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Ancient Egyptian Forensic Metaphors and Categories

'Our ordinary conceptual system, in terms of which we both think and act, is fundamentally metaphoric in nature' (Lakoff & Johnson 1980: 3), and legal thought is no exception to the rule. Several authors have noted 'the complex reality of law as the product of a human rationality that, although grounded in human experience, is largely imaginative and metaphoric' (Winter 1989: 1112; Gibbs 1994: 181 and Cacciari 1998: 140). During the last decade, there has been ongoing interest in legal metaphors in modern judicial forums following Cohen (1935), such as the works of Murray (1984), White (1984), Ball (1981, 1985), Peller (1985), Boudin (1986), Tribe (1987), Winter (1988–2001), Ross (1989), Bosmajian (1992), Silverman (1993), Minda (1993), and Hibbitts (1994). It may be assumed that legal reasoning in ancient civilizations was also based on metaphors. Fortunately, Egypt has provided us with legal and literary texts containing legal metaphors, as well as a privileged tool, its iconic script, a magnifying glass that allows us to examine in detail the architecture of the psyche of an ancient people. The hieroglyphic script gives us a window into complex mental processes owing to the use of iconic classifiers appended to most of the written lexemes. These classifiers graphically reveal the semantic categories according to which the Egyptians organized and comprehended their world. How they categorized concepts is thus reflected directly in the hieroglyphic script. Since 'legal thought is, in essence, the process of categorization' (Vandeveldt quoted by Winter 1989: 1157, note 153), we can appreciate the value of the system of classifiers in our approach to ancient legal metaphors and forensic categories.

Some ancient Egyptian metaphors for abstract legal concepts have parallels in our modern legal systems, the best-known being the scales of Justice (Martin-Pardey 1986: 1084; Gardiner 1923: 10, note 4; Herrmann 1954: esp. 108, 110–1; Morenz 1968: 135–6; Seeber 1976: 68–9) and the female divinity personifying Justice (Maat, goddess of Order), anterior to the Roman goddess Justitia (Johnson 1987: 90; Winter 1989: 1212). The metaphor of the scales in the context of the Egyptian "psychostasy" (Seeber 1977: 249–52) stirs potent echoes in our own times: the Egyptian righteous heart must be lighter than Maat's feather, as "GOOD IS UP" and "VIRTUE IS UP" (Lakoff & Johnson 1980: 16–7; compare with modern "high quality", "high standards", "avoir le coeur léger", etc.); during the judicial process, the judge assesses the "weight of evidence", "weighs competing arguments", and in Hebrew "שוקל החלטה"; "*culpa lata*" is more serious than "*culpa levis*" ("BAD IS DOWN"). In fact, the key concept of balance is based on 'a few schemata that pertain to balance in our body, to our grasp of perceptual configurations as balanced or unbalanced, and to the meaning of "balance" in a large number of more abstract domains of our experience (e.g. psychological states, legal relationships, formal systems, and so forth)', the internal structure of which is metaphorically understood (Johnson 1987: 80, and for balance schemata see p. 74–98; Lakoff 1987: 406; Winter 1989: 2232, 2246, 2259, and 2001: 16). In the Egyptian tale of the Eloquent Peasant (B1 191–8), the unfortunate victim of an injustice tells the state representative 'You are the balance, do not swerve. You are the norm. See yourself as (making) one with the balance: if it shall tilt, you shall tilt (...). The plummet, it is your tongue; the weight, it is your heart; its arms, they are your lips.' But the balance metaphor is

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not an isolated case; other metaphors must surely be shared by modern legal systems and those of ancient Egypt, some to be uncovered by the classification system of the hieroglyphic script.

The importance of metaphorical processes in the categorization system of hieroglyphic script has already been highlighted by Goldwasser (1991, 1992, 1995 and 2002). Nevertheless, most of the in-depth studies of Egyptian semantic categorization have been limited to non-abstract categories (with the exception of Shalom-Hen 2000 and Goldwasser 2002 for the divine category, and David 2000, 2003 for “evil” and legal categories). The role of metaphor in every aspect of ancient Egypt civilization (art, religion, literature) has also been abundantly discussed, but its function in the legal sphere has received less attention.

The present paper endeavors to throw light on ancient legal categories and metaphors, whether modern ones derive from them or simply result from the same universal conceptual system. Categorization is a fundamental component of legal reasoning. ‘In law the objects to be classified are the sets of facts that state disputes potentially subject to legal resolution’, while ‘Behind the different categories lie distinctive objectives, principles, policies, or interests’ (Feinman 1989: 664 and 672). Ultimately, the main objectives of legal categorization are effectiveness in the prevention and settlement of legal conflicts, (re)establishment of a certain order, general coherence of the legal system and manipulation on behalf of political and economic interests. Categorization principles such as those unveiled by Rosch, Lakoff, and their schools are now common landmarks in modern analysis of legal material. Metaphor is central to the modern legal categorization process, as it was in ancient Egypt, as we shall try to show by giving modern examples that parallel the Egyptian material. It would be preposterous to affirm that modern legal categorization is based on an ancient Egyptian model; the common features are merely the proof of the universality of the processing mechanisms of human thought, hieroglyphic script being a very early testimony to this fascinating fact.

Categorical classifiers of the hieroglyphic script

Classifiers in the hieroglyphic system represent iconic elements that have no phonetic value but assign lexemes to semantic classes (hieroglyphic script has other pictograms associated with different values and reading strategies). The theoretical framework of a study of script classifiers (the old-fashioned terminology ‘determinatives’ does not reflect their classificatory function) is provided by Rosch (1978), her school (Lakoff 1986; Taylor 1989), and Goldwasser (1991, 1992, 1995, and 2002) with her pioneering studies of the categorization system of Egyptian script.

Classifiers may have a *taxonomic* relationship with the lexeme (hierarchical set-inclusion in a superordinate – basic level – subordinate type of arrangement), a *schematic/metonymic* relationship (of the part/whole; material/object; container/contained type) or a *metaphoric* one (mapping of a conceptual domain in terms of another conceptual domain). In each category, members have various degrees of membership, some representing prototypes (best members/examples and cognitive reference points), usually not unique. Most abstract-domain categories have no clear-cut boundaries and their members may entertain several types of relationships with the classifier that represents them (see, for example, the ‘bad bird’ classifier  in David 2000, representing at some point in its history the complex category of elements whose dimensional inferiority is associated with a perturbation factor). Their complexity also justifies the use of more than one classifier for each lexeme, a reference to several categories. A semantically complex lexeme usually belongs concomitantly to several categories (double or even quadruple classification). Hieroglyphic classifiers reflect a system of knowledge organization, and their icons constitute the ‘politically correct’ (reflecting dominant-class ideology), conventional, ‘prototype elect’ mental images for the category they represent (Goldwasser 2002).

Classifiers and categories of the legal register

In a previous study (David 2003), the diachronically and thematically limited corpus of some fifty Ramesside royal decrees dating from 1300 to 1100 B.C. provided a representative and coherent sample of official legal terminology and forensic categorization system during the Ramesside Period. It was discovered that lexemes used to designate legal operations or facts (a terminology not exclusive to the legal register but consistently used in this environment) are categorized by a limited number of classifiers, principally: $\underline{\text{=}}$ for [ABSTRACT], ∞ for [BINDING], $\underline{\text{=}}$ for [COERCION], Δ for [MOTION], \int for [LEG], \times for [UNION/DIVISION] and ∇ for [INFERIORITY/PERTURBATION]. Each category represents a tentative classification of abstract concepts that is similar to modern legal categorization.

But what is the nature of the complex relation between some of the legal register lexemes and their classifier(s)? Such complexity led to the intuition of a metaphoric relationship. ‘The essence of metaphor is understanding and experiencing one kind of thing in terms of another’ (Lakoff & Johnson 1980: 5), in order to comprehend and conceptualize complex notions using simpler, more straightforward daily experience. For Katz (1998: 21), ‘metaphor might play a central role in translating thought, especially novel thought, into language’ and Cacciari (1998: 120–1) adds that metaphors are ‘creating new conceptual entities that extend preexisting categories, (...) using the expressive properties of objects and events as a perceptual basis’, because ‘People use metaphors for conceptualizing abstract concepts in terms of the apprehendable’. Metaphoric processes surely had a part to play in ancient Egyptian categorization and understanding of abstract concepts; for instance, by visualizing the temple as a complex body needing to be sustained with property and personnel (use of the Δ classifier to categorize the lexeme *hn* “to allocate resources” in the category of [MOUTH LINKED ACTIVITIES]); by representing crime as a movement of the legs (use of the Δ and \int classifiers to catego-

rize the lexeme *thi* “to transgress” in the category of [LEG MOTION]); by conceptualizing abstract rights as “papyrus roll” extensions (use of the $\underline{\text{=}}$ classifier to categorize the lexeme *hwi* “(the right) to retain (workers, goods)” in the category of [ABSTRACT]). Thus one might propose to regard the use of the classifier Δ to categorize the lexeme *hn* as a personification of the temple – “A TEMPLE IS A PERSON”¹; of the Δ and \int classifiers to categorize the lexeme *thi* as an expression of the “CRIME IS MOTION” and “CONTROL IS UP” metaphors; of the $\underline{\text{=}}$ classifier to categorize the lexeme *hwi* as an instance of the metaphor “IDEAS ARE OBJECTS”.

Method

To explore further the nature of some legal categories and concepts of the ancient Egyptian world and verify their dependence on a metaphoric process, I propose to analyse two central classifiers, Δ and \int , used in the legal lexicon of the Ramesside royal decrees, the conceptual categories they represent, and their relationship to the lexemes they classify. In order to identify the categories and establish the uses of the classifiers and the nature of this relationship, I have scanned the monumental Wörterbuch der ägyptischen Sprache (Erman & Grapow 1955) and noted the occurrences of the classifiers during the Old, Middle, and New Kingdoms, not exclusively in the legal lexicon. The results have been interpreted from a diachronic perspective to ascertain changes in the semantic value of the classifiers in these instances and the nature of

¹ See David (2003: 25–6). Compare with modern metaphors that envision industrial plants and commercial entities as persons (“corporations”, “legal persons”) as “SOCIETY/CORPORATION IS A PERSON” (Lakoff & Johnson 1980: 17). The source of metaphoric personifications must be sought in the way we process any complex system on the basis of the ‘system we know best, “from the inside,” (...) the incredibly complex organic unity we call our body’ (Johnson 1987: 87). Concerning the personification of corporations, see Ross (1989: 1081, note 75). For personification in the context of boycott, see Minda (1993: 865, 876–8).

the categories they represent. The relationship between the classifiers and the legal lexemes has been specifically analyzed in the light of the results obtained during the first stage. The value of the classifiers in the particular context of the legal lexicon has been compared to their general value identified earlier with the help of Egyptian textual evidence as well as pictorial and plastic representations. The place of metaphor in the ancient Egyptian legal categorization process has been compared to its importance in modern legal categorization. Finally, and to complete the picture, some results of my previous studies of abstract and legal concepts classifiers (David 2000, 2003 and 2003b) have been used and expanded.

The walking legs Δ and the leg/foot 𓂏 classifiers

Gardiner (*EG*, 457, D54) defines the walking legs Δ as the movement and lack of movement classifier (and notes also its logogram value in the lexeme *iw*). In the case of 𓂏 (D56), he remarks on the sign's phonetic (*pd*, *w^cr*, *sbk*, *ghs*), logogram (*rd* 'foot') and classifier of [LEG/FOOT] category values. He adds that the group $\text{𓂏}\Delta$ classifies 'various verbs expressing movement' such as *thi* "transgress". A priori, the grouping of the two signs must be a tautology, the walking legs already representing a motion of the feet and another classifier (𓂏 , D41) expressing arm movement, so that Δ cannot represent movement other than of the legs. In comparison with 𓂏 and 𓂏 , both Δ and 𓂏 possess a certain graphic dynamic quality owing to the diagonal alignment of both legs and the biceps of the arm. As noted elsewhere (David 2004: 577), diagonals suggest motion. Classifiers such as Δ , 𓂏 , and 𓂏 imply a change in the direction of motion (no distinction has been made in the present paper between the various directions implied by the subcategorical Δ , 𓂏 , and 𓂏); the 𓂏 and 𓂏 variations of the basic Δ were used mostly during the earlier stages of hieroglyphic script history.

As well as providing phonetic information, composite pictograms of the type $\text{𓂏}\Delta$ and $\text{𓂏}\Delta$

combine two significant aspects of an action, [bowl + walking legs] for the verb *ini* "to bring" (see Goldwasser & Laor 1991: 41–42 'compound metaphoric pictograms'; Goldwasser 1995: 21–2 and 1992: 78), and [rope + walking legs] for *iti* "to seize". For the composite *šm* Δ , *sšm* Δ , *iy* 𓂏 and *si/sbi* Δ , the value of the upper part of the signs appears to be exclusively phonetic (although a lost iconic value is never to be totally excluded), the walking legs acting as a classifier (or 'signe-mot', logogram, for Lacau (1954: 19) in the case of Δ , 𓂏 , 𓂏 and 𓂏) and sometimes also as phonogram. Concerning the 𓂏 classifier of lexemes related to mutilation and damage (such as *nkn*), it represents the salient elements of the concept, the knife (instrument) and a prototypical organ, the leg (object).

In fact, a reading of the Wörterbuch der ägyptischen Sprache indicates an evolution in the semantics of the signs Δ and 𓂏 :

a. First and second dynasties

The first occurrences of the Δ sign (see Kahl 1994: 464–5; Germon Riley 1985: I, 107) are apparently of a **logogram** nature (sign representing word), the walking legs representing the lexemes *iw* "to go" and *nmt* "to stride, procession." In addition to their presence in the compound $\text{𓂏}\Delta$ *ini* "to bring", the walking legs Δ may be appended to the sign 𓂏 to express by ligature *iw* *mhw* (Kaplony 1963–64: II, Abb. 144, 160–1, who translates 'es kommt die Abgabe (o. ä.) Unterägyptens'; Kahl 1994: 562, note 1038). Alternatively, Δ may be used as a **classifier** of the lexemes *phrr* and *hip* "to run", as well as *wpi* "to open" or "to send (an expedition)" (see Godron 1990: 50, 82, note 203 for the second translation). At this point, Δ classifies lexemes belonging to the basic-level category of [LEGS MOTION]. Motor action can be envisioned as a hierarchy in which 'Actions like *running*, *walking* (...) are basic-level, whereas *moving* (...) [is] superordinate, while kinds of walking (...), say, *ambling* (...) are subordinate' (Lakoff 1987: 271). Rosch and Lakoff have both stressed the fact that most of our knowledge is organized at the basic level.

As for \mathcal{L} , there is as yet no proof of its occurrence during the Early Dynastic Period (Kahl 1994: 465).

b. Old Kingdom

The walking-legs icon Δ (or its more dynamic version \mathcal{A} for large strides, running, hurrying, passing through, or \mathcal{K} , the complete image of a walking man), in addition to its **logogram** value as *iw* (obviously a prototypical central member of the [LEGS MOTION] category), also acts as a **classifier**, mainly for human-legs motion. But the Δ icon classifies other types of motion: in the Pyramid Texts, a serpent is called *nmi*, classified with both Δ and \mathcal{M} ; *tnm* with Δ “to walk away” is used about the sun R^c , although probably not yet personified at this stage; *hr* “to fall” with \mathcal{C} for a bull, a snake, a flame, or the look of the eyes; *šm3* with Δ “to depart” for hunger; and *nmnm* “to quiver” for the celestial Bows. These are all cases of motion without legs. Furthermore, a movement of the arms, *sin* “to rub”, is also sometimes written with Δ , and a head motion *wdb* “to turn” takes the classifier Δ . The lexeme *ssw* “(whirlwind of) dust” appears with the Δ classifier in PT 308. These are “fuzzy-edge” members of the category (non prototypical, metaphoric extensions) engendered by a personification process that regards any moving object as a body. But the walking legs classifier may alternate with the boat classifier, when the vehicle used for motion seems to justify classification in a different basic-level category (see, for example, PT 1716b, versions M701 and N1322 of *hns* “to travel about”). We are left with the impression that, at a very early stage, Δ probably represented the superordinate category of [MOTION]. Various types of motion may be involved, as indicated by the lexemes *sd3*, *nmi*, *hpi*, *š3s* and *šm* “to go, to travel”; *nmt* “to stride, movement”; *sw3* “to pass”; *hpiw* “to depart”; *i3d*, *ptpt*, *šm3* “to walk”; *rwi* “to dance”. The motion indicated by the lexemes can be quick (*wni*, *bt*, *nt3*, *hp*, *šhs*, *sin*, *ks*, *gst*, *phr* “to run”), slow (*s3i*), hostile (*btk* “rebel, nomad invader”), far-reaching (*i3* “to walk far”), repetitive or rhythmic (*nmnm* “to quiver, to go to and fro”;

wnwn “to sway to and fro”), upward-directed (*i3k*, *hfd* “to climb up”; *stp* “to leap up”; *pšš* “to spread over”; *hip* “to be high”), downward-directed (*h3i* “to descend”; *hr* “to fall”; *šhr* “to be felled”; *š3i*, *šhr* “to bring down”; *šhd* “to be upside down”), penetrating (*pi*, *hns*, *dndn* “to traverse”), circular (*inn* “to encircle”), backwards-directed (*hmi* “to retreat”; *htht*, *ifn* “to turn back”; *šht* “to cause to go back”; *šhm* “to let go or to drive back”; *tnm* “to turn aside”), subsequent (*šms*, “to follow”), or implying an object (*h3b* “to send”; *sbt* “to transport”; *šhp* “to conduct”; *sd3* “to bring”; *inw*, *hwwti*, *smi* “messenger”; *ph* “to reach”; *hh* “to search for”). In all these instances, Δ represents by metonymy² (the organ central to the action) the basic-level category of [LEGS MOTION] (motion other than of the legs is a metaphoric extension of the category) or, through a double metonymic/metaphoric process, the superordinate category of [MOTION] (in which leg motion is prototypical).

It seems that even during this remote period, other metaphoric processes related to the Δ classifier are to be observed. For instance, *šms*, “to follow”, means also “to serve”, with the metaphor “going after is serving” or “what comes after is submitted”, based on a linear-order schema, front-back spatial orientation (see Lakoff & Johnson 1980: 14). Subordination is associated with spatial order, since order means hierarchical authority (note, for example, the Egyptian fascination with diminishing-progression hierarchical lists – from the highest level official to the humblest civil servant – and representations in its iconography of the servant following his master; Fischer 1973; David 2003: 34; more generally, Peller 1985: 1185). The same metaphor is used in French, “la suite du monarque”, “souvants” for serviteurs, and in German “Gefolgsmann”, vassal. Note also the fact that in English, “to follow a rule” is to obey and to serve it, a metaphor based on motion (see

² In fact, it is the organ in action that is displayed (the organ would appear merely as \mathcal{L}), so that instead of a simple metonymy, we get a condensed view of the action consisting of its essential characteristics, i.e. the instrument and its dynamics.

Winter 2001: 207–9). Polysemy is, for Lakoff (1987: 12, 378), the mark of a categorization process often based on metaphorical mechanisms. The abstract “to serve” is a metaphorical projection of a bodily experience.

Another interesting metaphorical extension of the [MOTION] category is exemplified by the polysemic *sd3*, “to travel, to depart”, also to be taken as “to die” (Mereruka, A13 west wall, literally “depart to the beautiful West”). The conceptual metaphor “DEATH IS A JOURNEY” is often represented in Egyptian tombs and in texts accompanying the dead on his final journey. As Winter (1989: 1133) summarizes it, ‘abstract purposes are understood in terms of movement along a path toward a goal, and the finitude of life is conceptualized as a journey to a final end’. See Lakoff (1987: 275) for the source-path-goal schema. Departing is a general term belonging to the [MOTION] category, consistent with the fact that ‘In general, metaphorical concepts are defined not in terms of concrete images (flying, creeping, going down the road, etc.), but in terms of more general categories, like passing’ (Lakoff & Johnson 1980: 45). The Egyptian testimony precisely matches modern discoveries concerning conceptual metaphors.

The leg icon 𓂏 is the **logogram** (or classifier) for *rd* “leg or foot” (see the related lexeme *rdw* “stairs” with triple 𓂏 ; *imy-rd* “enemy, hindrance, obstruction”, lit. “the one who is in the leg” exactly as the French metaphor “être dans les jambes de quelqu’un”). As an icon may have several values, it is also the **phonogram** (and phonetic classifier³) *w^rr* (in *w^rrt* “leg”⁴, “part of heaven”, “administrative district”, “Abydos necropolis district”), and the **classifier** of the basic-level [LEG] category (comprising the lexemes *m3st* “knee”, *mnt* “thigh”, *sbk* “calf of the leg”, all parts of the leg, and *rd* itself, central

member/prototype of the category). Some cases are less obvious: the lexeme *sbk* “splendid”, a homonym of *sbk* “calf of the leg”, also takes the leg classifier, perhaps by a kind of “homophonic contamination” process that assigns the same classifier to homophonic but not synonymic lexemes, even though they belong to different semantic categories⁵; but Gardiner proposes in EG: 457, to assign a phonetic value to 𓂏 in this case. A quality of the heart *snk* (“haughtiness”?) is also classified by 𓂏 in PT 268 (an early case of the “CONTROL IS UP” metaphor? See *infra*). Surprisingly enough, the verb *phr* “to turn, encircle” adopts 𓂏 as its classifier instead of the walking legs in PT 2213; here begins the confusion between the two classifiers, although it can be said that during the Old Kingdom, the categories they represent are otherwise neatly distinguished. The lexemes *nkn* “to injure” and *snkn* “to hinder (work)” (Gunn 1925: 253, without question a conceptual metaphor) occasionally take the 𓂏 classifier instead of 𓂏 (abbreviation?).

c. The Middle Kingdom and later

As for the Δ icon, the facts observed during the Old Kingdom remain the same, but ‘new developments take place simultaneously. From the Middle Kingdom on, lexemes expressing the absence of movement are classified by Δ (*3b*, *sin*), incidences of “missing quality” (see Goldwasser 1995: 92–3 and David 2003: 108). The composite *isi* Δ is often classified by an added Δ , as if Δ were purely phonetic. A few lexemes take the double classification $\Delta\Delta$, as they imply not only movements of legs and/or arms (see *rhn*^{BD6} “to wade”, *wi3*^{NK} and *win*^{NK} “to push away”, *rmni*^{Late} “to carry”), but also objects in motion (*rkw*^{BD} “tilting of balance”, an object prone to personification, as we have seen it for

³ Icon summarizing the phonetic value of a lexeme already established by previous phonograms. See EG § 54 and David (2003: 25).

⁴ Interestingly, the lexeme *w^rrt* “leg” does not take the 𓂏 classifier in the PT although it obviously has this meaning (it appears in PT 1867 in parallel with the word 𓂏 “foreleg”).

⁵ A phenomenon already observed in relation to the \times classifier, see David (2004: 575).

⁶ Note that the superscripts MK, SIP, NK, BD, Late, Gr refer to the first occurrences of the lexeme with the classifier in question. See Bibliography and Abbreviations for their meaning.

the scales of Justice). The walking legs classify arm motion ($\underline{a}^{\text{MK}}$ “to spear fish”, $\text{snf}\underline{h}\text{f}\text{h}^{\text{NK}}$ “to loosen, release”, $\text{h}\underline{3}^{\text{BD}}$ “to throw”, $\text{s}\underline{s}^{\text{MK}}$ “to open”); motion of bird $\text{h}\text{n}\text{i}^{\text{BD}}$, $\text{i}\text{t}\text{t}^{\text{BD}}$; of boat $\text{h}\underline{3}^{\text{rMK}}$, $\text{h}\underline{3}^{\text{gMK}}$; of water $\text{b}\text{s}\text{i}^{\text{NK}}$; of oxen $\text{t}\underline{3}\text{h}\text{b}^{\text{MK}}$; of the heart $\text{p}\text{s}\text{h}^{\text{MK}}$, $\text{b}\text{t}\text{k}^{\text{NK}}$; of poison $\text{p}\text{h}\text{p}\text{h}^{\text{NK}}$; of earth $\text{m}\text{m}\text{m}\text{n}^{\text{MK}}$; of the sun and the moon $\text{h}\text{p}\text{t}\text{i}^{\text{BD}}$; of the wind $\text{h}\text{n}\text{w}^{\text{BD}}$; of the face $\text{t}\text{m}\text{s}^{\text{NK}}$, etc. The category represented by $\underline{\Lambda}$ is emphatically the superordinate [MOTION], and besides physical dynamics, it expands into abstract semantic fields (peripheral members of the category, unpredictable but not arbitrary⁷), such as $\text{i}\text{y}\text{i}^{\text{MK}}$ “mishap” (what *becomes/goes wrong*); c^{NK} “state” (of person); $\text{i}\text{w}\text{d}^{\text{MK}}$ “to separate” (to *come* in between); $\text{b}\text{t}\text{n}\text{w}^{\text{NK}}$ “to oppose” (to *come* against); $\text{w}\text{h}\underline{3}^{\text{MK}}$ “to seek, desire”; wsf and $\text{w}\text{d}\text{f}^{\text{MK}}$ “to be sluggish”; $\text{b}\text{w}\text{i}^{\text{NK}}$ “abomination” (in 19th and 20th dynasties papyri); $\text{b}\text{k}\text{b}\text{k}\text{w}^{\text{MK}}$ “recalcitrance” (not to *go*); $\text{p}\text{r}\text{w}^{\text{NK}}$ “excess” (what *goes* beyond); $\text{p}\text{r}^{\text{rNK}}$ “accessible”; $\text{h}\underline{3}^{\text{wMK}}$ and $\text{s}\text{h}\underline{3}\text{t}^{\text{NK}}$ “discharges” (what *comes* out), etc.

Interesting cases are $\text{p}\text{t}\text{p}\text{t}^{\text{MK}}$, $\text{t}\text{i}\text{i}^{\text{MK}}$ (and $\text{h}\text{nd}^{\text{NK}}$ with $\underline{\text{f}}\underline{\Lambda}$) “to trample” (enemies), based on at least two conceptual metaphors: “ACTION IS MOTION” (Winter 1988: 1412: ‘Warfare is a natural source domain for the *source-path-goal* metaphor. Whatever the purpose of the fight, it involves *advancing* on the enemy’s position and trying to take it’; 2001: 73) and “CONTROL IS UP”, the upright position symbolizing control over our body and the environment (Lakoff & Johnson 1980: 15 ‘the victor in a fight is typically on top’, noting, for instance, the expression ‘He is under my control’). One of the first pictorial representations of the metaphor appears on the Narmer Palette (Cairo CG 14716), where the bull tramples the king’s enemy. It is an image of power and domination based on the symbolic trampling of the defeated opponent, as are numerous representations of an Egyptian king trampling corpses in battle or resting his feet on a low stool adorned with images of captives. The role of the feet in this metaphor is highlighted by the frequent adjunct of the $\underline{\text{f}}$ classifier to the walking legs (see *infra*). This can be illustrated by

two Egyptian expressions: $\text{t}\underline{3} \text{h}\text{r} \text{r}\text{d}\text{w}\text{y}$ “the land is under his (the king’s) feet” and the legal $\underline{\text{m}}\underline{\text{f}}\underline{\text{f}}$ “under the feet”, ‘mettre des biens sous les pieds de quelqu’un’ (Théodoridès 1972), meaning to assign goods to someone’s use or possession. In the Dialogue of a Man with his Ba, 21, the man speaks of $\text{h}\text{nd} \text{h}\text{r} \text{i}\text{s}\text{f}\text{t}$ “to trample on wrong, to crush evil under one’s feet, to dominate it, pin it to the ground”. Here too, bodily experiences supply a basic structure for more abstract concepts. The metaphors “ACTION IS MOTION” and “CONTROL IS UP” are still meaningful in our own times: when Nancy Sinatra sings “These boots are made for walking ... I’m gonna walk all over you”, she means to pin the unfaithful lover down, to crush him. “CONTROL IS UP” is conveyed by “to be on top of a situation”, and, in the legal field, the “High Court of Justice”, the “highest level of jurisdiction”, exerts the ultimate control over inferior courts. In the case of the $\underline{\Lambda}$ classifier, the image of walking is retained and the control feature is superimposed on it. Lakoff & Johnson (1980: 91–2) note that several metaphors may be used jointly to clarify different aspects of a concept. In our case, the $\underline{\Lambda}$ classifier refers to both aspects of the lexeme, walking and controlling, although the adjunct $\underline{\text{f}}$ is occasionally used to reinforce the aspect of control.

As for Egyptian legal metaphors conveyed by the $\underline{\Lambda}$ classifier during the same period, a fascinating case is offered by thi “to lead astray” but also “to transgress a disposition”. Transgression involves the notion of territoriality (Lakoff 1987: 395) and limits (Winter 2001: 14). The English and French “transgression”, from the Latin “transgressus”, German “Übertretung”, and Hebrew “לעבור עבירה” are based on the same motion metaphor. In PT 1024, the lexeme already has this meaning ($\text{t}\text{h}\text{i} \text{w}\text{d}$ “to transgress a command”), but it was written without a classifier. During the Middle Kingdom, thi is classified by both $\underline{\text{f}}\underline{\Lambda}$ in Sinuhe, the Eloquent Peasant and the Dialogue of a Man with his Ba; but it takes the $\underline{\text{m}}$ classifier in BM 614, 9 (11th dynasty), and in this particular case has the meaning “to falsify (an account)”. thi ’s semantic field expands, but it always has a negative connotation: to transgress, to trespass, to violate a corpse, to

⁷ See Lakoff (1987: 104 ff.).

mislead, to falsify, etc. (see also Gardiner 1916: 74, 161). During the New Kingdom, *thi*'s semantics diversifies even more ("to stray (of pains), to attack, to err, to disobey, to damage"), and it is mainly, but not exclusively, classified by 𓂏 . In the Ramesside *Nauri* decree, for example, the lexeme *thi* "to transgress", in an identical context, is associated with 𓂏 , 𓂏 or 𓂏 , which means that its classification in a semantic category is not definitively established. It appears later with the 𓂏 classifier as "to trespass a land" and "to damage". The semantics of *thi* is based on the conceptual metaphor "CRIME IS MOTION" that derives from a natural experience, namely our interaction with our physical environment. Winter (1989: 1144) notes that 'we conceive "law" in part as restraint on and control of motion – as in "law and order." Crime is motion in disregard of legal restraint'. He discerns a path metaphor for legal rules in modern judicial opinions, based on a preconceptual physical experience or source-path-goal schema in early childhood when we move to reach desired objects. This metaphor implies that one 'conceptualizes rights as the proper procedural path that we identify with "the *course* of justice.'" Federal *habeas* may be appropriate when the complaint is not about "mere mistakes of law in the *course* of a trial", but rather about serious deviations from the path – that is, "a *departure* from due process of law" (p. 1218; see also Winter 2001: 206ff. "RULES ARE PATHS"). 'Litigation is a judicial "proceeding"; (...) the parties cite supporting "grounds" for their "motions"; alternatively, parties may decide to "for-go" their procedural rights' (Winter 1989: 2232). We might add the expression "overstepping of rights" as a further example of the same conceptual metaphor. Textual evidence from an ancient Egyptian tale about Justice, dating from the Middle Kingdom, the Eloquent Peasant (B1 34), confirms the existence of a metaphor that regards law as a path, as the unhappy victim of an injustice claims *nfr mtn* "Right is my path" or "May my path be right" (see the expressions "bonne conduite" and "droit chemin" in French). Other lexemes, such as *sni* and *sw3*, have undergone the same process (see *infra*). The [MOTION] category also encompasses the lexemes

sb^{MK} "to trespass", classified with 𓂏 (𓂏), for it is the overstepping of a fence, and *smnmn*^{NK} "to shift boundaries", another criminal behavior.

Another legal metaphor based on the idea of movement (or its absence) is evident in the lexemes 𓂏 ^{NK} "to stand (against someone)" as a plaintiff and 𓂏 ^{NK} "to accuse, establish a crime", literally "to make stand", both classified by 𓂏 (see also *shn*^{NK} with 𓂏 "to bring an action", translated as "prozessieren" in German and "poursuivre en justice" in French, from the Latin "prosequor", to pursue, from the same motion metaphor). Lacau (1949: 35 about 𓂏 'se présenter en justice') adds that 'Le même lien sémantique se retrouve dans notre mot technique «ester» en justice, de «stare, se tenir debout». "CRIME IS MOTION" and the legal process interrupts the criminal dynamic, making it stand still in the court room; the defendant is no longer moving freely (absence of motion), but has to stand in front of his judges ("Accusé, levez-vous!", Hebrew "לעמוד לדין"). The plaintiff is also involved in the legal dance, his "action" is a "motion", and *stare* is demanding (consider "Stand up and fight!" ; one must stand up to be heard). For the standing metaphor in the American adjudicatory process, see Winter (1988: 1383): 'Its origin no doubt comes from the physical practices of the courtroom: A court will only hear a participant if he or she *is* standing. "Standing" is therefore a natural metaphor for when a court will consider a litigant's claim'. He adds that the practice may originate in the ancient custom in the political court: one's "standing" in the court was a matter of "status", depending on 'how close one stood to the king' (note 63; see also p. 1499). In Egyptian texts and depictions, men stand in front of their judges, as the dead defendant does in front of Osiris and men stand before the court to accuse someone (pAdoption r^o, line 6 and BD 30) or to take an oath (pCairo 65739, line 26). The walking legs classifier 𓂏 thus categorizes legal facts/practices in the [MOTION] category using precisely the same metaphoric strategy to conceptualize them as we do.

The 𓂏 classifier is often coupled with other classifiers such as 𓂏 (see *infra*), \times (see David

2003b), 𐤀 (coercion⁸, see David 2003), and 𐤀 (see supra) from the Middle Kingdom on, as complex concepts usually belong to several categories. But some occurrences of the classifier 𐤀 can only be explained by a process of contamination, as we have previously seen; for instance 𐤀𐤇𐤏𐤔 “to lack” (although we may subsume a metaphor unknown to us).

The 𐤀 icon continues to evolve after the Old Kingdom: besides its functions noted earlier, it is used as the **phonograms** *pd*^{SIP}, *ghs*^{NK} (Dévaud 1910: 89–94), and to **classify** not exclusively human legs/parts of leg (*inst*^{MK} for bird leg, and 𐤀𐤇𐤏𐤔^{NK} “hoof”, the last being close to 𐤀𐤇𐤏𐤔^{MK} “to thrash” classified by 𐤀𐤀 in the Eloquent Peasant R73 or 𐤀 in Siut II, 9). During the Middle Kingdom, occurrences of the 𐤀 classifier are still scanty. As for the lexeme 𐤀𐤇𐤏𐤔^{MK} “to thrash” seen supra, the classifier expected was the walking legs for motion and control. In a 13th dynasty royal decree (Leahy 1989: 42), the lexeme *hnd* “to trespass (upon a land)” is classified with 𐤀, the primary meaning of the lexeme being “to tread”, with 𐤀𐤀 or 𐤀 in the *Eloquent Peasant*. The association of or confusion between the two classifiers 𐤀 and 𐤀 is addressed infra. An unclear later case of a lexeme classified with 𐤀 is 𐤀𐤇𐤏𐤔^{NK} “nurse” (could it be because the nursing woman in the breast-feeding position depicted on New Kingdom ostraca is shown with one foot on a low stool? See Vandier d’Abbadie 1957: pl. I, 1). As for the 𐤀 classifier of mutilation, it is now also used to classify the abstract *si3t*^{MK} “to cheat” (cheating must probably be understood as a “mutilation of faith”) and *si3t*^{BD} “to encroach upon lands” in a process of extending the category to more abstract concepts. The same mutilation metaphor is at the basis of modern legal notions of “rescision d’un droit” (from the Latin rescindere “to cut, tear”), “démembrement de la propriété” and “lesion” (from the Latin laedere “to hurt, damage”), that

imply personification of the law. Note that *si3t*^{Late} may also be classified by the simple 𐤀.

The **couplet 𐤀𐤀**: at the intersection of the categories of [MOTION] and [LEG], during the **Middle Kingdom** only a few lexemes are classified by both 𐤀 and 𐤀. As a hypothesis, we may postulate that the couplet tends to classify [LEGS MOTION], as we have already seen that 𐤀 represents the more generic [MOTION] category. In the tale of the Eloquent Peasant, version B1 (12th dynasty), the couplet is associated with only three lexemes: *hnd* “to tread (on a cloth)” (movement of the legs); *tšī* “to be missing” (result of being gone?), and *thi* “to transgress” (abstract motion). In Sinuhe, version B (12th dynasty), only *thi* “to trespass, lead astray” and *bb* “to run, flee” take both classifiers (other lexemes meaning “to flee”, *hwhw* for example, are classified only by 𐤀). In the Dialogue of a Man with his Ba (12th dynasty), both classifiers categorize *thi* “to lead astray”, *hnd* “to trample (wrong)”, and *tfyt* “to leap away(?)”. There is no instance of the double classification in the Shipwrecked Sailor. Why only these lexemes take both 𐤀𐤀 classifiers, we simply do not know (they are not the only lexemes concerned with legs motion!), but what we do know for certain is that very few movements of the legs are classified by both. It marks the beginning of a process in which most legs-motion lexemes come to be classified in the intersectional basic-level [LEGS MOTION] category. In contrast, many lexemes are classified by both classifiers during the **New Kingdom**. In fact, some lexemes are classified by the “wrong” classifier (*hm*^{NK} “go back” and *titi*^{NK} “to trample on foe” with 𐤀, and 𐤀𐤇𐤏𐤔^{Late} “leg articulation” with 𐤀, from 𐤀𐤇𐤏𐤔 “bent”), some take alternately 𐤀, 𐤀 or both (*wth*^{NK} “to flee”). But according to our hypothesis, if the 𐤀 classifier represents the superordinate [MOTION] category, then the coupling of the classifiers is not a tautology, the 𐤀 classifier adds a precision concerning the kind of motion and may reinforce the metaphor(s) implied by 𐤀. Thus the two icons classify lexemes expressing the verbs to go, to walk, to run, to reach, to linger, to flee, to traverse, etc. But confusion reappears when *ifa*^{NK} “to travel (by horse)” is classified by 𐤀𐤀 𐤀

⁸ The arm is still a potent image of power and coercion, as in the forensic expressions “the state’s long-arm jurisdiction over foreign corporations”, “the civilizing hand of law”, “le bras de la justice”, where jurisdiction and law are personified.

(*Urk.* IV 2160, 1), *hnty*^{NK} “to sail upstream” and *p3*^{late} “to fly” by \int_{Δ} or Δ ! The double classification is also used with lexemes more remotely related to motion such as *i(t)r*^{NK} “measure of length” (see Lakoff 1987: 106 about image-schema transformation of the type ‘TRAJECTORY SCHEMA <-> LONG, THIN OBJECT SCHEMA’), *cr*^{NK} “track, trace” (path schema), *mri*^{NK} “stableboy”, etc., and even with the abstract *btw*^{NK} “to disobey”. The link remains a mystery to us, some cases being perhaps explained by a process of homophonic “contamination”.



Of legal interest are the cases of *transgression* lexemes classified by \int_{Δ} and/or Δ . The verb *sni*^{NK} takes \int_{Δ} (the semantics of the lexeme has evolved from “to open” with $\overset{OK}{=}$, $\overset{MK}{\Delta}$ or $\overset{XNK}{\Delta}$ for instance, to “to pass” with $\overset{MK}{\Delta}$, \int_{Δ}^{NK} or $\overset{XNK}{\Delta}$, “to surpass” and “to transgress” with Δ or $\overset{X}{\Delta}$ and \int_{Δ} (see Gardiner 1916: 72 & 160); by contamination, *sni* “to imitate” takes the classifier Δ in the Admonitions 12, 13 R53). Although the lexeme *sw3*^{NK} is classified by $\overset{X}{\Delta}$ but not by \int_{Δ} (“to pass”^{OK} with Δ , “to surpass”^{MK} with $\overset{X}{\Delta}$, “to transgress the law”^{MK} with $\overset{X}{\Delta}$, “to pass away”^{SIP} as in French “trépasser”), *thm*^{NK} takes \int_{Δ} “to penetrate” or “interfere”, another offense appearing in legal texts, both lexemes on occasion reflecting the metaphor “CRIME IS MOTION”.






The results of this analysis show that the cognitive process apprehending the abstract notion of criminal transgression is based on a physical interaction with the environment shared by all human beings. The source-path-goal structure that applies to bodily movement in space forms a schema that is metaphorically elaborated to grasp the abstract concept of crime. The metaphor possesses multiple aspects exploited by the Egyptians: the righteous proceeds on a straight path from which the transgressor strays, crossing the limits between right and wrong territories. The offender tramples the rule. His criminal action is a movement towards a criminal goal that escapes (at least for a short time) the constraints imposed by the law. The prototypical members of the [MOTION] category such as “to walk” and “to go” are present at its core, whereas abstract members such as “to transgress” appear at the periphery. Com-


pare in English the verb “to go” (Jackendoff 1992: 60–3; Katz 1998: 32) that belongs to the spheres of spatial relations and ownership (physical location suggesting possession). The [MOTION] category is extended metaphorically to encompass a complex abstract entity that shares the same preconceptual schemata as the prototypes of the category. The apparent reduction of crime to motion is in fact the attribution of a ‘compact form of expression’ to a very complex idea (Cacciari 1998: 142). ‘Because so many of the concepts that are important to us are either abstract or not clearly delineated in our experience (the emotions, ideas, time, etc.), we need to get a grasp on them by means of other concepts that we understand in clearer terms (spatial orientations, objects, etc.)’ (Lakoff & Johnson 1980: 115). The superordinate [MOTION] category is of the radial type: ‘A radial structure is one where there is a central case and conventionalized variations on it which cannot be predicted by general rules’ (Lakoff 1987: 84). The first lexemes to be categorized by the walking legs classifier are its prototypical members (always, and almost exclusively classified by Δ). The extensions of the category are unpredictable but not arbitrary, and the metaphorical extensions have little in common except for the fact that they are based on the same image schema. The same can be said concerning the basic-level [LEG] category classified by the \int_{Δ} icon.




Other classifiers and ancient Egyptian legal metaphors


‘Embodied experiences may be elaborated to construct meaning in many different fashions; different cultures or subcultures may use the raw materials of experience to conceptualize their world in different ways. More abstract concepts are likely to show the greatest cultural variation because they are indirect, imaginative extensions of the physical and social experiences that ground them’ (Winter 1989: 1134). The concept of *evil* belongs to the category of abstractions that may be viewed quite differently by diverse cultures. The Egyptians at the end of the

Old Kingdom visualized the category of evil as , a little bird, a sparrow (David 2000), a vision coherent with the metaphor “BIGGER IS BETTER” (Lakoff & Johnson 1980: 22), and later used the  classifier to categorize many legal concepts, such as *bt*^{NK} “crime”. In an agriculture-based economy, evil may be conceived as swarming little pests feeding upon crops. But countries with a tradition of Roman law have adopted into their legal categorizing system an image of evil centered on the concept of “mala fides”, a responsibility criterion (malign state of mind of one who is conscious of causing a damage or of benefiting unduly from a situation; see Cornu 2003: 559), making it a matter of faith, belief, conscience, and trust (bad faith, *mauvaise foi*, böser Glaube) akin to the experience of religious faith (for the importance of faith in the legal field, note the expressions “l’acte fait foi”, “foi jurée”, “foi des traités”). This is consistent with the many parallels between the religious and legal domains; see Winter (1988: 1498) ‘Litigation is a religious ritual: judges wear priestly robes; the participants have special, even honorific names; even simple forms of speaking are ritualized’ (...) ‘Law is a religion’; see also Ross (1989: 1068 and n. 35–6) and David (2003) concerning the similarities of legal and religious forms of speech in ancient Egypt; Grey (1984: 12, 17); Ricoeur (1967).

Other Egyptian complex superordinate categories important in the legal field, such as the [ABSTRACT] category represented by the papyrus roll classifier  or the [UNION/DIVISION] category with its crossed-objects classifier  (David 2004) also have metaphoric components. The basic ontological metaphor “IDEAS ARE OBJECTS” (Lakoff & Johnson 1980: 10) probably explains the use of  to represent the superordinate [ABSTRACT] category. The category represented by the  classifier may have evolved from [WRITTEN MATERIAL] (metonymy: “SUBSTRATUM FOR CONTENTS”), further extended so as to encompass abstractions, as suggested by Gardiner (EG Y1), some expressed in writing, such as legal rights, others not (for instance *nfr* “beauty, goodness” takes the  classifier, as it is an abstract notion). For example, the lexeme

*hw*y “(right) to retain (workers, goods)” that appears in legal dispositions protecting the personnel and material possessions of temples in royal decrees is classified by  since the New Kingdom (David 2003: 27–8), as this protection consists of an abstract right confirmed in writing, the product of a sophisticated mental activity embodied in an inscribed document. In Egyptian culture, the papyrus roll represents the prototypical product of complex mental activity in a society dominated by the recording scribe. The metaphorical process complements the metonymy “INSTRUMENT FOR ACTIVITY” or “SUBSTRATUM FOR CONTENTS”. For a similar use in modern legal systems of the metaphor “IDEAS ARE OBJECTS” (reification), see Winter (1988: 1496) concerning the denial of information perceived as injury-in-fact.

As for the  classifier (David 2003b), the various ideas represented by the *crux decussata*  imply a schematization process that enables the visualization of complex abstract situations such as conflict, protection, or division in terms of geometrical relationships. This process recalls the phenomenon of orientational metaphors based on spatial orientation (up-down, in-out, front-back, on-off, deep-shallow, central-peripheral, see Lakoff & Johnson 1980: 14–21), in the same way as spatial organization and physical experience provide a means of conceiving union, division, intersection, and opposition relationships. The objects of the union, division, intersection, and opposition are reified in a symbolic way using the image of two abstract objects or lines, the imagination being solicited to replace them with actual beings or items. But the two crossed lines quickly disappear and a new and unique entity comes into view – a symbolic cross. In the legal field, for example, the lexeme *wpi*^{MK} “to judge” is classified by the cross , on the model of *wpi*^{OK} “to open/divide”. The cross implies separation, conflict, and ultimately, conciliation (the intersection point), precisely corresponding to the judge’s function. Disregarding the classifiers, McDowell (1990: 22) notes that the root of *wpi* “to judge” may be *wpi* “to divide”, owing to a conception of judgment ‘as a separation of two quarrelling opponents or a division of right from wrong.’ As for the legal

opponents, they are contenders: the compound *iry n wp* with the \times classifier “litigants”, “those related to the trial” (see the Ramesside *Nauri* decree, line 112), is a synonym of *iry n ḥ3* “those related to the fight” (*ḥ3* with the \sqsubset classifier representing the superordinate [COERCION] category, as in the Ramesside Kanais decree, line 18). The cross symbolizes *crossing* weapons in the battlefield of the court, as in the image of men “croisant le fer” in the hieroglyph . In this way the cross also implies that “ARGUMENT IS WAR” and “LITIGATION IS COMBAT”, “LITIGATORS ARE ADVERSARIES”, as in modern legal systems in which litigants *fight* in court in an *adversarial* judicial system (Penelope 1986: 385–6; Winter 1988: 1371, 1410–2). The plasticity of the cross allows many metaphors to bring the linguistic message to the surface.

Metaphors are omnipresent in forensic discourse and legal categorization processes, as they permit otherwise totally abstract concepts to be visualized. As Boudin (1986: 419) argues: ‘Judicial progress in the law is usually a matter of coping with new situations by adapting older experience. The challenge courts face day after day is to respond to change without losing touch with the past, forgoing the benefits of its lessons, or creating a sense of continuity. Analogy is one way of connecting “the unknown to the known”; the creation of legal fiction is another way; the use of metaphor is yet another. (...) It would be foolish to imagine that straightforward argument of an explicit analogy is always more suitable than the fairy tale of legal fiction or the poetry of metaphor.’

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Summary

The present paper endeavors to throw light on ancient Egyptian legal categories and metaphors with the help of the hieroglyphic script classifiers, as these classifiers graphically reveal the semantic categories according to which the Egyptians comprehended legal concepts. The research is centred on two common classifiers used in the legal lexicon of Ramesside royal decrees (𓂀 and 𓂁), the conceptual categories they represent, and their relationship to the lexemes they classify. Other classifiers are briefly examined in relation to main legal categories. Categorization is a fundamental component of legal reasoning, and metaphor is central to legal categorization process, both in modern and ancient cultures, as we try to show by giving modern examples that parallel the Egyptian material.