (ed.), *History of ancient Near Eastern law*, 841.
[743] JANSSEN/PESTMAN, *JESHO* 11, 1968, 167.
[744] LIPPERT, Inheritance, 9.
[745] For the oath in ancient Egypt, see WILSON, 'The Oath in Ancient Egypt', *JNESE* 7, 1948, 129 ff.

Our documents contain two examples that refer to this matter, the first dating to the Ramesside period. It records a testamentary disposition of the testator *Nḫt-mjn* in respect to the division of his real estate (*swt*-buildings) in favor of his children. *Nḫt-mjn* mentioned the building inherited, its actual location, and the name of the heir who would receive it. Then the inheritors swore an oath by the lord in the presence of the scribe of the department of the king's tomb, saying, "*If we reverse our undertaking so as to contest it, then they (we) shall be liable to one hundred blows ... (and they may be) deprived of their share*"[746] (cf. pTurin 2070: 8-10). The second example is recorded in a papyrus from the Twentieth Dynasty and contains a "declaration of division". *Ḥ3y* son of *Ḥwy* drafted it with respect to his real estate that he had inherited from his father. In his disposition, *Ḥ3y* declared that the real estate should be divided and distributed among his children. The declaration itself is made up of two parts. In the first part are the names of the various buildings that belong to the testator, each with its measurements recorded, while in the second, the same buildings are again enumerated, in somewhat different words and not the same order, but with the names of the recipients[747]. After that, all the heirs together pledged and said: "*If we reverse our undertaking so as to contest it, then they (sc. we) shall be liable to one hundred blows ... (and maybe) deprived of our share*" (pBulaq 10 ver.: 15-16).

Despite this, Egyptian texts and depictions, in general, did not explicitly indicate that such punishment – mentioned in the oath – were carried out against the oathbreaker. Nevertheless, there is no doubt that the conditional clause listed at the end of such a division document was of great importance and significance and was not placed in the wills of inheritance in vain. It ensured that the testator's disposition would be honoured by the co-heirs, which decreased considerably potential disagreements among the heirs following the testator's death.

[746] For such sanction in the oath outside of succession matters, we have two instances; oFlorenz 2620 has a text dealing with the transfer of the *wḏ3*-building to two workers (presumably by the state). They received this building together, and in order to prevent any harassment and quarrel from flaring up between them later, both of them had to abstain from any objection to the co-ownership (ALLAM, *HOPR*, 147). The text of pCairo 65739 narrates a lawsuit arising from the purchase of two slaves. During the trial, a lady named *Jry-nfrt* was accused by the soldier *N3ḥj* that she had used wrongfully the property of another lady, named *B3k-mwt* to purchase two slaves for herself. So the judges asked the accused to make the said oath with this sanction in order to prove that she was innocent (GARDINER, 'A Lawsuit Arising from the Purchase of Two Slaves', *JEA* 21, 1935, 140 ff.

[747] JANSSEN/PESTMAN, *op. cit.*, 149.

2. Non-participation in the burial of the testator

Inheritance was frequently seen as contingent on care in old age and burial after death, and several inheritance conflicts flared up because one heir alleged that his co-heir had not participated in the costs of the burial in equal terms or at all[748]. One of the most critical factors that made heirs lose their shares in their parents' inheritance was not to bury them, or even not assist those who did. As mentioned throughout this study, there was a pharaonic law that explicitly states: "*Let the property (of the deceased) be given to the person who buried the deceased*"[749]. Our texts contain many disputes among the heirs, and the only solution to resolving these disputes was to apply the text of the previous pharaonic law. One of the litigants' counterclaims was based on the relevant law, which he applied in practice when he alone buried the testator without receiving any assistance from his co-heirs. This means that not burying one's parents or even participating in the burial process made legitimate heirs lose their rights in the inheritance, and that the person who did carry out the burial alone would receive the entire inheritance.

One of the implicit reasons for providing the eldest son an additional share, more than the other children, was that he was supposed to arrange the burial of his parents and keep their funeral rites. If the eldest/favorite son failed to do so, he will be deprived of the inheritance, and one of his other brethren can take his role as 'eldest son'[750]. The texts reveal that the effect of this law was to include the legitimate inheritors and the non-relative inheritors as follows:

a) Through this law, legitimate heirs could be deprived in favor of each other.

Under this law, the legitimate inheritors were deprived in favor of each other. For instance, the text recorded in the recto of pBulaq 10 reveals that the sons and daughters of the lady *T3gmyt* were deprived of her inheritance, even though they were her legitimate heirs, since they had not helped their brother, the workman *Ḥwy*, when he alone had buried his parents. In greater detail, *Ḥwy* gave his mother a tomb and a coffin as well as erected a tomb for his father. His siblings did not assist him but came to claim the inheritance as the legitimate heirs. Subsequently, upon the death of *Ḥwy*, his son *Ḥ3y* resorted to a statutory body known as oracle god to defend his dead father's right to the inheritance and the exclusion of his uncles. During his litigation with them, he relied on the

[748] MUHS, 'Gender relations and inheritance in legal codes and legal practice in ancient Egypt', in Ilan Peled (ed.), *Structures of Power, Law and Gender across the Ancient Near East and Beyond*, 17.

[749] For the progressive development of this law over time, see LIPPERT, Inheritance, 4; PESTMAN, *The law of succession in ancient Egypt*, 71).

[750] MUHS, *op. cit.*, 19.

text of the above-mentioned law and reminded the judges of a legal precedent that served his position in the case. The oracle's final decision came in favor of the son *Ḥwy* and the entire inheritance was given to him, while the rest of his uncles and aunts were deprived.

Another case is recorded on oPetrie 16. Apparently dating earlier than the previous one, it served as a legal precedent for many cases, like the case recorded on pBulaq 10: a certain workman *S3-W3ḏyt* alone buried his mother, the lady *T3-nḥsj* without the help of his brothers and sisters. So *S3-W3ḏyt* deserved all the inheritance of his mother.

b) Through this law, legitimate heirs could be deprived in favor of persons from outside the household of the testator.

It appears that this law was not only applied to the legitimate inheritors of the testator but also included persons who were not relatives of the testator. Remarkably, this law helped to disinherit the legitimate heirs and establish other persons from outside the household of the testator as heirs. A workman named *Nb-smn* buried the lady *Jwnr* and gave her a coffin, whereby he had supposedly obtained the right to part of her property, namely an *wḏ3*-building. It is not clear whether this workman was one of the descendants of the testatrix *Jwnr*[751]. The relevant text explains that although the testatrix had had children (a girl called *Wʿbt*), they had not helped the workman *Nb-smn* when he buried their mother.

It seems that when the children of *Jwnr* started to divide her possessions, the son of *Nb-smn* – one must assume that *Nb-smn* himself had died in the meantime – addressed the deified king Amenophis I to receive an oracle confirming the rights of *Nb-smn*'s children. It is clear from the wording that he was acting on behalf of all the other children of *Nb-smn* as well[752].

In this regard, it should be noted that the law in question helped to install an heir who was not a relative of the childless testator/testatrix. That was revealed by a recorded text on a ceramic bowl dating from the Seventeenth Dynasty. A certain *Ttj-ʿ3* narrated that his maternal grandfather had received a refugee to live with him. It seems that this refugee had no children as heirs. Upon his death, the mother of *Ttj-ʿ3* buried him in order to inherit his property following the advice of her husband, who said to her, "*Bury him and inherit from him.*" [753] (Bowl Pitt Rivers Museum).

[751] See JANSSEN/PESTMAN, *op. cit.*, 168.

[752] *IBID*, 154 f.

[753] For expected events of this case, see GARDINER/SETHE, *Egyptian Letters to the Dead*, 26 f.

It is clear from the two cases mentioned above that the workman *Nb-smn* and the woman – mentioned in the second case – were not legitimate heirs/blood relatives for the testators, but they had acquired the right to inherit through burial.

It is also clear from the previous examples that *Wʿbt*, daughter of the lady *Jwnr*, and the siblings of the workman *S3-W3ḏyt* as well as the brethren of *Ḥwy* had lost their shares to the inheritance, because they did not observe the law mentioned, although they are children of the testator and are considered legitimate heirs in the eyes of law. It seems that the burial of the testator and performance in the funeral rites were one of the principal roles of the heir since the Old Kingdom. *Ṯntj* from the Fifth Dynasty mentioned that he was the heir of his mother as he had buried her: "*I am her eldest son, her heir (jwʿ)*; *I was the one who buried her in the necropolis*" (inscr. *Ṯntj*: 3).

3. Ignoring the parents in old age

Inheritance documents reveal that failure to care for parents during their old age was one of the most compelling reasons which made heirs lose their inheritance rights. The social contract required that parents had to take care of their children in childhood and provide them with a right and proper upbringing, and therefore, the children had to care for their parents in old age. If the children were unaware of this rule, they would be liable to lose their share of the parental inheritance. HERODOTUS opines that male children were free to support their parents during old age if they wanted, but it was obligatory for female children. However, ČERNÝ considers HERODOTUS' previous statement to be possibly inexact or inapplicable to the Ramesside period[754]. The lady Naunakhte (*Njwt-nḫt-tj*), who lived during the Twentieth Dynasty, decided to deprive three children of her own property because they did not look after her when she got old. Naunakhte expected that all of her children have taken care of her, but none of the three looked after her. That is why she decided to disinherit them and bequeath all her possessions to the remaining five children who had taken care of her. In a passage from her last will, she addresses the statutory body saying, "*But see, I am grown old and see, they are not looking after me in my turn. As for whoever of them has aided me, to him I will give (of) my property (3ḫt) (but) he who has not given to me, to him I will not give of my property (3ḫt)*" (pAshmol. Mus. 1945.97, col. 2, 4-7[755]).

[754] ČERNY, *JEA* 31, 1945, 44.
[755] ALLAM, *HOPR*, 268 ff., ČERNÝ, *op. cit.*, 29 ff.; MCDOWELL, *Village life in ancient Egypt*, 38 ff.

The same situation is inscribed on a stela that was found at Amarah (between the second and third cataracts of the Nile). And it deals mainly with conveyance of inheritance to a dutiful daughter. Although the previous family also had a son, the inheritance passed to the daughter, because she had looked after her mother in old age. The texts did not show that the son received anything of this inheritance. Presumably, upon the death of the father, all acquisitions had been conveyed to the girl by her mother, which devolved first upon her mother; in return, she had to support her mother in old age. Moreover, her brother assigned her all the possessions of their deceased father[756]. The mother said in her declaration, "*As regards the joint-property, which has been done for me (by) overseer of the granary, P3-sr. Because my daughter took care of me, when I was a gnawed old bone*" (ste. Amarah: 5 ff.).

4. Abandoning an ill testator:

One of the family members' duties towards each other was to provide health care for the sick among them by creating the necessary conditions for better health management. In the pharaonic period, this issue was significant in inheritance matters, and it had to be taken into account before the heirs if they wanted to inherit from their sick parents. It seemed to be necessary for the wives, if they wanted to get a third of the joint property that they had acquired together with their spouses. We can see the paramount importance of that issue in a text recorded on the oPetrie 18 from Deir el-Medina, which dates to the Ramesside period. It deals with a report that was made by a man and his wife. In this report, the husband declared that his wife had abandoned him when he was ill and sold off the *dj3w*-dress that the state had given him. She swore an oath in the statutory body that she had no right to his property. It was his son who acted as his nurse and it was consequently he who should inherit all upon his father's death[757].

Furthermore the text recorded on verso of this ostracon reveals that the woman had to concede and refrain from entering certain premises. Presumably, this oath was related to the transfer of ownership of this man in favor of his son; the wife could not claim the son's new possessions in the future[758].

[756] See ALLAM, 'Women as Owners of Immovables in Pharaonic Egypt', in Barbara S. Lesko (ed.), *Women's Earliest Records: from Ancient Egypt and Western Asia*, 129.
[757] See JASNOW, 'New Kingdom', in R. Westbrook (ed.), *History of ancient Near Eastern law*, 323.
[758] See ALLAM, *op. cit.*, 235.

According to the law of succession in ancient Egypt, if someone died intestate, his children were the first to be considered as heirs to his estate. Traditionally the husband and wife did not inherit from each other, but each could obtain, under the individual contract marriage, a part of their joint acquisitions[759]. Usually, the wife was assured of at least one-third of the property in case of the dissolution of the marriage, and the other two thirds would go to the husband. When one of the spouses died, the survivor would continue to enjoy the usufruct of the joint-estate, but he will be able to dispose of only his/her share[760].

In conformity with those standards, it is evident that the recalcitrant wife, mentioned above, forfeited her portion of the joint property as she had lost the right to enjoy its usufruct. Further, she was threatened with losing her inheritance, which she had received from her father and brought to her husband's house at the time of her wedding. That is because she had deserted her ill husband and went to live with another man.

5. Neglect of good treatment towards the testator

Some succession texts reveal that testators would legally transfer inheritance to someone who was not a relative or traditional inheritor if they had shown abundant kindness to the testator in life. For example, in her disposition, the lady *N3-nfr* mentioned that she was a barren woman and had failed to produce children from her husband, the stable-master *Nb-nfr*. Due to the respectful treatment and comprehensive care that she received from three slaves after her husband had departed, she liberated and adopt them as her heirs. Similarly, as a result of the kind treatment that she had received from her younger brother when she became a widow, she adopted him and established him as one of the heirs as well. Moreover she appointed him as trustee for her estate.

N3-nfr approved her younger brother's desire to marry the eldest one of those slaves, and stipulated that the three adopted slaves should stay with her brother in his house. All her possessions should be divided equally among the four adopted children. In her disposition, she stated that:

> I took them, I (nourished) them, and I let them grow up. I have reached this day (today) with them; they have not done (any) evil against me; (rather) they have acted well towards me. (For me) there is no son nor daughter except them … They shall be with the stable-master *P-n-djw*,

[759] ALLAM, 'Papyrus Turin 2021 Another Adoption Extraordinary', in Cannuyer C. and Kruchten J. (eds), *Individu, societe et spiritualite. Melanges Théodoridès*, 25.
[760] See ČERNÝ, 'La constitution d'un avoir conjugal en Égypte', *BIFAO* 37, 1937, 44; JASNOW, *op. cit.*, 324.

> my younger brother, as the younger ones being with their eldest sister in the house of *P3-djw*. This stable-master, my younger brother. To-day I make him (*verso* 1) a son of mine exactly like them. … these (items) shall be divided among my four children, *P-n-djw* being one of them. (pAshmol. Mus. 1945.96: 15 ff.).

The importance of good treatment in inheritance issues can be seen in another text, dating to the Twentieth Dynasty. The god's educator *Jmn-ḥ*ˁ adopted his second wife and prepared her as one of his heirs. On that basis, she could bequeath all the acquisitions her husband had made in common with her[761]. It seems that this adoption was a result of the kind treatment that the husband had received from his wife. His first word in the great-*qnbt*, presided over by the vizier, was about her, describing her as follows:

> She made me happy (she was nice to me), and she coped with my nature (*bj3t*), she did for me, what a son/daughter (?) would do ---. (pTurin 2021+pGeneva D 409).

It is therefore clear that the relationship between the testator and the heir played an active role in the process of transferring inheritance. There are key points that the inheritors were supposed to consider if they wanted to receive their share of the inheritance without any trouble. In the event of a breach of these rules and indifference to them, the heir, even if he was legitimate, lost his share of the inheritance. These points can be summarized as the following: not objecting to the testator's division plan that he had set on his possessions before his death; burying him, providing him with offerings and continuing rituals; showing filial piety, benevolence and righteousness for parents and kind treatment in old age; and the care of the testator in case of illness and ensuring medical attention. Finally, kind treatment the testator received from non-relatives sometimes moved the testator to adopt these individuals and bequeath his property to them. Some of these points could be deduced from items in the law of succession, others were inferred from inheritance transactions, last wills, and disputes between the heirs, as well as between the testator himself and the people who were deprived of an inheritance.

[761] For this case see ALLAM, *op. cit.*, 23 ff. See also JASNOW, *op. cit.*, 127 f.

Summary

In summary, we can conclude that there was no separate statutory body to address only inheritance matters. The statutory bodies in general in pharaonic Egypt were concerned with criminal and civil matters, which included issues of inheritance. So far, we know five statutory bodies, specialized, among other things, in matters of inheritance during the pharaonic period. They were following: the *ḏ3ḏ3t*-council, which played a supervisory role in drafting the documents related to inheritance; and the local-*qnbt*-council, which apparently decided on disputes that flared up between co-heirs, also had the authority to conclude the testaments. The vast majority of disputes settled in this council revolved around the ownership of simple things, like household goods, as well as the division of inherited slaves' workdays. The Temple-*qnbt*-council decided cases regarding the division of the arable land inherited. The great-*qnbt* was presided over by the vizier and dealt only with important cases that could not easily be judged by a local council and exceeded its power, such as the litigation over a large estate inherited. In other words, it dealt with the land registration procedures and land dispute settlement processes, but also supervised the conclusion of wills and inheritance documents. There was another statutory body concerned with inheritance issues known as the oracle god: the texts disclose that the vast majority of the cases submitted to the oracle god revolved around disputes over inherited architectural structures, such as houses, tombs, and storehouses. The oracle god also adjudicated a case bequeathing the wells and water sources and the surrounding irrigated land. A text recorded on an ostracon reveals that the testator stood before the oracle god in order to register inheritance in the name of the heir.

The texts reveal that infringements of inherited property rights were varied, whether committed by the legitimate heirs against each other, or by foreigners/non-relatives against legitimate heirs. They can be summarized up as follows: one example may be that, one of the heirs took possession of the entire inheritance for himself and did not share it with his co-heirs. A second example may be that an heir lost his legitimate right to the inheritance promised him, and subsequently prevented other heirs from receiving the inheritance to which they are entitled according to regulations. A third example may be that a non-relative (a person not from the testator's household) made an effort to claim the ownership of the inheritance (consisting of a tomb), which was the legitimate right of his adversary who possessed it after his ancestors. After this, some heirs tried to change the inheritance division plan their father had set up before his death. The legitimate heir was

expelled from his father's land by non-relative. The real estate inherited by a legitimate heir was also forcibly taken by a non-relative.

Inheritance documents show that the inheritors had not always smoothly received their inheritance and there were a lot of disputes that broke out during the transfer process that were then settled in the statutory bodies. Yet, we know sixteen disputes over inheritance among the heirs themselves as well as foreign persons against the legitimate heirs. These conflicts are attested during the different periods of pharaonic history, the earliest known quarrel over inheritance dates to the Sixth Dynasty.

There are some procedures that litigants had to follow during the course of litigation in inheritance issues. It seems that the phases of inheritance litigation were not significantly different from those in other litigation matters. The litigation procedures were not similar in all succession cases but relatively different according to the type of disputed estate and the statutory body concerned. These stages of litigation can be summarized as follows: 1) effected persons filing a complaint; the texts of Deir el-Medina, for example, reveal that the scribe of the department of the king's tomb was responsible for receiving the complaints. 2) The appearance of litigants before the judges; during this phase, the plaintiff spoke first to outline the exact nature of his accusation, and the crime that had been committed against him, then the defendant had the opportunity to respond to the accusations made against him. 3) Examine personal documents of litigants by judges. 4) Access to the official registers of the state; during this phase, the information contained in the personal document of litigants was matched with the information recorded in the official records of the state. 5) The pronouncement of the final judgment by the president of the statutory body. 6) Compliance with the final verdict; during this phase, the loser pledged that he would not open the case again and not appeal or recommence the decision. So, he had to take an oath that he would no longer be a party to another dispute on this issue. 7) Implementation of statutory body decisions on the ground; such an action was taken when the dispute was over inherited real estates, such as land and buildings. The statutory body used to send its deputy to the actual location of real estate in dispute, to show each heir his share of inheritance as decided by the judges. Sometimes, the statutory body sent one of its representatives during the pre-judgment litigation phases; his task was to obtain information and examine violations in kind and then return to the statutory body with important information and data needed by the judges to pass the final judgment.

It is also clear that the phases of litigation before the oracle god were different from those followed by other legal bodies. They can be summarized in two steps: the first was to submit a complaint to the scribe or administrative officer in the locality, then the complainant and defendant appeared before the oracle god for a decision.

Furthermore, the texts clarify that trials for an inheritance consisted of several sessions, some of which were decided during one session, and in others, the trial was held in two sessions. The number of judges in the first session differed from the second session. For example, the trial recorded on oGardiner 23 was held in two sessions; the first consisted of approximately six judges, and the second session was held in the presence of only two.

Case law was instrumental in adjudicating similar inheritance cases, where the parties to the case were entitled to cite any legal precedent that may serve their position in the conflict. The litigants were also able to remind the judges of the provisions of the pharaonic law, which upheld their status in the trial or when they wished to allocate their property to specific persons.

The available documents provide explicit evidence that disinheritance was known in pharaonic times. The study shows that there were several cases in which legitimate heirs were disinherited. The testator, whether male or female, had the full ability to deprive some of his legitimate heirs as well as disinherit his legitimate heirs and establish a non-relative to serve as the heir instead.

According to the inheritance texts, there are several reasons why the testator disinherited his legitimate heirs. Some of these were mentioned in surviving items outlining the pharaonic law, while others were deduced through an analysis of the conflicts over the inheritance. These reasons can be summarized as follows: 1) The failure of heirs to abide by the partition plan and will made by the testator made them vulnerable to losing their shares of inheritance. This reason was derived from the text of the sacred oath that the co-heirs had to take at the end of the division plan or testament, recognizing that they would respect the arrangements made by the testator before his death. In this oath, all heirs pledged that they would not object to the division plan, and whoever violated this oath would be punished by beating (hundred blows) and lose his share of the inheritance. 2) If the children did not participate in the burial of their parents, or even help to those who carried out the funerary activities, they would be deprived of their parents' property. This reason is explicitly mentioned in one surviving item of pharaonic law, which states that the person who buries the testator would inherit. Under that law, the legitimate heir who did not bury his

parents or even assist in burial was deprived in favor of other persons, who were not relatives of the testator by blood but had buried the testator and provided him with funeral furniture prior to his death. 3) If the heirs did not look after the testator in old age, they would not receive a share of his property. This reason can be seen clearly in a case dating back to the Twentieth Dynasty, in which a woman had eight children; she assigned her own inheritance to only five of them, and deprived the remaining three, due to their failure to look after her when she was old. In this case, the woman deprived three of the children of her personal legacy, whereas they were able to inherit from their deceased father's estate as well as the joint property of the couple. 4) If the heirs abandoned an ill testator, they forfeited their rights to a share of the inheritance. This reason was deduced from a case dating back to the Ramesside period, in which the wife was prevented from entering certain premises belonging to her husband because she had deserted him during his illness. Therefore, she took an oath, which presumably was related to the transfer of ownership of the husband in favor of his son; the wife could not claim the son's new possessions in the future. 5) It also seems that the good treatment the testator had received from his heirs was instrumental in the process of inheritance; for example, (non) blood relatives (whether slaves or free persons) gained the respect of the childless testators by treating them well. The testators adopted these persons and established them as legitimate heirs. Yet, we do not know any case where poor treatment towards the testator by his heirs, made him deprive them of the inheritance.

Conclusion

In conclusion, it is apparent that the law of succession in ancient Egypt must be one of the oldest examples of succession law known to us today.

Taking the discussion above into account, it is clear that the Egyptians developed two kinds of inheritance, namely pure bequest and *fideicommissum*. The first kind represented unconditional inheritance. In this situation, the testator transferred his possessions to heirs without setting any future conditions. As soon as the heirs received the property from the testator, it became their exclusive ownership, unaffected by anything. The heirs had the power to dispose of assets by inheritance, give it away, or sell it to a stranger.

The second kind is *fideicommissum*, or conditional inheritance; in this situation, the testator conveyed his assets to the heirs but under some conditions. A testamentary condition was a particular clause or provision in a will in terms of which the existence or continuation of a beneficiary's right regarding the benefit allocated to him was made subject to the occurrence of an uncertain future event. An uncertain future event means that it was uncertain whether such an event would actually take place or not. This kind of inheritance is attested a lot in the mortuary endowments texts in the Old Kingdom, where the testators used to turn their possessions into endowments. The mortuary endowments may be considered a special type of property, in that the person endowing the property places special stipulations upon it to avoid the division and loss that might adversely affect his cult offerings. The testators stipulated that all the children should have the right to benefit from its income, and none of them could sell or give away their share by a document to anyone except their sons.

For example, in his testamentary disposition *Nj-ˁnḫ-kꜣ* set conditions on his bequest, namely that the beneficiaries could not give the property away, or sell it to a stranger; they could only bequeath it to their sons. He turned the property into an endowment to provide for his mortuary cult[762].

[762] One can see that this kind of inheritance is also attested in the demotic texts, for example, the lady *Tꜣ-snt-n-Ḥr* from the Seventeenth Dynasty, transferred her property to her two children: *Pꜣ-dj-Jmn-ḥtp*, her son, and *Rwrw,* her daughter. Each of them inherited half of the property. She drafted two documents, one in favor of her son (pBibl. Nat. 216), and one in favor of her daughter (pBibl. Nat. 217). Each document included a clause concerning the respective child, where the lady *Tꜣ-snt-n-Ḥr* stipulated that if she gave birth to another child, her eldest/favorite son and her daughter should provide him a part of their shares (PESTMAN, *Les papyrus démotiques de Tsenhor*, 1994, 51 ff., pls. 6, 6a, 7, 7a).

Like in our modern societies, two systems of succession law developed in ancient Egypt, namely the customary intestate succession law and the testamentary disposition. Egyptians practiced both systems. The first system states that the children and grandchildren of the testator were a priority over the other blood-relatives, with elder children preceding the younger children, while males preceded females in choosing their shares. Additionally, husbands and wives did not inherit from each other in terms of customary intestate succession. However, Egyptians could had ways to alter this system by means of testamentary disposition documents.

The process of inheritance consisted of three main pillars: property and testator, heirs, and sometimes the trustee could be a fourth pillar and play an active role in this process:

The first pillar of the inheritance process was the property:

Egyptians used several terms to refer to the inherited property; the most common term through pharaonic history is *ḫt*. It began to be used for inherited property during the Sixth Dynasty. The content of *ḫt*-property was broad and inclusive, and it covered several things such as lands of different kinds, architectural structures, and movable objects like metal, stone and wooden instruments. Also, the inherited *ḫt*-property contained domesticated animals, diversified crops, and slaves/servants. Furthermore, some administrative and religious functions are attested as parts of inherited *ḫt*-property.

Another kind of inherited property was referred to by the term *swt*, which is attested in succession matters since the Ramesside period. Its content is limited to architectural structures and residential plots. To my mind, this term is equivalent to the modern term “immovables, or real estate”. In Deir el-Madina, *swt* refered to the official property, which was given to the workman there. This property consisted of houses *ꜥt* and *pr*, *ḫnw*-building and *mꜥḥꜥt*-tomb.

The third kind of inherited property was described under the term *ḥnw*, and was documented as an inherited property from the Twelfth Dynasty onwards. This term indicate to movables, such as household goods and personal belongings. It also referred to belongings that the bride took from her father house to her husband house.

The oldest terminology used in the inheritance documents as an inherited property is *jšt*. Its first known attestation dates to the Old Kingdom, specifically the Fifth Dynasty. I think that *ḫt* and *jšt* are one word in different dialects.

The last term used to refer to inherited property is *mꜥḏ3* which is attested as inheritance once in the Twentieth Dynasty. I think this word is synonymous with *sḫprw* and *spḫrw*, which indicated the joint-property that the husband and the wife collected together.

Since *ḫt* had a very broad application, it can replace other terms for property, like *jšt*, *ḥnw, mꜥḏ3* and *swt*, but none of them can stand for it. Perhaps *ḫt* is a generic term for property, which had all other terms as its sub-categories. Each of these sub-catagories covered a distinct and precise type of property.

Property can be classified into immovables and movables; both were inherited in ancient Egypt. The immovable property comprised lands of different kinds, architectural structures, water sources, and trees. The movables/personal property were classified into tangible and intangible, the first was covered by many texts, while the latter was known in pharaonic Egypt but are relatively rare. According to inheritance documents under study, the inherited tangible property consisted of many things like household goods, clothing, work tools, oils, fats, cereals and grains, and boats and its parts, like paddles. The intangible property is represented here in debts and in "the right of receiving the cereals". Our texts contain a few references that the testator acquired such a right during his life, and then left it as an inheritance to his children.

In addition to the two types of property mentioned above, Egyptians bequeathed different kinds of livestock, like big (*mnmnt*) and small (ꜥ*wt*) cattle and herds (*j3wt*). Furthermore, the bequeathing of slaves/servants/dependents who worked in households, the agricultural sector, and matters of their master's trade and economic interests was also recognized in pharaonic society. So far, the sources do not reveal the system that was followed for the apportionment of livestock in succession issues, but the texts do highlight the systems in use for the division of slaves/servants/ dependents. Whatever the nature of their work, slaves/servants were regarded as possessions of their masters. He could transfer, sell, and bequeath them. There were two methods to divide slaves/servants among the co-heirs. The first is represented in the distribution of them among the heirs, in the sense that every heir was entitled to one or two slaves/servants. The second method was defined as *b3k hrw*. This method means the division of the workdays of slaves/servants, not the division of the slaves/servants themselves. In such a case, the slaves/servants would be assigned as joint property, to all heirs, and every heir would benefit from them during certain days of the month, depending on their legitimate portion in the inheritance. There were many categories of

slaves/servants that were inherited in ancient Egypt, like *bꜣkw* and *ḥmw*, the most prevalent and widespread in Egyptian society. Another inherited human category is known as *rmṯ.w*, who might have been part of the workers of agricultural land. A third category was called *ḥzbw*, who might have been conscripts.

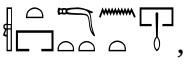
Further, male and female Near Easterners (*ꜥꜣm*) were also inherited in pharaonic Egypt, but were likely more highly regarded than Egyptian ones. Another human category is known as *tpw* "people", who were also inherited. The *šwtyw*, which means "the trade agents/middlemen", were bequeathed in ancient Egypt, where the masters also made the slaves learn a trade to better benefit their work. Finally, the people who were considered *mrj.t* could be passed down from father to son as a part of an individual's inheritance.

Different kinds of lands were bequeathed in ancient Egypt, and the first known such case dates to the Fourth Dynasty. The most common kind in succession issues was arable land (*ꜣḫt*), which was classified into more than one type, such as "low arable lands", "private cleaned/registered lands", and "exhausted wooden lands". Egyptians did not bequeath or inherit the *sḫt*, since the term *sḫt* did not indicate land that could be owned by a person and rather implied a purely administrative and territorial division. The term referred to the rural areas in general and it was antithetical to the urban areas that were referred to by the term *njwt*. In addition to the agricultural land, Egyptians could bequeath and inherit the residential plots that were designated for erecting the building as well.

There were many methods for the division of inherited lands. The texts reveal that the lands could be split up into single plots and each descendant could receive a parcel. Sometimes the lands were passed, undivided, to heir after heir who act as *rwḏw*-caretakers for their non-inheriting relatives and who were responsible for managing and cultivating lands, and distributing the income among his non-inheriting relatives. The inherited lands were measured by *sṯꜣ* "*aroura*", *ḫꜣ* "unit", and *mḥ* "cubit". According to the texts, the lands were generally inherited in diverse areas; for instance, the largest of which was 556 *arouras*, and the smallest was one square cubit.

Egyptians could bequeath the architectural structures, which included civil and funerary buildings. The civil building contained houses like *pr*-house and *ꜥt*-house; the first is attested in the inheritance process earlier than the latter. The first known use of the *pr*-house as an inherited property goes back to the Fourth Dynasty, while the house *ꜥt* is documented as part of the inherited

real estate beginning in the Twelfth Dynasty and was widely inherited during the New Kingdom and the Late Period, specifically in the workmen's village at Deir el-Medina. For the division of these houses, the house *ꜥt* was divided into portions of varying sizes to be distributed among the heirs, while the house *pr* itself remained "without division". According to the inheritance documents, we do not know any instance so far that indicates that this house was divided into portions. The stables and magazines were items belonging to the inherited civil buildings, such as the stable (*jhy*), and its magazine *mḫr*.

Inherited funerary buildings contained tombs, pyramids and funerary chapels. Testators gave a right to their heirs to be buried in their tombs and use their chapels for funerary purposes, such as in religious ceremonies. There were many kinds of tombs that were used by the heirs upon the death of their testator. The tomb *ḥ3t* was inherited during the Old Kingdom and the Middle Kingdom, while the tomb *jz* was inherited during the First Intermediate Period. In the New Kingdom, both tombs *mꜥḥꜥt* and *st-qrstj* were attested as part of the property inherited. It seems that the pyramids and the funerary chapels only were inherited during the Ramesside period. Only pyramid *mr* and a funerary chapel, known as  , were inherited in ancient Egypt so far.

In addition to the civil and funerary buildings mentioned above, some other buildings were also inherited during pharaonic times, but there is still no consensus among scholars on the exact purposes for which these buildings were used, like the *št3yt*-building, the *wḏ3*-building, the *ḫnw*-building, and the *ḥbt*-building.

Green property was considered a kind of immovable property; it was bequeathed in ancient Egypt. Although the first evidence of bequeathing trees is attested during the Twentieth Dynasty, it seems that the practice was older. This view is based on the close association between trees and lands inherited. Yet, we know only the *šnw* tree type that consisted of several different trees, such as fruit/carob trees and sycamores.

The wells and water sources were regarded as immovable property. Egyptians bequeathed natural and artificial wells. The first known attestation of bequeathing wells dates to the Twenty-Second Dynasty in Dakhla Oasis and some place known as *J3t-nfrt*. Since the wells were associated with land, their ownership was closely connected with that of the land in which they were located. Moreover, Egyptians bequeathed (drinking-)water-points (*swr.t*), which was an act of charity, like the *mazyara* or *zir* in modern Egypt. The Egyptians placed big jars in a small, protected building

in public places, providing people with drinking water. Furthermore, Egyptians bequeathed the *š*-pool, surrounded by high trees.

The movables that were inherited in ancient Egypt consisted of several objects, such as:

1) Grains and cereals, the first references of bequeathing them, dating to the Eighteenth Dynasty. There were several kinds of cereals and grains that were inherited, like barley, grain, and emmer.
2) Household goods, such as mirrors, washtubs, cauldrons, vases, baskets, jars, and leather.
3) Work tools, like copper work kits, chisels, and picks.
4) Clothes, such as *dj3w*-clothing and *jfd*-clothing.
5) Fats and oils, like *sqnn* and *mrḥt*.

The second pillar of the inheritance process was the testator:

A testator is a person that had died, leaving a will or testament in force; many members of the family could be testators in ancient Egypt. The father acted as a testator to his children throughout pharaonic history. He could pass down his assets to them in terms of intestate customary succession law and through a testamentary disposition. The husband appeared as a testator for his wife; he bequeathed his own possessions to her through a legal document after he had adopted her as legitimate heiress.

Likewise, the woman acted as testatrix for her male and female children since the Old Kingdom. She enjoyed the same rights and privileges as a man: she could draft legal documents and appear before the statutory bodies to sue for her assets. She could also emancipate her household's slaves and establish them as legitimate heirs through adoption. Egyptian women could also adopt their younger brother and make him one of the heirs. Furthermore, they had the power to disinherit some of their children for specific reasons.

The brother appeared as the testator of the testamentary disposition to his (younger) brother. Our texts contain an example of a half-brother who worked a testator to his brother and bequeathed him his office through a legal document. The elder sister appeared as a testatrix to her younger brother, but established him as one of her children by adoption. The aunt acted as testatrix to her niece, but this was done after she adopted her niece to become 'her eldest daughter'.

The third pillar of the inheritance process was the trustee:

A trustee was a person appointed (by the testator and sometimes by the court) to manage and take charge of the assets and liabilities of a deceased person who had died without adult children. Our texts reveal that the inheritance process contained an active role of the trustee/guardian when the heirs were still minors. His role was to manage the estate on behalf of the minor heirs until they came of age. Many family members played such a role, such as the mother, or the favorite son/daughter. In the absence of an adult son or daughter, the testator sought to appoint a guardian from outside the family, most likely a relative, to take care of the property inherited. He was legally responsible for preserving the assets as if he were the deceased testator himself. The texts referred to "trustee/guardian" by the term *rwḏw* and the term *šd nḫn*. The *rwḏw* was defined as the person who benefited from the estate without causing any damage to the resources of the assets, and his task was to satisfy the children of the deceased according to their order of birth with regard to the profits of the property.

The fourth pillar of the inheritance process was the heirs:

According to law, an heir was a person entitled to receive all the property of the deceased or at least a share thereof. According to the customary intestate succession law, the property of the deceased went to his heirs in the following order of precedence:

1. His children or grandchildren;
2. His brethren;
3. His parents (probably);
4. His other family member (his relative *ḥ3w*);
5. Non-blood relatives.

It is still not entirely clear how many shares each heir received because the method of inheritance division was not consistent over time. For example, we have observed that the whole estate was given to the eldest/favorite son, and the other children were not entitled to inherit with him at certain times of the pharaonic period. Moreover, at other times, the inheritance was divided equally between all heirs, without any distinction. Sometimes, the favorite/eldest son was entitled to an additional share in the inheritance of the paternal estate, because he was generally expected to bury the parents. It is also clear that female heirs could receive shares of land just like male heirs; often they received their inheritance at the time of marriage in the form of a dowry. The siblings could inherit from their childless brother in terms of intestate customary succession law. Those siblings

inherited from their childless brother following their birth order, and the males preceded the females in choosing their lots of inheritance.

In the absence of the testator's children, grandchildren, siblings, parents, and his blood relative, he could establish an heir from a non-relative. That was done by implementing the pharaonic law clause that says: *"Let the possessions be given to him who buries"*. In terms of this law, the testator could find a non-relative to look after him in old age and bury him after his death. In return, this person could claim his inheritance.

In ancient Egypt, inheritors did not always receive their shares of inheritance smoothly as many disputes flared up during their distribution. Our texts document that legitimate heirs quarrelled among themselves. Disputes also broke out among legitimate heirs against non-relatives. Furthermore, conflicts occurred between the trustee and the legitimate heir. To date, we have not detected any traces of disputes between the testator and his heirs. The earliest known quarrel over an inheritance dates to the Sixth Dynasty.

When the co-heirs failed to settle the dispute over their contribution, they could resort to statutory bodies. The texts revealed that there was no separate statutory body concerned only with inheritance matters, but the statutory bodies in general in pharaonic Egypt were concerned with criminal and civil issues, which among other things, included inheritance matters. So far, we know five statutory bodies that handled succession among other issues:

- The *ḏ͗ʒḏ͗ʒṯ*-council supervised the process of drafting the documents related to inheritance.
- The local-*qnbt*-council decided on disputes over inheritance and had the authority to conclude the testaments. The vast majority of disputes settled in this council revolved around the ownership of simple things, like household goods, as well as the division of inherited slaves' workdays.
- The *qnbt*-council of the temple, whose competences included decisions concerning disputes over the division of arable lands that co-heirs had received together.
- The Great-*qnbt* presided over by the vizier addressed only critical cases that could not be easily judged by a local council and exceeded its power, such as a litigation over a large inherited estate. In other words, it dealt with the land registration procedures and land dispute settlement processes and also supervised the conclusion of wills and inheritance documents.

- The oracle god, who, according to the texts was mainly concerned with disputes over inherited architectural structures, such as houses, tombs, and storehouses. The oracle god also adjudicated a case bequeathing the wells and water sources and the irrigated lands. An ostracon records that the testator stood before the oracle god to register an inheritance in his son's name.

The infringements of property rights inherited were varied, whether committed by legitimate heirs against each other or by foreigners against legitimate heirs. They included the following:

- One of the legitimate heirs had taken possession of the entire inheritance for himself and did not share it with his co-heirs.
- Although he had lost a legitimate right in the inheritance, one of the heirs did not allow for its conveyance to those entitled under the relevant regulations.
- A non-relative (a person not from the testator's household) made an effort to claim ownership of an inheritance (consisting of a tomb), which was a legitimate right of his adversary who had possessed it after his ancestors.
- Some heirs tried to change the inheritance division plan which their father had laid out before his death.
- The legitimate heir was expelled from his father's land by a non-relative.
- The real estate inherited by a legitimate heir was also forcibly taken by a non-relative.
- One's inheritance (land) was robbed/forcibly taken.

The litigation procedures were not similar in all succession cases, but differed according to the type of disputed estate and the statutory body concerned. These stages of litigation can be summarized as follows:

- Filing a complaint by affected persons; the texts of Deir el-Medina, for example, reveal that the scribe of the department of the king's tomb was responsible for receiving the complaints.
- The appearance of litigants before the judges; during this phase, the plaintiff spoke first to outline the exact nature of his accusation, and the crime that had been committed against him. Then the defendant had the opportunity to respond to and defend accusations made against him.

- Examine personal documents of litigants by judges.
- Access of the official registers of the state; during this phase, the information contained in the personal document of litigants was matched with the information recorded in the official records.
- The pronouncement of the final judgment by the president of the statutory body.
- Compliance with the final verdict; during this phase, the loser should have pledged that he would not open the case again and not appeal or recommence the decision. So, he had to take the oath that he would no longer be a party to another dispute on this issue.
- Implementation of statutory body decisions on the ground; such an action was taken when the dispute was over inherited real estate, such as land and buildings. The statutory body used to send its deputy to the actual location of real estate in dispute, to show each heir their share of inheritance as decided by the judges. Sometimes, the statutory body sent one of its representatives during the pre-judgment litigation phases; his task was to obtain information and examine violations in kind and then return to the statutory body with important information and data needed by the judges to make the final judgment in the dispute.

It is also clear that the phases of litigation before the oracle god were different from those followed by other legal bodies. They can be summarized in two steps:

- The first was to submit a complaint to the scribe or administrative officer in the locality.
- The second was the appearance of the complainant and the defendant before the oracle for a decision.

Trials on inheritance consisted of several sessions, some of which were decided during one session, while others were held in two sessions; the number of judges in the first session differed from the second session. For example, the trial recorded on oGardiner 23 was held in two sessions; the first consisted of approximately six judges, and the second session was held in the presence of only two of them.

It is also recalled that case law was instrumental in adjudicating similar inheritance cases, where the parties to the case were entitled to cite any legal precedent that may serve their position in the conflict. The litigants were also able to produce to the judges precedents in the pharaonic law,

which upholds their status in the trial or when they wish to allocate their property to specific persons.

Inheritance documents provide explicit evidence that disinheritance was known during the pharaonic period. Disinheritance was an act by which a person deprived his heir of an inheritance, who, without such an act, he would have otherwise inherited.

Egyptians could deviate from customary intestate succession principles, which would prescribe that all their children were to inherit from them. They could give their estate to a stranger and thereby disinherit their heir apparent.

There were essential points that the inheritor had to take into consideration if he wanted to receive his share of the inheritance without any trouble from his testator. In the event of a breach of these rules and indifference to them, the heir, even if he was legitimate, would lose his share of the inheritance.

In other words, there were several reasons that led the testator to disinherit his legitimate heirs. Some of these reasons are mentioned in surviving items of pharaonic law, while others were deduced through an analysis of the conflicts over the inheritance. These reasons can be summarized as follows:

- Failure of the heirs to abide by the partition plan and the will that had been made by the testator made them vulnerable to losing their shares of inheritance. This reason was derived from the text of the sacred oath that the co-heirs had to take at the end of the division plan or testament, recognizing that they would respect the arrangements made by the testator before his death. In such an oath, all heirs promise that they will not object to the division plan, and whoever violated this oath would be punished by beating (hundred blows) as well as lose his share of the inheritance.
- If the children did not partake in the process of burying their parents or did not even assist in the burial, they would be deprived of their parents' property. This reason is explicitly mentioned in one surviving articles of law pharaonic law, which states that the person who buried the testator would inherit. Under that law, the legitimate heir who did not bury his parents or even assist in burial was deprived in favor of other persons, who were not

relatives of the testator by blood but had buried the testator and provided him with funeral furniture before death.

- If the heirs did not look after the testator in old age, they would not receive a share of his property. This reason can be seen clearly in a case dating back to the Twentieth Dynasty, in which a woman had eight children; she assigned her own inheritance to only five of them, and deprived the remaining three, due to their failure to look after her in old age. In this case, the children were deprived only of their mother's property, whereas they were able to inherit from their deceased father's estate as well as the joint property of the couple.
- If the heirs abandoned an ill testator, they forfeited their rights to a share of the inheritance. This reason was concluded from a case dating back to the Ramesside period, in which the wife was prevented from entering certain premises belonging to her husband because she had forsaken him during his illness. Therefore, she took an oath, which presumably was related to the transfer of ownership of the husband in favor of his son; the wife could not claim the son's new possessions in the future.
- It also seems that good treatment which the testator had received from his heirs was instrumental in the process of inheritance; for example, (non) blood relatives (whether slaves or free persons) gained favor of childless testators by treating them well; moreover, the testators adopted these persons and established them as legitimate heirs. Yet, no case shows that a lack of good treatment towards the testator by his heirs made him deprive them of his inheritance, but in three cases, a childless testator established non-relatives as heirs as a result of the kind treatment that he had received at their hand.

As mentioned previously, there were two systems by which the inheritance was conveyed from the testator to the heir in ancient Egypt: the customary intestate rules of succession, and the testamentary succession.

Different scenarios made it impossible or undesired to execute the first, such as a lack of male children or children generally, or the eldest/favored son was not a trustworthy and an honest person or otherwise unsuited. Therefore, the Egyptians invented the second system for these eventualities and allowed for intended changes in the succession. For example, the *Legal Manual* or *Code of Hermopolis* prescribed a normative inheritance pattern (i.e. the first) and indicates that it was a default, which any testator could override by writing a testament.

Egyptians used several kinds of legal documents in the inheritance process. The function of each document accommodated different circumstances:

- Through the *jmj.t-pr*-document, one could confirm that his inheritance should assign to his legitimate heir, or he could give his property to persons who were not considered his legitimate heirs in terms of the customary intestate succession law. Also, he could establish a guardian (*šd nḫn*) for his minor heir/child. Furthermore, the husband could bequeath to his wife through the document in question without adopting her. The heirs, who had received a conditional inheritance from their father, could give this inheritance to their children only through this document.
- Through the *hɜry*-document, one could disinherit some of his children and bequeath others.
- Through the document referred to as *sḫ* one could appoint a trustee (*rwḏw*) for his minor children. Also, the husband could bequeath to his wife through a *sḫ*-document but had to adopt her first.
- Through the *sḫr*-document, one who had married twice could divide his possessions among his second wife and his children from first marriage. The husband could bequeath his second wife through this document, but probably only after he had adopted her first.
- Through the *wḏ.t-mdw* document one could convey his property as a conditional inheritance (*fideicommissum*) to his children. In such cases, the testator turned his property into an endowment for the provision of his own eternal cult and entrusted it to the heirs only for that effect.

When they failed to have a biological child, they could adopt a person to act like a son. It seems that the real reasons of adoption was probably that people wanted someone to care for them when they were old. We have observed the follows:

- The husband adopted his wife and made her his legitimate heiress.
- The sister adopted her younger brother and made him one of her heirs.
- The aunt adopted her niece and bequeathed her office to her.
- The testatrix adopted her household slaves, made them free people and gave them her assets.

It seems that the adoptive heir enjoyed the same rights and benefits as the biological heir, and the oldest worked as a guardian/trustee to the other minor adoptive children. The practice of adoption in matters of inheritance was not limited to ordinary members of society but also practiced by members of the royal family to establish a legitimate heir.

Apparently, the bequeathing through adoption had to be accompanied by other legal procedures, such as drafting a legal document, perhaps in order to strengthen the situation of the adoptive heir and to avoid losing his share of inheritance if the blood relative of the testator tried to claim an inheritance.

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