

## WHEN YOUR WIFE BECOMES YOUR DAUGHTER: ADOPTION IN NEW KINGDOM EGYPT

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People taking the children of siblings into their home and raising them as, or at least with their own after the death of these children's parents, probably happened very often in ancient Egypt, perhaps so often that the Egyptians would—in a society in which most legal arrangements were concluded by mouth—not have felt the need to record this in writing. It simply happened. Deir el-Medina, the well-known village of New Kingdom workers who made the royal tombs in the Valley of the Kings and the Valley of the Queens appears to have yielded only a few examples (from among literally thousands of documentary sources, which may be telling), but especially in the case of the famous senior scribe Qenhirkhopshef, who was allegedly adopted by the childless senior scribe Ramose and his wife Mutemwia (at least, that is what the mainstream Egyptological literature says),<sup>1</sup> there are many reasons to doubt that this was so. For one thing, Qenhirkhopshef's real father held a good position at a nearby temple in Thebes, so that the relationship between him and Ramose may actually have been a teacher-student relationship that evolved into one of trust and friendship, to the extent that in the end Qenhirkhopshef became Ramose's 'Staff of Old Age'—a personal assistant taking much work off the hands of his mentor and destined to take his position one day—and would eventually be taking care of either Ramose or Mutemwia after one of the spouses had died, in return for their inheritance. He did become senior scribe himself after Ramose's death. But we have no way of knowing.<sup>2</sup>

The purely Egyptian sources dealing with adoption are few and at times ambiguous.<sup>3</sup> We seem to have no sources from the Middle Kingdom (2129-1794/93 BCE) and the Second Intermediate Period (1794/93-1550 BCE), let alone the Old Kingdom (2707/2657-2216/2166 BCE) and the First Intermediate Period (2170/2120-2025/2020 BCE).<sup>4</sup> One famous Demotic

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<sup>1</sup> J. Černý, *A Community of Workmen at Thebes in the Ramesside Period* (2001<sup>2</sup>), p. 333; but see now also S. Štubňová, 'A Prosopographic Analysis of the Known Kenherkhepshefs at Deir el-Medina and Some Observations on the scribe Kenherkhepshef', in: *GM* 248 (2016), p. 131 and n. 64.

<sup>2</sup> K. Donker van Heel, *Mrs. Naunakhte & Family. The Women of Ramesside Deir el-Medina* (2016), p. 24ff. The other alleged Deir el-Medina case of adoption often cited—that of Hesysunebef and Paneb—was studied by Janssen, in: R. J. Demarée – Jac. J. Janssen (eds.), *Gleanings from Deir el-Medina* (1982), p. 109-115; cf. A.G. McDowell, in: M. Stol – S. P. Vleeming (eds.), *The Care of the Elderly in the Ancient Near East* (1998), p. 219, but especially also p. 217.

<sup>3</sup> Meaning that we have not progressed very much beyond the sources listed in W. Helck – E. Otto, *Lexikon der Ägyptologie*, I (1975), cols 66-67. Note that the monograph on adoption by Schafik Allam announced there was never published. Allam did, however, publish a number of short studies on adoption, including 'De l'adoption en Égypte pharaonique', in: *Oriens Antiquus* 11 (1972), p. 277-295, and 'Zur Adoption im pharaonischen Ägypten', in: *Das Altertum* 19 (1973), p. 3-17.

<sup>4</sup> S.L. Lippert, *Einführung in die ägyptische Rechtsgeschichte* (2008), p. 47. Early Egyptian chronology is riddled with uncertainties. The dates given were taken from J. von Beckerath, *Chronologie des pharaonischen Ägypten* (1997), p. 187-189.

example from 539 BCE is P. Louvre E 7832,<sup>5</sup> which is therefore quoted by most Egyptologists and legal historians studying adoption. But, in fact, there is more than one way to interpret this source, which is phrased as a sale of oneself as a son.<sup>6</sup> After the usual dating formula a certain Hor son of Petiese states to his ‘adoptive’ father Iturech son of Djekhy:

“You have satisfied my heart with my silver to be your son. I am your son, together with my children who will be born to me, together with all I possess and will acquire. No one on earth will be able to exercise authority over me except you, be it father, mother, brother, sister, master, mistress or any creditor or myself. My children are the children of your children forever. The one who will come to you, saying: ‘This is not your son,’ namely anyone on earth, including father, mother, brother, sister, master, mistress or any creditor or myself, even if he will give you silver or grain that will enter your heart, then I will still be your son, together with my children, forever.”

This ‘adoptive’ father is actually known from quite a few Demotic texts,<sup>7</sup> and these show that he was a very successful businessman, meaning that in his *milieu*—that of the 6th century BCE Theban funerary service providers (bringing offerings to the dead in the Theban necropolis on a weekly basis, the ancient Egyptian week counting ten days)—he would have been a great catch for any of the daughters of his colleagues, of which there were many. It therefore comes as a surprise that apparently he still had not married and did not have any children of his own by the time this text was recorded. The clause referring to the (future?) children of Iturech in the text would, however, suggest that he either already had children or was still planning to have them, in which case the adoption of a ‘son’ from another family would seem pointless. And why pay your ‘son’ for an adoption of which this same ‘son’ would profit the most?

In ancient Egypt the reason for adoption seems to have been twofold: people would be needing an heir, whose claim to the inheritance would be the best guarantee that he or she would take care of his (her) ‘parents’ in their old age, so children were simply a pension plan. But there was also the afterlife. In order to survive this the Egyptians required regular funerary offerings and prayers, and according to the Egyptian custom it was the eldest son of the family who did this in return for a (sometimes much) larger share of the inheritance.<sup>8</sup> But in due course this task was relegated to professionals who brought these offerings in their place. In the Old Kingdom these people were referred to as *hem ka* ‘servant of the *ka*’,<sup>9</sup> and from the New Kingdom onwards they were known as *wah mu* ‘water-pourer’ or *choachyte*, after the Greek rendering of this Demotic title. The problem with P. Louvre E 7832, however, is

<sup>5</sup> See K. Donker van Heel, *Abnormal Hieratic and Early Demotic Texts Collected by the Theban Choachytes in the Reign of Amasis. Papyri from the Louvre Eisenlohr Lot*, I (diss., 1995), p. 177-182 and 275-277 (palaeographical notes), and II, pl. XVIII-XIX.

<sup>6</sup> Cf. Lippert, *op. cit.*, p. 172, noting the ambiguous nature of this document.

<sup>7</sup> Apart from the scientific publication of this man’s papers cited in n. 5, this author also published a non-technical version: *Djekhy & Son. Doing Business in Ancient Egypt* (2012, reprinted as paperback 2013).

<sup>8</sup> As will be seen below, the three cases of adoption from the New Kingdom cited in this article all have one thing in common: the adoptive parent wanted to ensure that he or she would be cared for in this life and probably also the next. In other words, the main aim was not just finding an heir, but finding an heir willing to provide the necessary care. Cf. A. A. Abdel-Aziz, ‘The Adoption Lawcodes in Mesopotamia and Ancient Egypt’, in: B. S. el-Sharkawy (ed.), *The Horizon Studies in Egyptology in Honour of M. A. Nur el-Din (12-12 April 2007)*, II, 2009, p. 17: ‘(...) inheritance seems to have been the main purpose of the adoption during the New Kingdom’.

<sup>9</sup> The *ka* was the individual and essential life force of a person. For the suggestion that the *hem ka* of the Old Kingdom was actually adopted by the endower, see R. Jasnow, in: R. Westbrook (ed.), *A History of Ancient Near Eastern Law*, I (2003), p. 120 and n. 236; cf. also p. 276 and n. 206-207 (Middle Kingdom) and p. 327-328 (New Kingdom).

that it was written in the reign of king Amasis II (570-526 BCE), who was one of the great Egyptian law-givers. In several Demotic legal texts directly preceding P. Louvre E 7832 in date we actually see people selling themselves as a slave, and it so happens that these texts are phrased *exactly* like our text, except that in P. Louvre E 7832 the word ‘slave’ has been replaced by ‘son’. This prompted legal historians such as Erwin Seidl to dub P. Louvre E 7832 an *Umgehungsgeschäft*, a clever way to get around the law, so that Hor may actually have been the security for a loan provided by his ‘adopted’ father that was never paid back.<sup>10</sup> Equally interesting, but perhaps also not very representative is the adoption procedure employed by the female clergy of the god Amun in Thebes in the Late Period. Here we see the high priestesses of Amun—members of the royal family—appoint their successors through adoption.<sup>11</sup> This practice also included their staff, i.a. consisting of the singers of the interior of Amun. We will also not venture into the still ongoing discussion whether adopted sons married the girls of the house in the Roman period as a strategy to keep the family estate intact.<sup>12</sup>

What we are looking for are real cases of adoption under classic Egyptian law—children becoming the children of their non-natural parents with all the benefits and responsibilities this would entail—and from the New Kingdom it seems we do have three clear cases, of which only two are generally cited in the literature. In the Hieratic P. Geneva D 409 + P. Turin Cat. 2021 recto we see an elderly man adopting his second wife in order to secure her rights to his inheritance vis-à-vis his first wife and the children of his first marriage,<sup>13</sup> as was first suggested by Schafik Allam, one of the leading experts in New Kingdom law from Deir el-Medina.<sup>14</sup> The text has been assigned to Dynasty 20, 21 and the reign of Ramesses IX or XI, respectively, and it appears to have been deposited at the archive of the mortuary temple of Ramesses III, Medinet Habu. Another copy was sent to the Great Court of Thebes on the eastern bank of the Nile.

The right part of the text has broken away, except for a number of fragments at the bottom. This is where we could have read about the date of the court session, the composition of the court and perhaps also about the declaring party, a Mr. Amunkha. One takes it that he was a member of the clergy in one of the mortuary temples on the western bank of the Nile. He starts by telling the court why he, two of his eldest sons and his second wife Ineksunedjem have come to the court today. Note that our Amunkha is at an advanced age, because he has already made provisions for his grandchildren. His new wife Ineksunedjem, however, may have been quite young:

“[...] I entered [the house of N.N. with the consent of (?)] the great god. She became [the mistress] of my house and I built [a house for my] children. I (also) [provided for (?)] their children.

<sup>10</sup> E. Seidl, *Ägyptische Rechtsgeschichte der Saiten- und Perserzeit* (1968<sup>2</sup>), p. 55 n. 1.

<sup>11</sup> For the so-called Adoption Stela, see R. A. Caminos, ‘The Nitrocris Adoption Stela’, in: *JEA* 50 (1964), p. 71-101, and also A. Leahy, ‘The Adoption of Ankhnesneferibre at Karnak’, in: *JEA* 82 (1996), p. 145-165.

<sup>12</sup> See e.g. S. Remijsen – W. Clarysse, ‘Incest or Adoption? Brother-Sister Marriage in Roman Egypt Revisited’, in: *JRS* 98 (2008), p. 53-61.

<sup>13</sup> J. Černý – T. Eric Peet, ‘A Marriage Settlement of the Twentieth Dynasty. An Unpublished Document from Turin’, in: *JEA* 13 (1927), p. 30-39. In the original publication by Černý and Peet a fragment from Geneva belonging to this papyrus was still missing, which was included in S. Allam, *Hieratische Ostraka und Papyri aus der Ramessidenzeit*, I (1973), p. 320-327 and II, pl. 112-119.

<sup>14</sup> S. Allam, ‘Papyrus Turin 2021: Another Adoption Extraordinary’, in: C. Cannuyer – J.-M. Kruchten (eds.), *Individu, société et spiritualité dans l’Égypte pharaonique et Copte* (1993), p. 23-28.

But the god turned me away and I [swo]re about her in the court of the temple (divorced her) and I made two-thirds to one-third out of everything that I had acquired with her and [I entered] the house of (the father of) the citizen Ineksunedjem, this woman standing in front of the vizier.”

So Amunkha was married once, which is shown by the expression ‘I entered the house of N.N.’, which is partly in the lacuna, in which N.N. is either his first wife, as some authors believe, or—and this is more likely, because we see this happen in New Kingdom Deir el-Medina (and in later times) more often—the house of his future father-in-law, viz. to collect his bride. But the marriage did not work out, so the couple divorced. To compensate his first wife he gave her one-third of all the property they had acquired during their marriage, which was the custom (or the law).

Then Amunkha moves on to the situation with his second wife, specifying the one-third he intends her to have, and in addition to this she will also receive his two-thirds of the conjugal property. The clause about his children from the first marriage is puzzling at first sight, because it appears to suggest that some of his children from his first marriage moved with him into the house he was now living in with his second wife. This may have caused some tension, Ineksunedjem being the mistress of the house now. But more probably he is referring to the house that he left behind:

“I bought four slaves [wi]th her. She has been good to me and she agrees with my character. And she has done for me what a son or [daugh]ter would do. I gave her the female servant Numutery, the female servant Bupuymutkhaen and their child[ren as he]r one-third. I further presented (?) her with the servant Sapeterdjehuty, the servant Gemamunpash, these two [sla]ves of mine, as a share out of my part of all that I have made (acquired) with her, as a child, [just li]ke the children of my former wife, exactly exactly, who are in my house, whereas I did not put a single loved one above (?) the other.”

So his second wife did for Amunkha what any child would do (take care of him) and was therefore viewed by him as one of his children. But they were also a couple. Amunkha then reveals the real reason for his appearance in court: it is a pension plan for his second wife (he is old and she clearly is not), including a generous compensation for his ex-wife and the children of his first marriage, presumably to prevent them from harassing his second wife after his death. The legal position of his second wife was not strong to begin with, and wives generally did not inherit from their husbands, meaning that the children from his first marriage could claim the property after his death, unless he made some special provision. To make sure that this plan will succeed, he cites a decree by the king stating that a man can do with his property as he likes, and when he states that his two-thirds will be on top of her one-third—suggesting it will become Ineksunedjem’s after his death—one starts to wonder whether he did not really adopt Ineksunedjem to make sure that she would also inherit his property after his death. It seems relevant that he does refer to her as his ‘daughter’ and ‘child’, well aware that his children could contest their stepmother’s claim after his death:

“Now see, I have come before the vizier [and the] magistrates of the court so that every one of my children knows his share. This plan that I will make for the citizen Ineksunedjem, this woman who is in my house today. Pharaoh, life, prosperity, health, has said: ‘Cause that every man shall do according to his wish concerning his things (property).’ I give everything I have acquired with the female citizen Ineksunedjem to her, the woman who is in my house today, namely the two male slaves and the two female servants, total four, and <their> children, whereas the (my) two-thirds is on her one-third.”

In fact, the only way to make sure Ineksunedjem's future would remain secure was to compensate his first wife and children. So they get a large share of the property. Amunkha only mentions slaves and the house of his father and mother, but there must have been more to divide—such as the movables inside the house—of which nothing is said:

“I will give the nine slaves that have befallen me as my two-thirds with the citizen Tatjarya (his first wife) to my children, as well as the house of father and mother that is with them. They will not be robbed of anything that I have acquired with their mother. I would have given to them from what I have acquired with the citizen Ineksunedjem, but Pharaoh, life, prosperity, health, has said: ‘Give the dowry of any women to her.’”

Then the vizier speaks, and it is clear that he wants to hear from Amunkha's sons themselves what they think of the pension plan devised for their stepmother:

Said by the vizier to the priest (and) overseer of work Ahautynefer and the priest Nebnefer, the children of the god's father Amunkha, who stood before him, the eldest brothers of his children: “What do you say about the statement that the god's father Amunkha has made, your father? Is there truth in (the statement about) these nine slaves of which he has said: ‘I gave them to you as my two-thirds to divide with your mother, as well as the house of father and mother?’”

They said with one mouth: “Our father is in the right. They are with us, really.”

Said by the vizier: “[And what do you say about] this plan that your father has made for the citizen Ineksu[nedjem], this (second) wife of his?”

They said: “[ ... ] what our father has done. As for what he has done, who could discuss (dispute) it? His things (property) are his. Let him give them [ ... ].”

Said by the vizier: “And (what) if she is not his wife at all, but a Syrian [or a Nubi]an, whom he loves, and he gave his things to her, who would (try to) annul what he had done? Give her [the four] slaves [that he acquired] with the citizen Ineksunedjem and all he acquired with her, saying: ‘I give her my two-thirds on top of [h]er one-third, and no son or daughter will discuss (dispute) this plan I made for her today.’”

One could argue that this is not the strongest case for a man adopting his wife in New Kingdom Egypt in order to secure her rights to the inheritance that would otherwise go to the children of a previous marriage, or to the husband's siblings, but to this author it seems that Schafik Allam made an essential improvement on the interpretation of P. Geneva D 409 + P. Turin Cat. 2021 in the editio princeps.<sup>15</sup> And we know that the practice existed by this time.

The so-called Adoption Papyrus (P. Ashmolean Museum 1945.96) was published in 1941 by Alan Gardiner, and has solicited many comments ever since.<sup>16</sup> This text was written in the reign of Ramesses XI (reigned 1103/1099–1070/69 BCE). The content is so complicated from a legal point of view that one has to assume it formed the pinnacle of a very ancient tradition of which all sources are lost. According to Gardiner, who acquired the papyrus himself, it came from the provincial town of Sepermeru in Middle Egypt—located in between the cities of Heracleopolis to the north and Oxyrhynchus to the south—while drily noting that the language employed in this legal text was ‘barbarous’ and its composition ‘execrable’, which is

<sup>15</sup> See notes 13-14.

<sup>16</sup> A. H. Gardiner, ‘Adoption Extraordinary’, in: *JEA* 26 (1941), p. 23-29 and pl. V-VII; for some of the most insightful comments on this papyrus, see C. J. Eyre, ‘The Adoption Papyrus in Social Context’, in: *JEA* 78 (1992), p. 207-221.

of course not what one would expect from a text designed to arrange property rights within the family. But the train of thought behind it is crystal clear.

Imagine a husband who loves his barren wife and adopts her to make her his only heir (to ensure she will get the inheritance and not his siblings), and then proceeds—no doubt with the consent of his wife—to buy a female slave to maintain the bloodline. The female slave has three children, no doubt by the husband, who are then raised by the husband’s wife as her own. And after a while the inevitable happens. The wife’s younger brother falls in love with the eldest slave girl and wants to marry her. On the occasion of their marriage the wife—now a widow—frees the slave girl, adopts her younger brother as her son and while she is at it, she also frees and adopts the other two slave children. Quite an awesome wedding present.

The Adoption Papyrus starts with a statement by the official wife, Mrs. Naunefer—aka Rennefer—that her husband Nebnefer and she did not have any children, so that he adopted her as his daughter. This way the inheritance would become hers and not be taken by Nebnefer’s brothers and sisters. One of Nebnefer’s sisters—a Mrs. Huirymu—was actually present when this arrangement was made, which suggests that Nebnefer’s siblings had agreed to go along with it:

Regnal year 1, third month of the *shemu* season under the Majesty of the King of Upper and Lower Egypt Ramesses Khaemwaset, life, prosperity, health, Meryamun, the God, Lord of Heliopolis, life, prosperity, health, given life for ever and ever. This day (a) proclamation (was made) to this exalted deity, Amun, who stands and appears, while offering to Amun. “And Nebnefer, my husband, made a document for me, the singer of Seth Naunefer, making me for himself as a daughter. And he wrote for me all his property (?), because he had no son or daughter, except me. ‘As for all profit that I acquired with her, I transfer it to Naunefer, my wife. And (if) my siblings stand up to claim from (?) her at my death on any given day in the future, and say: Give the share of my brother (text omitted).’”

In front of many, many witnesses:

The stablemaster Ruru

The stablemaster Kairsu

The stablemaster Beniry son of Duanefer

In front of the stablemaster Nebnefer son of Anerkaya

Before the Sherden Pakamen

Before the Sherden Satameni (and) his wife Adjedaa

“See, I have handed (it) over to Rennefer, my wife, on this day in front of Huirymu, my sister.”

Then, without any doubt during the same session, the scribe started another legal document, the first text apparently serving as a preamble, being an incomplete excerpt from an original contract. The scene now shifts to regnal year 18 of Ramesses XI. The text starts with the date and the parties involved, but the real question is whether the husband Nebnefer was actually still alive by then.

It seems as if the first part of the second document about the purchase of the female slave girl and the three children partly actually comes from yet another legal text drafted on behalf of Nebnefer and Naunefer, and that it serves as a second preamble—the first establishing the right of Naunefer to dispose of her husband’s property, the second to establish Naunefer’s right to the female slave and her offspring—to what the Adoption Papyrus was actually all about: it was a will effectuated through the adoption of the three slave children (and her younger brother) by Naunefer. The perspective also changes from ‘we’ to ‘I’ and ‘me’ as the



acting party, and this can only be Nebnefer's widow Naunefer, because if she had died before her husband, the entire preamble serving to prove that the declaring party had the right to act would have been superfluous, for the property would then still be the property of her husband Nebnefer. Also, the statement about raising the three slave children and the mention that they had been good to the declaring party sounds like something a woman would think of during what would have been a very emotional day at the notary office, although one should bear in mind that a similar statement had been made in court by Mr. Amunkha in P. Geneva D 409 + P. Turin Cat. 2021:

Regnal year 18, first month of the *akhet* season, day 10 under the Majesty of the King of Upper and Lower Egypt Menmaatra Setepenptah life, prosperity, health, Son of Ra, Lord of Appearances, Ramesses Khaemwaset Meryamun, the God, Ruler of Heliopolis, given life for ever and ever. On this day (it was) said by the stablemaster Nebnefer and his wife, the singer of Seth of Sepermeru Rennefer, namely:

“We bought the female servant Dinihutiry and she has given birth to these three children, one male, two female, in total three. And I took them and I fed them and let them reach maturity. I have come to this day with them, without them doing me any harm, (because) they did good things to me, whereas there is no son or daughter, but them.”

The contract then moves on to the next issue, namely that Naunefer's younger brother Pendiu (aka Padiu) had fallen in love with the eldest slave girl, who is mentioned by name, and apparently wished to marry her. The legal language used by the scribe—‘entering the (i.e. Naunefer's) house’—indicates that he went through a formal marriage procedure,<sup>17</sup> meaning that he collected his future wife at the house of his sister Naunefer and probably made a statement there about his wife's future well-being.<sup>18</sup> So, what to buy the new couple as a wedding gift? Naunefer thought of the best gift ever, namely the freedom of the new bride. And while she was at it, she also freed the two other slave children, who would go and live with the newly-wed couple. As if this was not enough, Naunefer then adopted her younger brother Pendiu as her own son, meaning that he—as the new *paterfamilias*—would stand to inherit his sister's property. But this was obviously a trade-off. The former slave children and her brother Pendiu would have to take care of Naunefer till she died, and also after that:

“The stablemaster Pendiu entered my house and he made Taamunniut, their eldest sister, as (his) wife, because he belongs to me, being my younger brother. I received him for her and he is with her today. But see, I have made her a freewoman of the land of Pharaoh, life, prosperity, health, and if she gives birth to either a son or a daughter they will be free people of the land of Pharaoh, life, prosperity, health, in the very same manner, being with the stablemaster Pendiu, my little brother. The children shall be with their eldest sister in the house of Padiu, the stablemaster, my own little brother. Today I make him for me as a son, just like them.”

She said: “As Amun endures, as the Ruler, life, prosperity, health, endures, I make these people that I put on record as free people of the land of Pharaoh, life, prosperity, health, and if (any) son,

<sup>17</sup> Some authors doubt whether there was ever a formal marriage procedure in ancient Egypt; see, e.g., J. Toivari-Viitala, *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* (2001), p. 49.

<sup>18</sup> The legal terminology from New Kingdom Deir el-Medina was still much the same in the Abnormal Hieratic texts written centuries later (e.g. P. Louvre E 7846, for which see K. Donker van Heel, *Abnormal Hieratic and Early Demotic Texts*, I, p. 125-133 and 260-263 (palaeographical notes), and II, pl. IX), showing that the groom came to the house of his father-in-law to collect his bride, and made a statement about her future well-being, which included alimony in case of a divorce. This looks suspiciously much like a formal marriage procedure.

daughter, brother or sister of their mother or their father raises an issue about them, except Pendiū, my own son, because they are not with him as slaves at all, they are with him as brothers and children, they being as free people of the land, a donkey will fornicate with him, a donkey will fornicate with his wife, whoever will say ‘slave’ about anyone of them.”

“If I have fields in the country or any property in the world, or if I have any assets, they will be divided among these four children, Padiū being one of them. As for the things I have said, they are all entrusted to Padiū, this son of mine, who was good to me when I was a widow, because my husband had died.”

Before many, many witnesses:  
 The stablemaster Setyemheb  
 The singer of Seth Tayuhery  
 The farmer Suawyamun  
 Before Taymutnefer  
 The singer of Anty Tanephthys

Apart from the creation of some of the most unheard of family relations, there is still the question whether Nebnefer, the husband who presumably fathered the three siblings had actually died when the contract about the manumission and subsequent adoption of the slave children was made in year 18. He is, after all, listed as one of the declaring parties, making a statement about the purchase of the slave girl Dinihutiry, who would become the mother of—presumably—his children. The American demotist Eugene Cruz-Uribe proposed that it was actually Nebnefer who made the next statement about the stablemaster Pendiū, who entered the house to marry the eldest of the slave children.<sup>19</sup> In other words, Pendiū was Nebnefer’s younger brother (and not his wife’s), and he was then adopted by Nebnefer as his own son. According to him Nebnefer had also declared that the bride, a slave girl (and presumably his own daughter), was no longer a slave, nor would be the couple’s children. In Cruz-Uribe’s interpretation only then a statement was made by Nebnefer’s wife, now called Rennefer instead of Naunefer, swearing that the two other slave children who were living with Pendiū were also no longer slaves, meanwhile calling the alleged brother of Nebnefer—Pendiū—her own son.

This new interpretation went much further than the original publication by Gardiner, who believed that the first dating referred to an earlier contract that was included into the real (‘second’) contract as a preamble that proved the rights of Mrs. Naunefer to draw up the ‘second’ contract (which in reality is the main contract), and that her husband Nebnefer had actually died before this ‘second’ contract was made.

In his view it was Naunefer who took on and raised the three slave children fathered by her husband as her own, marrying off the eldest slave girl to her—not her husband Nebnefer’s— younger brother Padiū, then adopting him as her son and the slave children as her own children. This would also explain the inclusion of the contract that was written some seventeen years earlier, because this stated that her husband Nebnefer had adopted her as his daughter to secure her rights to his property. In other words: the childless couple used adoption as a very clever device to make sure their property would go to the people of their own choice. This meant the entire contract dated to year 18 was Naunefer’s doing, listing the earlier contract as proof of her rights.

<sup>19</sup> E. Cruz-Uribe, ‘A New Look at the Adoption Papyrus’, in: *JEA* 74 (1988), p. 220-223.



One of the weak points in the new theory saying that the husband Nebnefer was still alive in year 18 is that this assumption forced Cruz-Uribe to translate the text in verso *l.* 9-11 as: “As for these matters of which I have spoken in their entirety, they are passed on (handed over) to Padiu, this my son, that good might be done for me when I am a widow, when my husband is dead.” There is a subtle difference with our rendering: “As for the things I have said, they are all entrusted to Padiu, this son of mine, who was good to me when I was a widow, because my husband had died.”

If her husband Nebnefer was deceased this statement makes perfect sense, but what if he was still alive? In that case, just imagine what he must have felt when he heard his wife Naunefer bluntly divide all the spoils while he was still alive.

The most devastating critique of the new hypothesis came from Schafik Allam. He described Cruz-Uribe’s translation as giving “rise to a whole series of unnecessary problems of a social and legal nature as well as to many a contradiction in the events narrated in the papyrus.”<sup>20</sup> Indeed. But there is more.

It would be highly unusual in an ancient Egyptian contract to first introduce two declaring parties making a statement about the purchase of a slave woman, as is done here in the main contract from year 18, after which the husband Nebnefer makes a statement about the marriage and subsequent adoption of his alleged younger brother Padiu a.k.a. Pendi, whose bride is one of the children of the slave woman bought by Nebnefer and his wife—and who was presumably impregnated by Nebnefer, because his wife was unable to have children—after which Nebnefer’s own wife swears the official oath in which she announces that all three slave children are to be set free and will henceforth be her children. On top of that, she then also adopts Nebnefer’s alleged younger brother as her own son. Yes, about that complicated. It would be far more logical to revert to the initial hypothesis proposed by Alan Gardiner, meaning that—as one would expect—the person who makes the crucial declaration in a legal contract is also the same as the one who swears the oath.

Finally, it is difficult to see why Nebnefer, who had adopted his own wife as his daughter to make sure that his property would go to her and *not* to his brothers and sisters—they are even expressly forbidden to claim anything from his wife after his death, but unfortunately the summary of the contract from year 1 breaks off at this exact spot—would then proceed by adopting his alleged younger brother Padiu seventeen years later, creating all kinds of problems for his wife, whom he had adopted seventeen years earlier, in the process. If we stick to the original theory proposed by Gardiner things immediately clear up again, which is a Golden Rule in papyrology: if your solution makes things more complicated it is probably not the best solution. Nebnefer adopted his wife Naunefer and she in turn adopted her younger brother Padiu, who had married one of the slave girls presumably fathered by her husband Nebnefer. The freeing of the three slave children and their subsequent adoption meant that the property she had inherited from her husband would now go to her adopted children and her younger brother Padiu, in return for a carefree old age.

Why then was Naunefer’s deceased husband still listed as a declaring party at the beginning of the contract from year 18? The easiest way out is to assume that this is actually a statement from another contract showing that the couple had bought the slave who was to become the mother of Nebnefer’s children. This would mean that the statement by Naunefer

<sup>20</sup> S. Allam, ‘A New Look at the Adoption Papyrus (Reconsidered)’, in: *JEA* 76 (1990), p. 189-191.

about the freeing of the slave children had actually taken place at a later date, or—and this somehow seems more likely—the contract itself was indeed made in year 18, and the statement about the purchase of the slave woman was slipped in between the dating and the main text spoken by Naunefer. This would not be entirely unexpected with the scribe of the Adoption Papyrus. Note, for instance, that in the summary of the contract made in year 1 of Ramesses XI the text jumps from the declaration by the wife Naunefer (“And he wrote for me all his property (?), because he had no son or daughter, except me.”) without any interruption to the declaration made by her husband in the original contract to that effect (“As for all profit that I acquired with her, I transfer it to Naunefer, my wife.”). In other words, this scribe inserted clauses from older contracts without any proper introduction more often.

Finally, there is the case of Naunakhte. The suggestion that she may have been adopted by her husband was made by John Romer some thirty years ago, but seems to have solicited no comments since.<sup>21</sup> Naunakhte was a woman from New Kingdom Deir el-Medina who in 1142 BCE would make a sweeping statement about her inheritance in the local court of law, in which she disinherited some of her eight surviving children from her second marriage because they had neglected her in her old age. One of her sons was a downright bum, who always came to her house to borrow money for ‘bread’, as she phrased it, although many of the onlookers may have translated this immediately into ‘beer’ or ‘gambling’ (we do not know). Two of her daughters had never done anything for her, whereas she was now very, very old. Only four of her children had made sure she received monthly rations and they would inherit in full. One daughter stood to inherit slightly less, because she had not contributed to Naunakhte’s monthly ration. And Naunakhte had some things to share out, because she had been previously married to the senior scribe of the village, a Mr. Qenhirkhopshef, and he had been rich.

She was married (off) to Qenhirkhopshef somewhere toward the end of Dynasty 19, when she was about twelve (or slightly older) and he was forty years her senior. They had no children that we are aware of. Apparently Qenhirkhopshef had left her all his property, including some real estate and an extensive library. It is probably no coincidence that her four sons—most of whom were workmen moonlighting as carpenters—could read and write, which was a big thing in the village. It would not even be surprising if Naunakhte herself could read and write, and taught her sons. After her first husband’s death Naunakhte remarried, this time to a regular workman, a Mr. Khaemnun, to whom she bore at least ten children, two of whom died before she appeared at the local court to make her famous statement. Some of her other children probably did not even survive their childhood, as so often happened.

Apart from the court record of Naunakhte’s statement and one related document (a statement by her husband), there are two texts recording the division of her household goods (P. DeM 23 and 25), but nothing is said about the real estate that she owned, some inherited from her father and some given to her by her first husband Qenhirkhopshef. There is also no record of her allotting her extensive library—which included some literary gems—to her son Amunnakhte, so that one has to assume that most of the transactions involving her inheritance were concluded orally, and that her statement in court was only a general outline, unless of course we find new papyri that inform us otherwise. If these papyri pertained to ownership, they would have ended up in the archives of the children who did inherit.

<sup>21</sup> J. Romer, *Ancient Lives. The Story of the Pharaoh’s Tombmakers* (1984), p. 74.

According to the official record, Naunakhte—described as a citizen and a freewoman, a person free to dispose of her belongings—made her statement in year 3, fourth month of the *akhet* season, day 5 of Ramesses V, about 1142 BCE. The court where she did this was composed of no fewer than fourteen men (no women). Interestingly so, some of the members of the court were related to her. Telmontu's daughter Hathor was married to her son Neferhotep, and Weserhat was married to her daughter Menatnakhte. Especially the latter may have had some explaining to do to his wife after this court session, which left her with less than she may have hoped for. Apparently this statement was a big event, so the court included the two chief workmen of Deir al-Medina, two scribes, two draftsmen, two district officers, and several workmen. Although it is nowhere explicitly stated, one assumes that her children and her second husband were present on this day as well, and probably many of the village people. Nothing like a family scandal to brighten up the day.

After these preliminaries there follows the statement of Naunakhte:

“As for me, I am a freewoman of the land of Pharaoh, life, prosperity, health. I have raised these eight servants of yours. I gave them a household outfit of all things as is usually done for the likes of them. Now see, I have grown old, and see, they are not taking care of me in turn. As for anyone among them who laid his hand on my hand (cared for me), I will give him my things. As to the one who has not given me, I will not give him from my things.”

Note how Naunakhte states that *she* was the one who enabled her children to start their own households, not her husband Khaemnun, who was, after all, just an ordinary workman. One has to assume that part of what she had inherited from Qenhirkhopshef had already been used to give her daughters a dowry and fit out her sons with the wealth that would enable them to marry the wife of their choice. Perhaps she even provided some of them with a house. Then there is a list of the children who will inherit from her and those who will not. What is striking is that her son Qenhirkhopshef from her second marriage—named after her first husband and believed to be Naunakhte's eldest son—receives an extra portion. This may have been because he would take care of his father after Naunakhte had died. Her daughter Menatnakhte, standing there and expecting at least something, now heard that she would receive her part of the inheritance from Naunakhte's own property, but slightly less, because she had not contributed to her mother's pension, unlike some of her brothers and her sister Wasetnakhte:

List of the workmen and women to whom she has given: the workman Maaninakhtef, the workman Qenhirkhopshef. She said: “I have given him a bronze washbowl as a reward and, as an additional share above the others, also ten sacks of emmer corn.” (And) the workman Amunnakhte, the (female) citizen Wasetnakhte, and the (female) citizen Menatnakhte.

As for the citizen Menatnakhte. She said about her: “She will have a share in the division of all my things, except the *oipe* of emmer corn that my three male children and also the female citizen Wasetnakhte have given me, and my *hin* of fat that they gave me in the same manner.”

The inheritance divided by Naunakhte consisted of various lots: a storeroom that she had inherited from her father, plus the property of her first husband Qenhirkhopshef that she had inherited from him. Then there was the property acquired by her and Qenhirkhopshef, and the property acquired by her and her second husband, Khaemnun, of which one-third was hers to dispose of. Some of this would also go to the children who had been negligent toward her, but her own property and the property inherited from Qenhirkhopshef was hers to divide, and hers alone. That was where the real money was and from this they would get nothing.

This explains the next division listed by the scribe, who makes a crucial mistake, once forgetting to write ‘not’ where he should have:

List of her children of whom she had said: “They will not enter into the division of my one-third, but they will enter into the division of the two-thirds of their father.”

The workman Neferhotep, the female citizen Menatnakhte, the female citizen Henutshenu, and the female citizen Khatanub.

“As far as these four children of mine are concerned, they will <not> enter into the division of all my things. And as for all the things of the scribe Qenhirkhopshef, my (former) husband, and also his places and this storehouse of my father and likewise this *oipe* of emmer corn that I and my husband collected, they will not share in them.”

The mention of the movables (which may also have included slaves) and immovables of Qenhirkhopshef is intriguing. Naunakhte is referring to his real estate here, and Qenhirkhopshef may have been quite wealthy if he had really inherited from his tutor, the scribe Ramose. We know he had a large house in the village (did she still live there?), the most luxurious hut on the col between the village and the Valley of the Kings, and probably lots more (he was in office for decades on end and not averse to bribing and making use of the Deir el-Medina workmen for private enterprises). Somehow one has the impression that Qenhirkhopshef had married Naunakhte as his ‘Staff of Old Age’, in return for which she would become his heir, in exactly the same way in which Qenhirkhopshef may have been the person caring for Ramose and Mutemwia and, after one of them died, for the person left behind. Whether he did adopt Naunakhte the story does not say, but from what we know about ancient Egyptian law the wives would not inherit the property of their husbands,<sup>22</sup> unless the latter made some special arrangement. They were the perfect age for a father-daughter relationship, and what better special arrangement to secure her rights to his property would there be but an adoption?

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<sup>22</sup> P. W. Pestman, ‘The Law of Succession in Ancient Egypt’, in: J. Brugman – M. David – F. R. Kraus – P. W. Pestman – M. H. van der Valk (eds.), *Essays on Oriental Laws of Succession* (1969), p. 73ff.