This paper will discuss the link between the legal system of the Old Kingdom and the use of the phrase ‘I judged between two brothers, to their satisfaction,’ found in tomb biographies from this period.\(^1\) In discussing the link to the legal system, consideration will first be given to the biographies of the Old Kingdom and then a discussion of their legitimation of the legal system will follow, in light of the use of the aforementioned phrase. The Old Kingdom includes the period from approximately 2700 until 2170 BC, and continued the process of unification and solidification of the Egyptian State, started during the Early Dynastic Period. The period comprised Dynasties Three to Eight inclusive,\(^2\) and it saw the origins and organisation of perhaps the first nation-state. As part of the organisation of this nation, the Egyptian monarchy ordered the State into a bureaucratic government, with the monarch at the head.\(^3\) The government was divided into five departments, one which was a legal system.\(^4\) This legal system was comprised of a multitude of officials that acted as judges, overseers, scribes, and clerks. The legal system functioned in a hierarchical manner from the village level with the \(d3\)t councils, a body of magistrates within the community, to the Great Mansions, or \(hw\ t\ wr\ t\), who were appointed officials that resided over more serious legal matters. From here there was the appellate court of the Hall of Horus, the king’s court; appeal could also be made to the vizier who acted with the jurisdiction of the king in legal matters.

These officials have left us detailed accounts of aspects of their lives in the form of biographies carved in tombs. The biographies were a product of the late Fourth or early Fifth Dynasty, that arose in the desert cemeteries near the capital at Memphis. Here were private tombs surrounding the royal pyramids that were constructed as a result of an official’s connection to the monarch. It is in such cemeteries that the biographies of the Old Kingdom developed. Miriam Lichtheim notes that ‘from rudimentary beginnings in the Fourth Dynasty there evolved during the Fifth and Sixth Dynasties a distinct genre of self-presentation in which the tomb owner, by narration and declaration, recorded the essential aspects of his life and person which he wished to perpetuate.’\(^5\) The biography was specifically a non-royal product that arose out of the context of the private tomb. Its owner, a ‘private’ person, was an official in the king’s administration, and one who had obtained sufficient means to erect a tomb in which to record, in effigy and in writing, his individual person.\(^6\)

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\(^1\) This paper was presented at the 32nd meeting of the Australasian Society for Classical Studies at the University of Auckland, 2011. I would like to thank Dr Jennifer Hellum for her guidance with this paper and Associate Professor Anne Mackay for her encouragement to present at the conference.


\(^3\) Wenke (2009) 7. Wenke notes that all early states operated through a bureaucratic hierarchy, though it should be noted that not all were necessarily like the model employed by the Egyptians. On state formation see Koehler (2010).


tomb of Metjen, from the transition of the Third to Fourth Dynasty, was one of the first examples of these biographies, and can be seen as an ‘event-based’ biography based on its content, though it is possible that this is a unique case. These were inscriptions which describe experiences relating to the individual owner. They stand in contrast to the other type of biographies from the Old Kingdom, the ‘ideal’ biographies, which were dominated by standard phrases describing essential actions and abstract qualities befitting an ‘ideal’ personality.

A brief note on the use of the term ‘biography’ should be given here before we continue the discussion of the purpose of this paper. Lichtheim noted over twenty years ago that from ‘among the literary genres that evolved in ancient Egypt, the genre “(auto)biographical inscription” held pride of place.’ Indeed from the Old Kingdom the ‘autobiography’ flourished uninterrupted for more than two millennia, and only came to an end when Egypt became a Christian country. It must be noted here that the term autobiography and biography have been used interchangeably by scholars in regards to these tomb inscriptions. This is because, while many of the texts use the first person, they are not autobiographies in our sense of the term, unless we believe that the tomb owner really did compose them. Nigel Strudwick suggests that the tomb owner would have discussed the content of the texts with a scribe, who in turn assembled the type of basic text he wanted, following the current preferences of the time. Therefore, because we cannot be certain of whether the tomb owners really did compose the texts, these will be referred to as biographies for our purposes here.

The biographical inscription, while dating from the Fourth Dynasty, changed into the Fifth Dynasty, where the deceased tells us more about himself, rather than just detailing events in a strict narrative fashion. After this point, these inscriptions can be divided into two broad categories. The first are those which form the ‘ideal’ biography, composed of a number of largely standard phrases which indicate what the ideal person should have done, and the second being those which apparently describe experiences which relate to that individual only, the ‘event’ biography. Jan Assmann sees these two types of biographies as clearly dealing with two different worlds, ‘wisdom’ relating to ideal biographies and ‘historical discourse’ relating to the event biographies. He also observes that the latter texts remain the preserve of private inscriptions, as opposed to royal inscriptions. Here it is argued that the phrase, ‘I judged between two brothers, to their satisfaction,’ can be seen as an idealised and an event-based expression in a biography, because some of those who did use the phrase in their inscriptions were in fact judges within the legal system and may therefore have used the phrase as relating to part of their individual experiences, and not simply in an idealised manner. This is what makes the use of this phrase interesting in the Old Kingdom biographies. After the late Fifth Dynasty, the most extensive biographical texts come principally from sites outside the Memphite necropolis, from the tombs of the rulers or most senior officials in those places, such as Abydos or Aswan. While many of these texts contain mostly ‘ideal’ inscriptions, a number reveal fascinating glimpses into the activities of these officials, as event biographies, while

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11 Strudwick (2005) 44.
others tell us a little about the official’s relationship to the king. Perhaps the best examples of these are the well-known inscriptions of Weni from Abydos and Harkhuf from Aswan.

It should be noted carefully here that ‘there is no reason to think that the intriguing events in the event-based, more personal biographies did not happen, but they are not placed in tombs for any historical or documentary reason …’ It is quite possible, as Strudwick notes, that the phrase described here can be seen in the same manner of use as the standard phrase ‘I gave bread to the hungry, water to the thirsty and clothing to the naked.’ Kloth notes that when interpreting these phrases we must be careful to address the specific statements in their context, linking them to both the tomb owner and what is inscribed. Many of the tombs from the Old Kingdom have unique expressions reflecting the tomb owner’s confirmation of Maatkare. This showed that tomb owners were able to reflect individual ideas or notions of Maatkare. For some of these phrases it is ‘difficult to decide whether to treat them as an ideal biography or one of more specific content.’ The phrase regarded in this work only occurs during the Sixth Dynasty and so far has been found in fourteen tomb inscriptions. Of these fourteen tomb inscriptions only five are involved in the legal system, ascertained from the tomb owner’s titles. This would indicate that the phrase was used in a general sense by some, in their confirmation with Maatkare, though we cannot exclude the possibility that the five tomb owners who did use the phrase did so to reflect their connection to the legal system of the Old Kingdom, as well as their confirmation of Maatkare.

Strudwick notes that classic phrases characterise these ideal inscriptions or biographies, like ‘I gave bread to the hungry, water to the thirsty and clothing to the naked.’ There are a range of such phrases encountered in these texts, but all of them are concerned with demonstrating the fact that the tomb owner did what was required of him and also showing his righteous nature in accordance with Maatkare. In Egyptian terms, they illustrate that his deeds conformed to the concept of Maatkare, which must, in the most general sense, indicate the existence of a basic set of moral expectations in Egypt, and that there existed certain expectations of behaviour towards one’s fellow man. The notion of Maatkare is not an easy concept to gauge, and for our purposes here this concept should be considered as a source of guidance that was higher than a human agent. Maatkare existed from a time before humans and was considered the embodiment of justice, order, natural balance, and law, or in essence the ‘totality of all social norms.’ Through Maatkare, primary rules of obligation came into existence in

14 Strudwick (2005) 43.  
15 Strudwick (2005) 45.  
17 Strudwick (2005) 45.  
18 The phrase can be found inscribed on the false door of Geref from Saqqara, the false door of Hetepu from Saqqara, inscriptions from Hezi at Saqqara*, the façade of the Mastaba of Kaigemni at Saqqara*, the text in the tomb of Neferseshemptah from Saqqara, the text from the tomb of Neferseshemhe at Saqqara*, an inscription of Izi from Edfu*, a Stela of Hekef from Mo’alla, an inscription of Idu II from Dendera, the text of Bawy from Hawawish, the inscription of Mery II from Hagarsa, the tomb of Ibi from Deir el-Gebrawi, the inscription of Pepyankkheryib from Meir* and the Architrave of Meshi at Saqqara. The asterisk (*) indicating a tomb owner is linked to the legal system of the Old Kingdom from the tomb owner’s title. This list is not exhaustive; it is possible that more tomb inscriptions from the Old Kingdom may indicate a link to the legal system.  
19 Strudwick (2005) 45.  
early Egyptian society in a basic form and developed into a more complex set of laws overtime. It may be that because of this concept, phrases expressing moral ideals such as the one considered here became important to note and use in tomb inscriptions since it linked the tomb owner to Maat through the completion of tasks that upheld the notion of Maat. In regards to the phrase considered here, the tomb owner was upholding, at the very least, a basic form of justice by providing mediation between two ‘brothers’ or people in dispute. It is easy to envision the tomb owner as a member of society, held in esteem within the community and able therefore to provide a service for those in the community who needed some form of arbitration or dispute resolution. This is in fact the process of the legitimation of Maat, through the morals of the tomb owner. This can be seen from the fact that the tomb owner expresses his acceptance of an ideal and the necessity to comply with it. It can easily be argued that the tomb owner may not have always lived up to these ideals, but did hold such ideals in regard, as is evident from their numerous usages in the inscriptions.

However, the context of the texts must be remembered when discussing or analysing them. The texts all come from burials, whose purpose was to fit into the function of the tomb in relation to the afterlife of the deceased. Whether or not the tomb owner carried out the deeds of the ideal biography was irrelevant, for what really mattered was that he pronounced that he did the deeds.22 It was hoped that in the eyes of the gods, he was performing Maat through this pronunciation, and thus giving them enough reason for him to continue his life beyond death.

Legitimation was an important aspect of what these texts tried to achieve. The purpose of this legitimation was varied, and in regards to the phrase here, legitimation was sought through the use of judging, a service connected to Maat and associated with the king. According to Janet Richards, the biographies of the Fifth and Sixth Dynasties had a purpose beyond presenting the life of the tomb owner. These biographies also reveal royal agency in the activities of the tomb owner as an official of the king. The biographies portray the official going about his business both domestically and in foreign lands. It is suggested that this portrayal broadcast that the king was attentive in his cosmic roles, pacifying the gods, upholding Maat, and ensuring prosperity in the land, and upholding justice, through the officials that carried out these tasks in the name of the king. Richards statesting ‘in this way the private biographies not only commemorated and legitimised the owners before the king and gods but also on another level they materialised kingship ideology and inscribed the strength of that authority throughout the land.’23

An important function of this legitimation is to commemorate, present, and promote the identity and personality of the owner in the eyes of the gods, and it has also been argued that textual material such as biographies help to represent aspects of the tomb owner which cannot be depicted in a pictorial manner.24 Such legitimation is important because it makes the link between the tomb owner and the king, as well as the gods. The link that the tomb owner wants to make with the divine is aimed to help ensure his continuation in the afterlife, which can be assisted through the correct upholding of principles such as Maat. If an Egyptian lives a life according to the principle of Maat, then such a person would be a righteous man, or so texts such as these biographies would have us believe. The evidence from the texts reveal that there was a cosmic dimension to what was written, which gave a feeling that man lived in an ordered universe controlled by divine powers. This order, as noted by Lichtheim,
was Maat, however, as yet little was said about it in the biographies, beyond stating that ‘doing Maat’ pleased the god.\textsuperscript{25} It is possible to go further than what Lichtheim proposes, as Maat can be read into the lines that the tomb owners have left us, more so than when they actually state what they did was in accordance with Maat. The phrase, ‘I judged between two brothers, to their satisfaction,’ is one example of this. This phrase does not specifically mention Maat, but through the notion that Maat was upheld by the king as one of his divine prerogatives, then it is clear that this phrase shows the divine order in Egyptian lives, carried out by the Egyptians.

Because of the link between judgment, a prerogative that had been the king’s at the beginning of the organised state, and the legal system, in which officials now passed judgment in the name of the king, this phrase shows that Maat was being followed by those who passed judgment, whether idealised or real, because in order to make a judgment, a judge would be acting on behalf of the king to keep order in Egyptian society, and thus pleasing Maat and maintaining the divine order. Thus, we can agree with Maulana Karenga that both cosmic and social order are established through Maat, and that this concept sets both a cosmic and social principle that sets standards for both gods and humans alike, though humans must adhere to and maintain these standards in order to ensure their continuation after death, which is why ‘Maatian’ ethics, like judging between two people in dispute can be found in the biographical inscriptions of the Old Kingdom.\textsuperscript{26} This begs the question then: are such phrases as the one looked at here completely idealised?

A possible answer to this question can be found if we examine the phrase, ‘I judge between two brothers, to their satisfaction.’ The phrase translates from the sentence, wp.n.(j) snnw r htp.sn(j). This general sentence has been found in at least fourteen instances from the Memphite cemetery and other burial sites throughout Egypt. David Silverman notes that in an inscription that uses this sentence, along with other declarations of virtue, the ‘self-presentation’ of the life of the deceased occurs, both in actual details (in the sense of real biographical happenings) and idealised events (in the sense of a generalised concept of decorum).\textsuperscript{27} While Silverman was stating this in specific regard to the tomb of Hezi from Saqqara, he goes on to state that Hezi ‘clearly possessed a high opinion of his performance’ in his duties.\textsuperscript{28} This approach of scribes or officials to their tomb biographies was not uncommon as the phrase in focus in this study can be found with many other idealised sentences that present the deceased tomb owner in a positive manner to the gods.

The phrase at the centre of this paper arises during the Sixth Dynasty where the tomb biographies begin to present the tomb owner involved in personal intervention in problems within the community and the helping of the disadvantaged from his own means.\textsuperscript{29} The translation of this sentence presents little difficulty, apart from the use of the word ‘snw’ or ‘brothers.’ This word has been the focus of previous studies, which help to shed light on its usage here. Edel states that Kurt Sethe made an original translation of the sentence in focus here by using ‘the two brothers’ in his translation.\textsuperscript{30} However, Edel himself objects to the use of the word ‘brothers’ as he saw it as too informal and notes that the use of the word ‘brothers’ actually refers to

\textsuperscript{25} Lichtheim (1988) 7.
\textsuperscript{26} Karenga (2004) 32.
\textsuperscript{27} Silverman (2000) 2-3.
\textsuperscript{28} Silverman (2000) 7.
\textsuperscript{29} Strudwick (2005) 43.
\textsuperscript{30} Edel (1944) 43.
the case of litigation between two brothers or people. 31 Edel goes on to note that the use of two determinatives to denote the brothers does not indicate two brothers, but simply emphasises the two men jointly united by law, a description of the language of the courts for plaintiffs and defendants. 32 A more recent study by Jean Revez went further than Edel in discussing the use of the word ‘sn’ or ‘brother’ in the Egyptian language. 33 Revez looked at the use of ‘sn’ in both cordial relationships, as well as quarrelsome relationships. This highlighted some interesting findings. In a positive manner, Revez found that the word sn or its plural snw can often mean ‘colleague’34, as shown in the Berlin Papyrus 8869 dated to the Sixth dynasty. 35 In this papyrus, the scribe greets his fellow worker with the expression sn.k jm ‘your brother (= colleague) here.’36 Papyrus 8869 is an interesting letter; for our purposes here, the translation of the text allows us to see that the writer of the letter refers to himself throughout as sn.k jm, showing that he is on terms of equality with his correspondent. 37 Thus sn, ‘brother,’ may metaphorically convey a wide range of meanings, including ‘friend,’ ‘lover,’ ‘colleague’ and so on. In such cases, sn refers to an alter ego, a person who is on equal footing with someone else, because both share the same values or hold similar power. The relationship which binds one sn to another is therefore one of a complementary nature. 38 This can be seen when one regards the phrase wp.n.(j) snw r htp.sn, where the use of the word snw refers to the two parties in litigation or dispute with each other. Both parties hold the same position before the judge, and can therefore be seen as on an equal footing. 39 However, the word can also be considered in an inverse fashion.

Revez also discusses the use of sn in a negative or inverse manner, to the reciprocal manner implied by the use of the word ‘brothers.’ This comes from a specific context where the word snw can be translated to mean ‘rival.’ The instances where snw expresses polar duality occur when two contenders of equal strength bring proceedings against each other, especially when the verb ‘to judge’ is included. Examples abound during the Old Kingdom, where sn is used in conjunction with the verb wpi40 or wd, 41 meaning ‘to judge’, or literally, ‘to separate.’ 42 Because of the frequency of the use of this word in inscriptions from the Old Kingdom biographies, it is extremely doubtful that the cases that involved a quarrel would strictly concern actual brothers. In fact, the verb wpi ‘to judge’ is also used with the terms s(y) sn.wy ‘two men’ or rh.wy ‘two disputants’, which seems to indicate that these two expressions are easily interchangeable with sn.wy or ‘two brothers’ rather than just

31 Edel (1944) 43.
32 Edel (1944) 43-44. Kloth notes that Edel favours a positive reading of the use of sn and that he likes the notion of a uniting reading for this word, see Kloth (2002) 80-81.
33 This study can also be complemented with the work by Kloth (2002) 80-81. Furthermore, the Sixth Dynasty date for this letter has been challenged by Edel and followed most recently by Strudwick as actually dating to Dynasty Eight: see Strudwick (2005) 178.
34 Faulkner (1962) 230.
37 Smither (1942) 18. It should be noted that in a recent translation, and after the work of Revez, Strudwick has not used the word ‘brother’ in his translation of this text, having omitted it altogether. See Strudwick (2005) 178.
39 Such a translation is suggested in Erman (1971) IV, 148, Belegstellen VII-VIII.
40 Faulkner (1962) 59; See also Erman (1971) I, 298, Belegstellen XVII, though none are specific to the Old Kingdom.
41 Faulkner (1962) 75; see also Erman (1971) I, 404-406.
It is interesting, as Jean Revez points out, that *rh.wy*, ‘the two disputants’, is here graphically determined by the figures of two men facing each other with a stick. This indicates that there is a violent nature in the relationship of the two disputants. This leads to the conclusion that *sn.wy*, ‘brothers’, was simply equated with two rival men who stand as equals before the court.

Interestingly, not only are people designated as ‘brothers’ or rivals when somebody is involved in a lawsuit with someone else, but so are gods. The verb *wp* is used to describe the great rivalry between Horus and Seth, who both claim the heritage of Osiris before the Ennead, in the Pyramid Texts, which were compiled at the end of the Old Kingdom. It should be noted that the use of the word *sn* or ‘brother’ does not necessarily occur in the same direct fashion as in other texts, though it is suggested that this is implied through the use of *wp* and its context in the Pyramid Texts. The connection between judgment in the Pyramid Texts and the notion of rivals can be seen from the numerous occurrences in this corpus. James Allen’s recent study of the texts provides such examples from Unis, Pepi and Merenre where at least six different spells make mention of the judgment between the gods Horus and Seth as rivals, much like a legal dispute. Pyramid Text 477 according to Faulkner, or Pepi 327 according to Allen, is the best example of this and gives some clues to the nature of judgment in religious texts.

Pyramid Text 477 according to Faulkner, or Pepi 327 according to Allen, is the best example of this and gives some clues to the nature of judgment in religious texts. This spell mentions Osiris being raised from the dead, after Seth has been accused of throwing him to the earth. Seth is threatened by the gods in the ‘Mansion of the Prince’ because of this. The referral of this mansion (*hwt*), or administrative district/court, as it has been translated may refer to a tribunal of the gods, much like a divine court. This tribunal may be similar to the *ḥḏḥt*, or perhaps have stronger jurisdiction like the *hwt wrt*. We can see that before the court, Horus and Seth are ‘brothers’ or *sn* through the act of judging, denoted by *wp*. This is similar in the same sense that they are two disputants that have an equal position before the court, though they are both combatants seeking a decision over their dispute. This means that there may be a judicial nature to aspects of the behaviour described in the Pyramid Texts, if even only briefly. While it is worth noting that this evidence is religious in nature, it is not impossible to think that the tribunal in the Pyramid Texts could have stemmed from a physical example, or perhaps vice-versa, that the physical courts materialized from religious tradition and thus the need to include references to judgment in the biographical inscriptions and tombs of the Old Kingdom had religious and pragmatic purposes and may not be as idealised as what scholars think.

To conclude, what this discussion seeks to show is that through the choice that the tomb owners and scribes made during the compilation of the inscriptions for the tomb, the use of the word ‘brothers’ in the sentence, ‘I judge between two brothers, to their satisfaction,’ was purposely included so as to make a link to ‘Maatian’ ethics. This is done by using a term that can convey two people in dispute that the tomb owner helps by passing a judgment over settling this dispute and thus helping fellow man. The two

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47 Allen (2005,) 44 (Unis 165); 129-30 (Pepi 327); 158 (Pepi 462); 198 (Pepi 567); 231-32 (Merenre 375); 235 (Merenre 398).
49 Faulkner (1962) 165; See also Erman (1971) III, 3-4, Belegstellen VII-X.
disputants or snw can be seen as equals in the sense that the tomb owner is not discriminating between them and they have an equal legal position before him, though the word snw also allows for the disputants to be distinguished as two people who are not in accord with each other and are thus violating Māt and therefore social order. It is this violation that the tomb owner corrects, and thus has, in the eyes of the gods, helped to maintain Māt, a royal role that was delegated by the king to his officials. When such assertions as the phrase discussed here have become formulaic and were repeated with variations in tomb after tomb, the modern reader is likely to doubt their veracity. However, the modern reader must remember that inherent in these inscriptions are moral and social values that have been recognised and formulated, and were respected not only by the officials who inscribed them in their tombs but by society at large, as evident in the legal system of the time. Lichtheim sums this up nicely: ‘these values were not remote ideals preached by saints, only to be disregarded in the real world. They were practical, every-day values, arrived at by people who, living together, had understood the mutuality and interdependence of human relations that were controlled by social order through Māt.’

The connection to the legal system is through the concept of Māt, the crucial ideal that modified behaviour, much like laws do in modern societies today. However, the phrase in question here, while seemingly idealised, and surely used in such a manner by some tomb owners, was also frequently used by tomb owners who had a connection to the legal system through their roles as judges and officials within the Old Kingdom legal system. It is also acknowledge that the term could be formulaic since some tomb owners used it in their tomb inscriptions, and had no connection to the legal system, though used this phrase as a means to make their connection to Māt obvious. Thus it is perhaps fair to state that the phrase, ‘I judge between two brothers, to their satisfaction,’ from Old Kingdom tomb biographies was linked to the legal system of the period via the ‘Maatian’ morals it represented, through those officials who used it in their biographies, and the connection that those officials that had titles showing involvement in the legal system, had with the king who was the root of law, justice, and who was also responsible for upholding Māt in his realm.

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