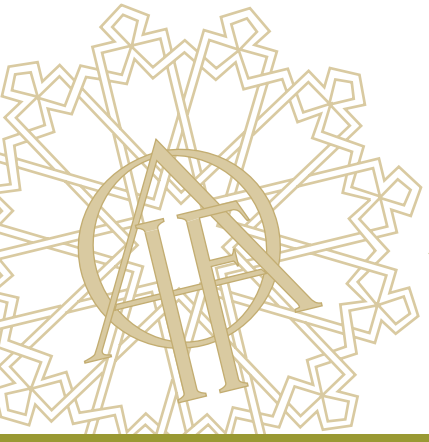
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AnIsl 50 (2017), p. 291-300

Khaled Younes

Indecent Clothing and Violence in the Street. A Third/Ninth-Century Arabic Papyrus

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KHALED YOUNES*

Indecent Clothing and Violence in the Street

A Third/Ninth-Century Arabic Papyrus

◆ ABSTRACT

This article studies an Arabic papyrus (P.Cam.Michaelides B1342) from third/ninth-century Egypt. The document records an unusual reference to a socially unacceptable deed resulting in a violent street fight between two men. The document is one of the few testimonies to commanding the right and forbidding the wrong (*al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar*) in everyday life.

Keywords: Arabic, forbidding the wrong, indecent clothing, papyrus, street violence, testimony, third/ninth-century Egypt

◆ RÉSUMÉ

Cet article étudie un papyrus arabe (P.Cam.Michaelides B1342) d'Égypte du IIIe/IXe siècle. Le document rapporte une référence inhabituelle à un acte socialement inacceptable, qui a provoqué une violente bagarre dans la rue entre deux hommes. C'est un des rares témoignages de l'injonction du bien et de la prohibition du mal (*al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar*) dans la vie quotidienne.

Mots-clés : arabe, prohibition du mal, habillement indécent, papyrus, violence de rue, témoignage, Égypte du IIIe/IXe siècle

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AnIsl 50 (2017), p. 291-300 Khaled Younes
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THE PAPYRUS[1] document studied in this paper contains a rare record of a violent street fight between two people. The document tells the story briefly, leaving ample room for interpretation. According to the document, the story goes as follows: a certain al-Ḥasan b. ʿAbd Allāh, the textile maker/merchant (*al-ḥayyāš*), passed by a neighbour of his, known as Ḥamdān, who was walking with private parts uncovered (*makšūf al-ʿawra*) down the street. At that moment a woman was crossing the street too and she saw him in this indecent condition. Al-Ḥasan b. ʿAbd Allāh expressed to the neighbour his disapproval of this behaviour. Ḥamdān responded violently. He leapt over al-Ḥasan, insulted him overtly and beat him viciously. This mishap took place on Saturday, the 8th of the month of Šawwāl. We know from the document that there was at least one eyewitness. Aḥmad b. ʿImrān, who was for some reason unable to write his testimony himself, testified that he witnessed all this.

In spite of the poor condition of the papyrus, the text reveals interesting information concerning two significant Islamic concerns: 1. the Islamic concern regarding the exposure of the private parts in public (*kašf al-ʿawra*), and 2. the moral duty of forbidding the wrong (*al-nahy ʿan/inkār al-munkar*), in our case with tongue (*bi-l-lisān*) rather than with hand (*bi-l-yad*) or heart (*bi-l-qalb*).[2]

According to Islamic law, all Muslims, males and females, are obliged to conceal their private parts from the sight of strangers (*satr al-ʿawra*).[3] The degree of preserving the *ʿawra* differs in

1. The papyrological abbreviations used in this paper follow "The Checklist of Arabic Documents", available online at http://www.naher-osten.lmu.de/isapchecklist (accessed March 6, 2017). I would like to thank Jelle Bruning for reading and commenting on an earlier draft of this article. I am also indebted to the two anonymous reviewers for their valuable comments and suggestions. Needless to say, any remaining faults and shortcomings are, of course, entirely my own.

2. For the prophetic tradition *man raʾā minkum munkaran fa-l-yuġayyirahu bi-yadihi fa-in lam yastaṭiʿ fa-bi-lisānihi fa-in lam yastaṭiʿ fa-bi-qalbihi wa-ḏālika aḍʿaf al-īmān*, "Whoever sees a wrong and is able to put it right with his hand let him do so; if he can't, then with his tongue; if he can't, then with his heart and that is the bare minimum of faith" and various versions of it in the canonical *ḥadīṯ* works, see Cook, 2004, pp. 32–33 and the references cited in notes 2 and 6. The conjunction of commanding right and forbidding wrong is found in a number of verses in the Quran, e.g. *wa-l-takun minkum ummatun yadʿūna ilā al-ḫayri wa-yaʾmurūna bi-l-maʿrūfi wa-yanhawna ʿan al-munkari*, "Let there be one community of you, calling to good, and commanding right and forbidding wrong" (Quran, III, 104); *kuntum ḫayra ummatin uḫriğat li-l-nāsi taʾmurūna bi-l-maʿrūfi wa-tanhawna ʿan al-munkari*, "You were the best community ever brought forth to men, commanding right and forbidding wrong" (Quran, III, 110); *wa-l-muʾminūna wa-l-muʾminātu baʿḍuhum awliyāʾu baʿḍin yaʾmurūna bi-l-maʿrūfi wa-yanhawna ʿan al-munkari*, "And the believers, the men and the women, are friends one of the other; they command right, and forbid wrong" (Quran, IX, 71); *allaḏīna in makkannāhum fī al-arḍi* […] *amarū bi-l-maʿrūfi wa-nahaw ʿan al-munkari*, "Those who, if We establish them in the land…, command right and forbid wrong" (Quran, XXII, 41); *yā bunayya aqim al-ṣalāta waʾmur bi-l-maʿrūfi waʾnha ʿan al-munkari wa-ṣbir ʿalā mā aṣābaka*, "O my son, perform the prayer, and command right and forbid wrong, and bear patiently whatever may befall thee" (Quran, XXXI, 17). All quranic quotations and translations are based on those of Cook, 2004, pp. 13–17, 597–598.

3. The term *ʿawra* has various meanings, depending on the context in which it occurs. The word *ʿawra* occurs in the Quran in three different contexts. In Quran, XXIV, 31, the term implies the physical modesty of women (*ʿawrāt al-nisāʾ*). In Quran, XXIV, 58, the word refers to three times of privacy (*ṯalāṯ ʿawrāt*) in which one must ask permission before entering: 1. before the dawn prayer, 2. when you put aside your clothing at noon, and 3. after the night prayer (*ṣalāt al-ʿišāʾ*). In Quran, XXXIII, 13, the term occurs not in

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accordance with gender and social status in terms of slavery and freedom. While the *ʿawra* of free males covers only the part between the navel and the knees, free women are required to conceal the whole body except face and hands.[4] The exposure of one's *ʿawra* is carried over in Islamic penal law. Even in public discretionary punishments, e.g. *tašhīr* (ignominious public exposure), private parts of the condemned should remain always veiled.[5]

Our papyrus does not tell precisely what parts of the body or degrees of exposure (the knee, the thigh, or the genitals) are potentially implied by the expression *makšūf al-ʿawra* (l. 4) and whether complete nudity or merely indecent exposure is intended. Whatever the case may be, al-Ḥasan b. ʿAbd Allāh took an action against it (*ankara ʿalayhi ḏālika*) and he was insulted and beaten up in return. The action (*inkār*) taken by al-Ḥasan should be understood in this context as a self-conscious act of religious admonition in the spirit of *al-nahy ʿan/inkār al-munkar* (forbidding the wrong) rather than merely a spontaneous personal insult.[6]

Let us now discuss the form and legal function of the document. The document was apparently written upon the request of al-Ḥasan b. ʿAbd Allāh to serve as a valid legal proof,[7] although it lacks important legal information and formulae. In the first place, a full identification of the wrongdoer is not given; only the first name is provided. Secondly, there is no reference to the place of residence of the two fighting people, nor the location of the accident is specified. Thirdly, the document is dated only by the day and month without mentioning the respective year which is very unusual in legal documents in particular and in papyri in general with the exception of private and business letters.[8] What is more, the document was written on the back of a used piece of papyrus that was cut from a larger sheet. This all strongly suggests that our papyrus is a preliminary draft or a copy of the original document. In addition to being a copy or a draft, it is well possible that our document is a separate document of testimony; a document that was primarily written to record the names of the witnesses and what they had witnessed to. It has been suggested that autograph witness testimonies and signatures are only attested on Arabic papyri from the end of the second-the beginning of

the context of physical modesty, but rather to designate the vulnerability of the houses during the war (*inna buyūtanā ʿawratun wa-mā hiya bi-ʿawratin*, "Indeed our houses are exposed, while they were not exposed"). In legal contexts, *ʿawra* has two different meanings: 1. it signifies the private parts of the body that must be concealed from others, 2. it designates things that people wish to keep out of public reach. See Alshech, 2004, p. 309 and note 56; Lange, 2008, p. 234. In the canonical *ḥādīṯ* collections, entire chapters are devoted to the inviolability (*ḥurma*) of the human body specifying the degrees of exposure of the *ʿawra*. See Lange, 2008, p. 162 and the references cited in note 160. For more general discussion about the inviolability of the human body in Islamic law, see Johansen, 1996, pp. 75–76.

4. Johansen, 1996, pp. 75, 80; Lange, 2008, pp. 162, 232–233.

5. Lange, 2008, pp. 232–236.

6. The topic is widely discussed by Michael Cook in his massive book, 2004.

7. For more extensive discussion about the validity of the written legal documents in Islamic law, see Schacht, 1964, pp. 82, 192–195 and part. 193; Wakin, 1972, pp. 66–67. See also Sijpesteijn, "Making the Private Public", pp. 84–85; *P.Genizah*, p. 29.

8. See Younes, 2013b, p. 18.

AnIsl 50 (2017), p. 291-300 Khaled Younes
Indecent Clothing and Violence in the Street. A Third/Ninth-Century Arabic Papyrus
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the third/eighth-ninth centuries onwards; before that, witnesses only gave oral testimony.[9] Written testimonies were at first recorded in separate documents of testimony, after that they were written at the bottom of the legal deeds themselves.[10]

A separate document of testimony has the following structure after the *basmala*:[11]

1. opening formula confirming the presence of the witnesses named in the document (*šahida al-šuhūd al-musammawna fī hāḍā al-kitāb anna*, "the witnesses named in this document testified that");
2. report in objective style (third-person) and in past tense summarizing the legal transaction between the parties;
3. date;
4. list of witnesses.

Our document starts with the *šahāda* formula and follows precisely the aforementioned structure, suggesting that it truly falls into this category.

Edition

P.Cam.Michaelides B1342[12] 30 cm × 18 cm 3rd/9th century
Provenance: unknown
Dark-brown badly damaged papyrus. The papyrus was cut from a larger sheet. The bottom is missing; only 12 lines survived. The papyrus fibres are frayed on the top and at the right hand side, but only a few letters have been lost at the beginning of each line. There is a large tear at the top left corner making difficulties in reading the last two words in line 3. Other smaller worm holes and lacunae are spread all over the papyrus causing few damages to the text. The text is written in black ink with a fine thin pen in a practiced hand parallel to the fibres. The verso contains traces of seven lines from an official letter written in black ink at the right angle to the fibres. Diacritical dots occur frequently but randomly. There are many ink spots that could be mistaken for diacritics. Of the characteristics of the script, *sīn* is sometimes written with an oblique stoke above it (l. 7 *al-Ḥasan*; l. 12 *Sahl*) or as a straight line with three dots written over the line to represent the teeth (l. 8 *wa-asmaʿahu*).[13] *Šīn* is occasionally written with three

9. Khan, "An Arabic Legal Document", pp. 365–366 and note 25; Khan, "An Early Arabic Legal Papyrus", p. 234 and note 15; Sijpesteijn, "Making the Private Public", p. 48. See also *P.Genizah*, pp. 241–255.
10. See Khan, "An Early Arabic Legal Papyrus", pp. 227–237 and part. 234 with note 15. See also the commentary to line 2.
11. For examples of separate documents of testimony on papyri; cf. Rāġib, "Trois Documents datés du Louvre", no. 1, dated 251/865–866, provenance al-Fayyūm; *P.Marchands* I 1, dated 250/864, provenance al-Fayyūm. See also *CPR* XXVI 3, dated 316/928, provenance not mentioned; 4, dated 341/952, provenance Ušmūn; 5, 5th/11th century, provenance not mentioned; 10, dated 451/1059, provenance al-Fayyūm.
12. I would like to thank the syndics of Cambridge University Library for providing me with the digital image of this papyrus and for the permission to publish the text.
13. See below the commentary to line 8.

AnIsl 50 (2017), p. 291-300 Khaled Younes
Indecent Clothing and Violence in the Street. A Third/Ninth-Century Arabic Papyrus
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dots above it. The dots are normally aligned horizontally (l. 10 *Šawwāl*).[14] *Ḍād* is oval in shape with no tooth (l. 8 *bi-ḍurūb*). Medial *kāf* is written as a short vertical stroke with no rightward shaft at the top (l. 2, 11 *al-kitāb*; l. 4 *makšūf*; l. 6 *fa-ankara*).

A short description of the papyrus, the script and the content is given in the catalogue of the Arabic papyri in the Michaelides collection, Cambridge University Library.[15]

Text

[١] [بـ]ـسم الله الرحمن الرحيم
[٢] شهد الشهود المسمون في هذا الكتاب ان الحسن
[٣] بن عبد الله الخياش اجتاز بـجار ما يعرف[ـه]
[٤] يعبـ[ـر] وهو {مشك} مكشوف العورة على
[٥] [الطـ]ـريق وقد مرت به امراة وهو على هذه
[٦] الحا[ل] فانكر عليه الحسن بن عبد الله ذلك
[٧] {عليه} فوثب حمدا[ن] هذا على الحسن
[٨] واسمعه المكروه و... بضروب
[٩] من ... وذلك يوم السبت لسبع ليال
[١٠] خلون من شـــــــــــــــــــوال
[١١] شهد احمد بن عمران بجميع ما في هذا الكتاب
[١٢] [وكتب فلان بـ]ـن سهل شهادته بامره ومحضره

traces

Diacritical dots

٢. المسمون ‖٣. اجتاز ‖٤. بـعبر ‖٥. مرت ‖٦.عليه ‖٨. بصروب ‖٩. يوم؛ السبـت؛ ليال ‖١٠. شوال ‖١١. بـحميع

Translation

1. In the name of God, the Compassionate, the Merciful.
2. The witnesses named in this document testified that al-Ḥasan
3. b. ʿAbd Allāh, the textile maker/trader, passed by a neighbour known to him,

14. See *P.World*, p. 84.
15. Khan, 2000, B + BQ, p. 49, available online at http://www.lib.cam.ac.uk/deptserv/neareastern/michaelides.html

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4. whereas he was crossing, with private parts exposed, down
5. the street. And a woman passed by while he was in this
6. condition. Al-Ḥasan b. ʿAbd Allāh rebuked him
7. for this. Then, this Ḥamdān leapt over al-Ḥasan
8. and insulted him and… of beating
9. from… And this took place on Saturday when seven nights
10. passed from Šawwāl.
11. Aḥmad b. ʿImrān testified to all what is in this document
12. [*so and so* b.] Sahl wrote his testimony at his command and in his presence.

traces

Commentary

L. 1 The *bāʾ* of *bi-sm* is missing. *Bi-sm* is highlighted by *linea dilantans/mašq* and by being oblique. *Al-Raḥmān al-Raḥīm* is written cursively and ligatured.[16]

L. 2 Lower traces of the *šīn*, *hāʾ* and *dāl* of *šahida* are still visible below the tear at the beginning of the line. For other legal documents starting with the opening formula *šahida al-šuhūd al-musammawna fī hāḏā al-kitāb*, see for example *P.Marchands* I 1.2, dated 250/864, provenance al-Fayyūm; *P.Cair.Arab.* I 50.2, 3rd/9th century, provenance prob. al-Ušmūnayn; 52.2, dated 274/888, provenance prob. al-Ušmūnayn; *CPR* XXVI 4.2, dated 341/952, provenance Ušmūn. Variants of this formula are also attested in the papyri; cf. *hāḏā mā šahida ʿalayhi al-šuhūd al-musammawna fī hāḏā al-kitāb* (*CPR* XXVI 3.2, dated 316/928, provenance not mentioned); *šahida al-šuhūd al-musammawna fī āḫir hāḏā al-kitāb* (*CPR* XXVI 10.3, dated 451/1059, provenance al-Fayyūm). See also *P.Genizah* 48.2, dated 427/1036; 49.2, dated 654/1256; 50.2, dated 660/1262; 51.1–2, 7th/13th century. *Fī* has a short backward bending *yāʾ* and a leftward shaft at the top. It is written in exactly the same way in line 11.

L. 3 The profession *al-ḫayyāš* (the textile maker/trader) is well attested in the papyri, see *Qāsim al-ḫayyāš* (*P.Marchands* I 5.14, 3rd/9th century, provenance al-Fayyūm); *Ǧabr al-ḫayyāš* (*P.Marchands* I 6.10, 3rd/9th century, provenance al-Fayyūm).[17] The word could also be read as *al-ǧabbās* (the plasterer), see *P.Marchands* I, p. 20. A short stroke is attached to the *šīn* of *al-ḫayyāš* from the bottom. The lower curvature of the *ǧīm* of *ǧār* is missing in the lacuna, but the reading is the only fitting one.

16. For different means to highlight the *basmala*, see Grob, *Documentary Arabic Private and Business Letters on Papyrus*, pp. 191–192; 2013, p. 124.
17. For more information about this profession in the papyri, see also Muġāwrī, 2000, pp. 388–389. See also Younes, 2013a, pp. 321–322.

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L. 4 Only lower traces of the *rāʾ* and the dot of the *bāʾ* of *yaʿbur* can be seen at the beginning of the line. The loop of the *hāʾ* of *huwa* is reduced to a curved downward stroke. It is written in exactly the same way in *wa-huwa* in line 5. Compare it with the *hāʾ* of *hāḏā* in lines 2 and 7. The scribe seems to have switched around the *kāf* and *šīn* in the word *makšūf*, he, then, indicated his mistake by writing a new word without crossing out the incorrect word. The papyrus fibres are disturbed between the *ʿayn* and *wāw* of *al-ʿawra*, giving the impression that there are not connected. *ʿAlā* is written without the final *alif maqṣūra* (Hopkins, 1984, § 55.i). It is written in exactly the same way in line 7.

L. 5 Of *al-ṭarīq* only the *rāʾ*, *yāʾ* and *qāf* can be read at the beginning of the line. *Imraʾa* is written with post-consonantal medial *hamza* according to classical Arabic rules, which is unusual in Arabic papyri.[18]

L. 6 Only upper traces of the two *alif*s, *lām* and the upper curvature of the *ḥāʾ* of *al-ḥāl* are perceptible at the beginning of the line, but the reading is certain. The curvature of the *ḏāl* of *ḏālika* is reduced resembling a *rāʾ*. *Ḏālika* is written in a similar manner in line 9.[19]

L. 7 The scribe wrote the word *ʿalayhi* twice by mistake. The *nūn* of *Ḥamdān* is missing in the lacuna. The proper name Ḥamdān is well attested in the papyri, see for example *P Cair.Arab.* I 43v.6, dated 306/918, provenance not mentioned; *P.Cair.Arab.* II 90.1, dated 274/887, provenance prob. al-Ušmūnayn; *P.Cair.Arab.* III 255.6, 2nd–3rd/8th–9th, provenance not mentioned. The *sīn* of *al-Ḥasan* has an oblique stroke above it. See also *Sahl* in line 12.[20]

L. 8 The *sīn* of *wa-asmaʿahu* is written as a straight line with three dots written over the line to represent the teeth.[21] The word before *bi-ḍurūb* is unclear to me due to the lacuna. The final letter is quite clearly a *rāʾ*; compare it with the *rāʾ* of *al-makrūh* and *bi-ḍurūb* in the same line. Preceding it seems to be written a *lām/kāf*, *fāʾ/qāf* and a tooth at the beginning. I was not able to provide a satisfactory reading for this word. The meaning of the sentence would be "assault of beating."

L. 9 The beginning of this line is illegible due to the ragged fibres and lacunae; only *min* can be detected. The *mīm* of *yawm* has a very long tail that turns upwards on the left side. The two denticles of the *bāʾ* and *tāʾ* of *al-sabt* are reduced.

L. 10 The left tip of the *nūn* of *ḫalawna* finishes near the lowest point without turning upwards on the left side resembling a *rāʾ*. For dating documents using verbal forms from *ḫalā*, see Grohmann, 1966, pp. 19–20. The *šīn* of *Šawwāl* is elongated horizontally.[22]

18. See Hopkins, 1984, § 26 and note 2.
19. Cf. *P.Khalili* I, p. 41.
20. For this practice in the papyri, see *P.World*, pp. 86–87.
21. Cf. *P.World*, pp. 86–87; *P.Ryl.Arab.* II, p. 13.
22. For the widespread use of *linae dilantans/mašq* in Arabic papyri, see Grob, *Documentary Arabic Private and Business Letters on Papyrus*, p. 188; "A Catalogue of Dating Criteria", pp. 125–126.

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L. 11 *ʿImrān* is a common name in the papyri; see for example Younes, 2013, no. 21.2, *ca.*105–108/724–727, provenance unknown; no. 36.2, 2nd/8th century, provenance unknown. For the expression *bi-ǧamīʿ mā fī hāḏā al-kitāb* and variants of it, see Grohmann, 1954, p. 119 and note 2.

L. 12 The formula [*wa-kataba fulān ib*]*n Sahl šahādatahu bi-amrihi wa-maḥḍarihi* is reconstructed on the basis of countless parallels. See Sijpesteijn, "Making the Private Public", p. 84. The lower part of the *nūn* of *ibn* can be noticed after the lacuna at the beginning of the line. There are traces of writing below line 12, suggesting that more lines are missing at the bottom. The missing lines would certainly contain further witnesses' testimonies.

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