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A COMPARISON OF ARABIC AND EARLIER
EGYPTIAN CONTRACT FORMULARIES, PART III:
THE IDIOM OF SATISFACTION*

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I. INTRODUCTION

THIS section deals with two issues which have not previously been investigated: (1) parallel usage of the idiom of satisfaction to express agreement in Arabic and Byzantine Greek formulary and (2) linkage of that Arabic formulary to both pre-Islamic South Arabic and cuneiform legal traditions.

Satisfaction occurs in documentary Arabic and Greek contract formularies in two contexts: satisfaction with the price and satisfaction with the sale.

II. SATISFACTION

SATISFACTION WITH THE PRICE IN GREEK

A bilingual Coptic-Greek model contract expresses the seller's satisfaction with the price using the Greek πληρόω, "to satisfy."

I have received and been satisfied (πληροῦν) by you with the complete amount . . . for the price¹ (*CPR*, vol. 4, nos. 34, 24, Hermopolis/Ushmūn, seventh century A.D.).

One would expect that a formula appearing in a model contract was normative, and in fact this formula is regularly attested in Coptic documents.² There are also documentary Greek attestations of this formula:

* Pt. 1 of this series of articles appeared in *JNES* 40 (1981): 203-25, 355-56; pt. 2 in *JNES* 44 (1985): 99-114. For abbreviations used, see pt. 1 as cited above, pp. 224-25, and pt. 2, p. 99. Additional abbreviations are as follows.
CAF = G. Frantz-Murphy, "A Comparison of the Arabic and Earlier Egyptian Contract Formularies, Part I: The Arabic Contracts from Egypt 3d/9th-5th/11th Centuries," *JNES* 40 (1981): 203-25, no. 1.
CTJ = M. Malinine, *Choix de textes juridiques en hiératique "anormal" et en démotique (xxv^e-xxvii^e dynasties)*, pt. 1 (Paris, 1953).
MEF = Y. Rāḡīb, *Marchands d'étoffes du Fayyūm au iii^e/ix^e siècle*, Supplément aux Annales islamologiques (Cairo, 1982).

RTDB = P. W. Pestman, *Recueil de textes démotiques et bilingues*, vol. 2, *Traductions* (Leiden, 1977).

Ṭahāwī = al-Ṭahāwī, *Kitāb al-shurūṭ al-kabīr* [The function of documents in Islamic law], ed. J. Wakin (Albany, 1972).

ZAP = O. Loth, "Zwei arabische Papyrus," *ZDMG* 34 (1880): 685-91 and pls. 1 and 2, no. 1.

Arabic and Greek orthography has been standardized in the citations.

¹ Translated in the edition "Ich habe erhalten und bin von euch befriedigt (plēroun) worden mit der vollen Summe (teleia) . . . für den Preis."

² In eighth-century contracts for the sale of residential property at Jeme/Madinat Habu, *KRU*, 7, 15, 32; *CLT* 7 and 8. Satisfaction occurs regularly in Coptic documents upon acceptance of the price, in payment of taxes, debts, and rent, in documents from seventh- and eighth-century Ushmūn/Hermopolis: *BKU* 419; *CPR*, vol. 4, nos. 12, 48, 76, 130, 131, 134, 150, 152, 165, and 189. A similar attestation

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I acknowledge that I have been satisfied by you for the . . . complete price. ὁμολογῶ πεπληρῶσθαι παρά σου . . . τελείας τιμῆς (P. Flor. 314, 7, Hermopolis/Ushmūn, A.D. 428).

And I have been satisfied by you at the price . . . full gold solidi. καὶ ἐπληρώθην παρά σου . . . τὴν τούτου τιμὴν χρυσίον νομισμάτα . . . πλήρης (SB 4175, 15, Fayyūm A.D. 512).

In the Roman period, satisfaction with the price is stated at the opening of Greek translations of Demotic Egyptian contracts. The Demotic formula, "my heart is satisfied," documented in Egypt as early as 707 B.C. (P. Louvre E3228e), was translated into Greek by πείθω, "to persuade."³

You have persuaded me by the price of my property. . . . πέπεικάς με τῆι τιμῆι τοῦ ὑπάρχοντο(ς) μου . . . (BGU 1002, 3, Hermopolis/Ushmūn 55 B.C.).

In the Byzantine period, satisfaction with the price continued to be stated using πείθεσθαι, "to be persuaded." (The editor has translated πείθω, "to be satisfied," in the following example.)⁴

As I have received the price . . . with which price I am satisfied. ἄπερ τοῦτο τῆς τιμῆς ἀπέιληφα . . . ἐφ' ἣ τιμῆ καὶ πεπεισμένος (P. Mich. 662, 32-37, Aphroditō/Kūm Ishqāw, seventh century A.D., post-conquest).

The Demotic "my heart is satisfied" was also translated by the Greek εὐδοκέω, "to be pleased." The following is from a Greek translation of a Demotic contract.

You pleased me by the price of the (property).⁵ ἠυδόκησας μὲ τῆς τιμῆς τοῦ . . . (146 B.C.).

In one document from the late Roman period "being pleased" with the price is coupled with "being persuaded."

By which (the price) I am pleased and persuaded. ἐφ' οἷς εὐδοκῶ καὶ πέπεισμαι (SB 10784, 11, provenience unknown, fourth century A.D.)

SATISFACTION WITH THE PRICE IN ARABIC

The seller's satisfaction with the price is attested in a tenth/sixteenth century documentary contract using the root *r-d-y*,⁶ "to be pleased, satisfied, content, to agree, approve."

occurs in a document from Bala'izah, Ikhmīm province, Bal. 127 at Anṣinā/Antinopolis; *CPR*, vol. 4, nos. 37 and 147; and in documents of unknown provenience, *CPR*, vol. 4, nos. 8, 10, 41, 52, 85, 183, 139, 141, 142, 143, 149, 151, 153, and 154. In other contexts, the debtor will satisfy his creditor, *CPR*, vol. 4, no. 6, eighth-century Ushmūn/Hermopolis. The parties agree to the price, and the seller guarantees that he will satisfy the buyer; see *CPR*, vol. 4, no. 28, eighth-century Nubia.

³ Griffith, *P. Ryl. Dem.*, p. 118. For the heart as

the seat of the will in the conception of the Egyptians, see Pestman, *Marriage and Matrimonial Property in Ancient Egypt*, *Papyrologica Lugdano-Batavia* 9 (Leiden, 1961), p. 96, n. 8, for citations.

⁴ In the edition, πείθω is translated by "to be satisfied."

⁵ The Grey papyrus, cited by Griffith, *P. Ryl. Dem.*, p. 118. See also, Pestman, *Marriage*, p. 96, n. 8.

⁶ For a discussion of *riḍa* and its constitutive significance as "consent" in Arabic legal terminology,

... their satisfaction with the price. رضاهم بشئنه
(Or. In. Inv. no. 13789, article 2, 28, 922/1516; see p. 108, below).

The normative documentary Arabic formula, however, states not the seller's satisfaction with the price, but the seller's release of the buyer, a release of "fulfilling" the whole price using the root *w-f-y*, "to be complete, to fulfill, to satisfy."

He released her of the whole price for his taking that from her, a release of taking and fulfilling.⁷
وأبرأها من جميعه لقيضه ذلك منها أبرأ قبض واستيفا
(Or. In. I, 11, Buljusūq, Fayyūm 335/946).

The two roots, *w-f-y* and *r-d-y*, overlap semantically. Both have connotations of "to fulfill" and "to satisfy," in the sense of meeting an obligation.⁸ The root *r-d-y* is used in documents with reference to people and *w-f-y* with reference to things: when an obligation has been met, a person is satisfied (*r-d-y*), and the obligation has been fulfilled (*w-f-y*).

SATISFACTION WITH THE SALE IN GREEK

The Demotic volitional statement "you have satisfied my heart" (at the opening and/or conclusion of a sale) is also translated by πείθω. A Greek translation of a Demotic contract from the Ptolemaic period concludes:

And I am persuaded.⁹ και πέπεισμα
(SB 5231, 10, Fayyūm A.D. 11).

A Greek document from the Byzantine period opens:

We have been persuaded to sell. πεπρακέναι . . . πεπεισμένοι
(P. Par. 21, 19-20, Thinópolis/Abshāya A.D. 616).

This document concludes with the same formula. Byzantine Greek contracts from sixth- and seventh-century Syēnē/Aswan also open with the formula "having been persuaded." Byzantine Greek contracts from sixth- and seventh-century Aphroditō/Kūm Ishqāw conclude with the same formula.¹⁰

Coupled with εὐδοκέω, "to be pleased," πείθεσθαι, "to be persuaded," is attested at the conclusion of contracts dating from the third century A.D.

I have sold at the price, and I am pleased and persuaded by everything as stated above.
ἐξωδίασα την προκ(ειμένην) τιμήν και εὐδοκῶ και πείθομαι πᾶσι τοῖς πρ[οκ] (ειμένοις)
(P. Lond. 1164f, 37, Antinópolis/Anšinā A.D. 212).

see John Makdisi, "An Objective Approach to Contractual Mistake in Islamic Law," *Boston University International Law Journal* 3 (1985): 334-37.

⁷ Translated, "... receipted her for the whole, as having received that (sum) from her, with a receipt for payment received in full," in the Or. In. edition.

⁸ Lane, s.v. Al-Azharī, *w-f-y*, vol. 15, pp. 584-87; *r-d-y*, vol. 12, p. 64. For Qur'ānic attestations, see G. Flügel, *Concordance of the Koran* (Karachi, 1979) (reprint of 1898 edition), s.v., in which *w-f-y* is associated with fulfilling obligations, especially covenants.

⁹ Translated, "I consented," by Johnson, *Roman Egypt*, pp. 265-66.

¹⁰ Documents from Aphroditō/Kūm Ishqāw which conclude with the formula: P. Mich. 662, 51; 663, 25; 665, 77; from Syēnē/Aswan opening with the formula: P. Monac. 9, 13; 11, 9; 12, 6; P. Lond. 1724, 11; 1733, 11 but not P. Lond. 1722, P. Monac. 13 or 16. Documents from Thinópolis/Abshāya opening and closing with the formula: P. Par. 21b, 11; 21c, 11.

A Greek document dating from the fifth century A.D. also concludes with a statement of satisfaction using both εὐδοκέω and πείθω.

... we are hereby pleased, and we are persuaded.¹¹ ἐντεῦθεν εὐδοκοῦμεν καὶ πειθόμεθα (SB 7996, 20, Antinopolis/Anṣinā A.D. 430).

SATISFACTION WITH THE SALE IN ARABIC

Paralleling Byzantine Greek documents, the seller's satisfaction with the sale is attested as part of the volitional statement at the conclusion of four documentary sale contracts written in Arabic (*APEL*, no. 60, Buljusūq 406/1015-16; and *APEL*, no. 62, Buljusūq 429/1037-38, in addition to the two cited below). The first formulation is infrequent.

... that it is by his satisfaction with this sale¹² **وأنه على رضاه بهذا البيع**
(Or. In. I, 18, Buljusūq, 335/946).

His mind is pleased with that. **طيبة بذلك نفسه**
(BAU 11, 17, Fayyūm 276/889).

As an indication of the longevity and currency of the idiom, *ṭayyiba nafs* ("his spirit is pleased"), Maqrīzī (d. 845/1442) uses the idiom.¹³ Coupled with heart rather than mind (*nafs*), it is attested expressing agreement to a documentary contract as late as the tenth/sixteenth century in an Arabic contract granted by the Egyptian government to the Venetian consul at Alexandria.

And nothing will be bought from them unless by being pleased in their hearts and rejoicing in their chests and their satisfaction with the price. **ولا تشتري منهم شيئا الا بطيب قلبهم واستراحة صدورهم ورضاهم بشئ**
(Or. In. Inv. no. 13789, article 2, 27-28, 922/1516).

In the same document, "without their satisfaction (*riḍān*)" occurs in article 29 and "none of their merchandise will be taken from them without their satisfaction (*riḍān*)," twice in article 30.

While the root *r-ḍ-y* has been translated literally "to satisfy," it can also be translated "to be content" and "to agree." The seller's satisfaction with the sale using the idiom *ṭayyiba nafs* can also be translated "to be content, to grant, concede, give willingly of one's own good pleasure, to do of one's own free will" (Lane, s.v.).

Rather than an expression of the seller's satisfaction with the sale using either the idiom *ṭayyiba nafs* or literal satisfaction, *raḍīya*, normative documentary Arabic formulary concludes with a statement of the seller's affirmation (*iqrār*) of the sale.

¹¹ In edited Greek documents from the Roman period, εὐδοκέω is translated "to consent." The term πείθω is not well attested in this context in documents from the Roman period. But in those edited documents from the Byzantine period in which it does occur in this context, πείθω is also translated "to consent"; see, for example, *P. Mich.* 662, 51.

¹² Translated in the edition, "that he is satisfied with this sale."

¹³ *Kh.*, ed. Wiet, p. 6, line 12 "*Fa'inda dhalika ṭābat nufūsum* . . .," translated: "Alors l'hostilité des grands s'apaisa." The context is the reaction of military estate holders to the proposed redistribution of military grants of land.

Testimony was given to the affirmation of the seller of all that which is in this writing, after it was read to him and explained to him and he acknowledged his understanding of it and knowledge of what is in it from its beginning to its end.

(*BAU* 11, 15-16, Fayyūm 276/889).

وشهد على اقرار . . . بجميع ما في هذا الكتاب بعد ان قرى عليه فعرفه وأقر
بفهمه وبمعرفة ما فيه من أوله الى آخره

The root used in the normative formulation *q-r-r* denotes "to settle; become firm, steady, fixed, or established," and the clause constituted a formal statement of the seller's agreement.

The documentary formulation of the seller's satisfaction with the sale using the idiom *ṭayyiba nafs* cited above is attested as part of the Arabic volitional statement in contracts from the Fayyūm dating from the third/ninth to the fifth/eleventh centuries. One of those contracts (*APEL*, no. 60) does not contain the normative seller's statement of affirmation using *q-r-r*. In light of the equation of *ṭayyiba nafs* and *raḍiyya*, the idiomatic statement of satisfaction constituted a statement of agreement, and perhaps the synonymous idiomatic formulation in *APEL*, no. 60, *ṭayyiba nafs*, stood in lieu of the missing *iqrār* clause.

MUTUAL SATISFACTION WITH THE PRICE IN GREEK

In Greek documents dating from the Byzantine period, both the buyer and the seller are pleased with the price.

The price which has pleased us both. τὴν ἀρεισθεῖσαν ἡμῖν ἀμφοτέραις τιμὴν
(*SB* 8987, 21-22 Oxyrynchus/Bahnasā A.D. 644-45).

Mutual satisfaction, first attested in the document cited below, became the normative formula in Byzantine Greek contracts.

. . . the price which was agreed upon with one another and which was mutually pleasing. τιμῆς
τῆς πρὸς ἀλλήλους συμφωνημένης καὶ συναρεσάσης
(*SPP*, vol. 2, p. 7, 11-12, Antinopolis/Aṣṣinā A.D. 454).

The Demotic "my heart is satisfied by the price" (see n. 3, above) apparently evolved in the Ptolemaic period to "You have pleased me with the price" (see p. 106, above) and finally in the late Roman period became "the price which is mutually pleasing."

MUTUAL SATISFACTION OF THE BUYER AND SELLER WITH THE SALE IN ARABIC

Arabic documentary formularies express the mutual satisfaction of both the buyer and the seller with the sale in seven documents, while the formulary expressing the satisfaction of the seller alone occurs in only four.¹⁴

¹⁴ Mutual satisfaction is stated in *APEL*, nos. 54
(the reading of line 9 in the edition, . . . اعترافا
بالتراضى بالامر ان يحسن بتراضى

افتراقا . . . بالابدان عن تراضى. The revised
reading is borne out by the plate and is parallel to
APEL, no. 67, 15-16 (a closely related document),

... after the completion of the sale and its requisites to their complete mutual satisfaction with what they bought and sold by it ...¹⁵ بعد تمام البيع ووجوبه عن تراض منهما جميعا
(APEL, no. 61, 11, Buljusūq, Fayyūm 423/1032).
بما تبايعا به

A variant formulation in which satisfaction is expressed verbally rather than nominally is attested in one document:

They are satisfied with that. بذلك تراضوا
(BAU 10/2, 11, Aqlūl, Fayyūm 405/1015).

In a very early contract of lease, the mutual satisfaction of the contracting parties is also stated verbally:

And they are both satisfied.¹⁶ ورضيا جميعا
(P. Leip. 1, 8 [=ZAP], Fayyūm City 169/785).

The fourth/tenth century Egyptian jurist al-Ṭahāwī in fact recommends use of the formula, "in their mutual satisfaction (*an tarāḍin*)."¹⁷

The Arabic formula expressing the mutual satisfaction of the buyer and seller was also used in Baghdadi contract formulary at the beginning of the third/ninth century A.D.¹⁸ The formula expressing mutual satisfaction is attested in a fourth/tenth century contract from Syria (P. Ist. 1, 16), as well as in the Qurʾān:

Let there be trade by your mutual satisfaction. أن تكون تجارة عن تراض منكم
(Sūra 4.29).

The Arabic formula for the mutual satisfaction of the contracting parties had had an existence independent of Egypt and prior to the Arab conquest.

III. SUMMARY OF SATISFACTION IN GREEK

Satisfaction with the Price. The seller's satisfaction with the price was regularly expressed in Demotic contract formulary using the idiom, "you have satisfied my heart with the price."¹⁹ Greek translation rendered the Demotic idiom using πείθω, "to persuade," and/or εὐδοκέω, "to be pleased." In Greek documents of the Roman period, satisfaction with the price is stated using "to persuade" (πείθω), "to please" (εὐδοκέω), "to satisfy" (πληρόω), and sometimes a combination of several of these terms.

Mutual Satisfaction with the Price. Greek documents of the late Roman period describe the price as "pleasing" (ἀρέσκω) the buyer and seller; and in Greek documents

56, 61, 67; BAU 10/2; P. Leip. (=ZAP); Or. In. I in which document ([*an*] *tarāḍin* is reconstructed and read [*f-r-q*] *tarāḍin* in the edition without comment, cited in CAF, pt. 4, [forthcoming] and Or. In. II. Satisfaction of the seller is stated in BAU 11; APEL, nos. 60, 62; and in Or. In. I (which has two statements of satisfaction: mutual and the seller's with the sale).

¹⁵ In the APEL edition, translated: "After the completion and ratification (*wujūb*) of the sale to the

mutual satisfaction of both of them in respect to that which they both have sold and bought."

¹⁶ Translated in the edition "... und sie haben sich zusammen für einverstanden erklärt."

¹⁷ Ṭahāwī, p. 20, 2.103.

¹⁸ Yahyā ibn Akthām, p. 20, l.104, cited by Ṭahāwī. Ibn Akthām was appointed Qāḍī al-Quḍāt by al-Ma'mūn (r. 813-33); see Tyan, *Histoire de l'organisation*, vol. 1, p. 177.

¹⁹ Muffs, pp. 146 ff.

from the Byzantine period, the formula is regularly "the price which was mutually pleasing," (συναρεσάσης) to the buyer and the seller.

Satisfaction with the Sale. Demotic formulary of the Ptolemaic period stated the seller's satisfaction with the sale at the beginning of a document "you have satisfied my heart." Satisfaction with the sale in Greek contract formulary of both the Roman and Byzantine period was expressed (at the opening and/or closing) by πείθω, εὐδοκέω, πληρόω, the same three terms used to express the seller's satisfaction with the price.

SUMMARY OF SATISFACTION IN ARABIC

Satisfaction with the Sale. The seller's satisfaction with the sale, using either the root *t-y-b* (to be pleased) coupled with "mind," or *r-d-y* (to be satisfied), is attested in four documents from villages in the Fayyūm dating from the second/eighth to the fifth/eleventh centuries. In narrative sources as early as the Qurʾān and in Arabic documents as late as the tenth/sixteenth century, satisfaction with a transaction is expressed using *t-y-b* and/or *r-d-y*, coupled with "spirit."

Satisfaction with the Price. The seller's satisfaction with the price using the root *r-d-y* (to be satisfied), coupled with "heart," is attested in a tenth/sixteenth century Arabic document. Normative quittance formula, however, used the root *w-f-y* ("to fulfill").

Mutual Satisfaction with the Sale. The mutual satisfaction of the buyer and seller with the sale (using the root *r-d-y* *ʿan*) is attested in seven sales contracts widely separated in time and space, even more widely when we include attestations in other documentary transactions and parallel usage in narrative sources. The formula expressing mutual satisfaction of the buyer and seller was also recommended by the Egyptian jurist al-Ṭahāwī, and it had Qurʾānic credentials. Notably, those contracts in which the mutual satisfaction of the buyer and the seller is attested also contain other, specifically Islamic formulations.²⁰

IV. THE IDIOM OF SATISFACTION IN A LARGER NEAR EASTERN CONTEXT

As noted above, agreement was expressed in Demotic Egyptian documents using the idiom "you have satisfied my heart." A similar Arabic idiom for agreement also had an existence outside Egypt; for example, it states in the Qurʾān:

... if they are pleased in spirit . . . فان طبن لكم . . . نفسا . . .
(Sūra 4.4).

Agreement expressed by the root *t-y-b*, coupled with "mind" (*nafs*), also appears in documents dating from second/eighth- to fifth/eleventh-century Egypt, and in a tenth/sixteenth-century narrative source.

In addition, the Arabic root *r-d-y*, "to satisfy," coupled with the word "heart," is attested in a South Arabic inscription dating from the first century B.C. (in which the editor has translated the root as "to please").

²⁰ See CAF, pt. 5 (forthcoming).

... which would please (*yhrdyn*) their hearts.²¹

The Arabic root *r-ḍ-y* with the word heart to express the idiom of satisfaction also appears in a tenth/sixteenth century Arabic document.

Agreement expressed by the idiom of satisfaction using the Semitic root *l-y-b*, with "heart" has been traced to millennia-old, cuneiform legal traditions.²²

It would seem, therefore, that the idiom was neither restricted to Egypt, nor limited in time to the span of the Greek and Arabic documents but represented a Near Eastern idiom, both ancient and widespread.

²¹ A. Jamme, *Sabaeen Inscriptions from Mahram Bilqis (Mārib)* (Baltimore, 1962), no. 753.3. In the

edition, *r-ḍ-y* is translated "to please."
²² Muffs, pp. 116-28.