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Shaving Hair and Beards in Early Islamic Egypt: An Arab Innovation?

Petra Sijpesteijn

ABSTRACT

Three papyri dating from the first 80 years after the Arab conquest record the Arab authorities in Egypt punishing some Egyptian officials by shaving off their hair and beards. Literary sources confirm that in this period the Arab authorities ordered the shaving off of the beards of the native Egyptian population. Later Arabic narrative sources abound in references to this punishment, both official juridical texts and popular descriptions of public punishments and shaming ceremonies in mediaeval Egypt and elsewhere in the Islamic territories. There are, however, no attestations of the systematic use of this punishment from pre-Islamic Egypt, nor does the context fit the later narrative accounts of the shaving off of beards and hair. This article examines where the practice of shaving off of beards and hair as an officially prescribed punishment in early Islamic Egypt came from and why it was – or was deemed to be – effective as a punishment.

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Egypt; Penal law;
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Introduction

One Coptic papyrus dating from directly after the Arab conquest of Egypt in 639 CE and two Arabic papyri dating to the late Umayyad period, record the use of the shaving off of hair and beard as a punishment for Egyptians. The shaving off of hair and beards as a means to humiliate, whether or not as part of an official punishment, is popular in many cultures and periods. The emotions that the victim experiences when undergoing the forced removal of his or her hair, the violation of private space, the shameful loss of agency, marked so clearly, can be considered to some extent universal. However, no known evidence for the systematic application of this punishment exists before the arrival of the Arabs in Egypt. This article will discuss what crimes the punishment was used for, how it functioned for the Arab authorities who imposed it and for the Egyptians who experienced it, and how its use in the early period compares with descriptions of this punishment in later Arab sources.¹

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¹I leave out the discussion of the punishment of plucking the beard, also frequently reported in the Arabic narrative sources. See the account of Ibn Muslima (d. 450/1058), the hairs of whose beard were pulled out. Šadr al-Dīn ‘Alī b. Nāšir al-Ḥusaynī, *Zubdat al-tawārīkh: Akhbār al-umārā’ wa-l-mulūk al-saljūqiyya*, ed. Muḥammad Nūr al-Dīn (Beirut: Dār Iqra’, 1985), p. 62, cited in Christian Lange, *Justice, Punishment and the Medieval Muslim Imagination* (Cambridge: Cambridge University Press, 2008), pp. 84–9 and the examples from medieval sources cited in the chapter “Natf al-lihya”, in ‘Abbūd al-Shālji, *Mawsū‘at al-adhāb*, 6 volumes (Beirut: al-Dār al-‘Arabiyya li-l-Mawsū‘āt, 1999), IV: 43–7. I

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Shaving hair and beards as a punishment in early Islamic Egypt

The three papyri discussing punishment by the shaving off beards and hair date to the first eighty years of Arab-Muslim rule in Egypt and relate to an official context.

The first is a Coptic letter preserved on papyrus dating to ca. 643 CE. Unfortunately, this papyrus remains unpublished and its contents are not yet very well understood. Because it is the earliest reference to an Egyptian being abused by having his hair and beard shaved off that refers to an identifiable and thereby datable individual, it seems justified to discuss it here.² In the letter, an Egyptian Christian asks the secretary (Gr. *notarios*) and district headman and tax collector (Gr. *anystes*) Senouthios to intervene in a situation of mounting violence against him.³ The victim was beaten, had his hair and beard shaved off and was threatened with being killed. While the details are unclear, the papyrus suggests that the parties involved served the Arab administration, with the victim claiming to have been mistreated by a fellow administrator. The addressee, Senouthios, can be identified as the secretary and local administrator working under the Byzantines in the Upper Egyptian district of Ashmūnayn (Hermopolite), who continued to work for some time under the Arabs in the same function and place. A dossier of letters written by and related to Senouthios is preserved in Greek and Coptic and compare well with the letter discussed here.⁴ At present, we cannot determine what the crime or misstep of the petitioner was or the context of the punishment. While some of the language used in the letter belongs to the common idiom of petitions, the account seems to describe actual events.

The evidence for such treatment being regularly imposed on Egyptian Christians in an official context comes from two Arabic papyri dated some seventy years later, to the early eighth century. In the first, the Egyptian governor Qurra b. Sharīk (in office 90–96/709–714) writes to Basileios, the pagarch, or local administrator, of the Upper Egyptian district Ishqūh (Aphrōdito) in the year 91/709, ordering him to hurry up with the collection of the taxes due in his district – a common remark in the governor's letters to his subordinates.

would like to thank Geert Jan van Gelder for making me aware of this publication. This custom was not confined to the Muslim world. "By the kind gods, 'tis most ignobly done to pluck me by the beard," moans the elderly Gloucester when Regan plucks his beard in *King Lear*. Anecdotes and discussions of cutting the hair and beard in the literary sources sometimes operate similarly to those of plucking, especially when additional components of parading and public shaming are included, such as being dressed in a hair shirt (*musūh*) (al-Ṭabarī [d. 310/923], *Ta'rikh al-rusul wa-l-mulūk*, ed. Michael J. de Goeje, 3 volumes [Leiden: Brill, 1879–1901], II: 1475) or *jibāb sūf*, "woollen garments" (Ibn al-Athīr [d. 630/1233], *al-Kāmil fi l-ta'rikh*, ed. Carl J. Tornberg, 12 volumes [Leiden: , 1851–76], V: 446), being paraded on a donkey, having the eyebrows shaved as well as the hair and beard (al-Kindī [d. 350/961], *Kitāb al-wulāt*, ed. Rhuvon Guest [Leiden: Brill, 1912], pp. 463–5; Roy Mottahedeh, "The Shu'ūbiyah Controversy and the Social History of Early Islamic Iran", *International Journal of Middle East Studies* 7 [1976]: 161–82, pp. 174–5; I would like to thank Josephine van den Bent for this reference.), or the removal of turbans and putting on public display (Ibn Khaldūn, *Ta'rikh*, III: 41–2; Ibn Qutayba [d. 276/889], *al-Imāma wa-l-siyāsa* (2 volumes Cairo Maṭba'at al-Nīl, 1904), II: 89), but many appear in the context of more "straightforward" punishments, such as whipping and imprisonment (al-Shāhī, *Mawsū'at al-adhāb*, IV: 27–38). The discussion in this article is, moreover, limited to the function of cutting off the hair on the head and the beards of men, as that is the case in the documents under discussion.

²This is an unpublished papyrus from the papyrus collection in the Austrian National Library in Vienna, which Hans Förster has brought to my attention and which he is preparing to edit.

³For a discussion of these two terms, see Federico Morelli, *L'archivio di Senouthios Anystes e testi connessi: Lettere et documenti per la costruzione di una capitale* (Berlin/New York: De Gruyter 2010), pp. 18–19; Jean Gasco, "Trois ordres de libération d'époque arabe (à propos de P.Stras.Inv. G 329)", in *Papyri in Memory of P.J. Sijpesteijn*, ed. Boudewijn Sirks and Klaas A. Worp [American Studies in Papyrology, volume XL] (Oakville, CA: American Society of Papyrologists, 2007), pp. 161–7, esp. 161.

⁴His very rich dossier of Greek papyri was published by Federico Morelli. See Federico Morelli, *Corpus Papyrorum Raineri. Griechische Texte XV: Documenti greci per la fiscalità e la amministrazione dell'Egitto arabo* (Vienna: Brüder Hollinek, 2001), no. 1; Morelli, *L'archivio di Senouthios*.

Qurra adds: “If a collector (*qabbāl*) increases the measure or takes anything more than what you have assigned for him, then give him a hundred lashes, have his hair and beard shaved off (*ujzuz lihyatahu wa-ra’sahu*) and fine him thirty *dīnārs*.”⁵ The punishment here – or threat of it – is for a clearly defined crime, namely fraud through the over-taxation of Egyptian subjects. The person overseeing the punishment is the Christian pagarch Basileios working on behalf of the Muslim authorities, and the potential perpetrators, the *qabbālūn*, would also have been indigenous Egyptians at this time (see below). While the other administrative letters from Qurra to the pagarch Basileios contain many threats and angry words, this is the only one prescribing a specific punishment for defying administrative orders.⁶

The second of the two Arabic papyri belongs to a collection of letters sent to the Arab official ‘Abd Allāh b. As’ad,⁷ who was responsible for the administration of and tax collection in the south-western Fayyūm oasis from ca. 730 to 750 CE. Most of the letters he received deal with administrative matters and were sent by the pagarch of the Fayyūm oasis. The letter under discussion, however, was written by a certain *mawlā*, a client or freedman, ‘Alī, to ‘Abd Allāh. The sender, *mawlā* ‘Alī writes:

The village headman (*māzūt*) of Sā’ida, who had fled, came to me and I obtained a safe-conduct (*amān*) [for him] from Abū l-Munīr. He [Abū l-Munīr] wanted to cut off his beard, but had pity on him because of me and forgave him.

In conclusion *mawlā* ‘Alī asks ‘Abd Allāh to treat the *māzūt* well for his (the *mawlā* ‘Alī’s) sake, as he has been informed that ‘Abd Allāh had threatened him – for reasons we are not told – with a painful punishment. *Māzūt* is the Arabic rendering of the Greek *meizoteros*, village headman, a position that existed under the Byzantines and survived into the Islamic period. The letter seems to describe a situation of escalating problems, in which new interventions are in each instance sought.

As the sender relates, the village headman, seemingly an Egyptian Christian or Jew, had fled his hometown, but obtained a safe conduct from a certain Abū l-Munīr with which he would have been able to move around freely, whatever the reason that had led him to flee in the first place. The same Abū l-Munīr then wanted to punish the *māzūt* by cutting off his beard, either because of a subsequent transgression or because he had not met the conditions set in the *amān*. The sender *mawlā* ‘Alī intervenes with Abū l-Munīr, who abandons his plans. This did not protect the *māzūt* from persecution, as the addressee of the letter still threatens to subject him to a painful punishment (*amarta yu’adhdhibuhu*). In a final attempt to secure his freedom from harassment, the sender now asks the addressee, ‘Abd Allāh b. As’ad, to treat the *māzūt* well. The account of *mawlā* ‘Alī and Abū l-Munīr’s support for the *māzūt* might have functioned to elicit ‘Abd Allāh’s sympathy, which, thanks to his position in the Arab administration, supposedly had a more influential and lasting impact on the *māzūt*’s position than any previous measures.

⁵Carl H. Becker, *Papyri Schott–Reinhardt I* [Veröffentlichungen aus der Heidelberger Papyrussammlung, volume III] (Heidelberg: C. Winter, 1906), no. 3, l: 53.

⁶For a discussion of the letters of Qurra b. Sharīk, see Arietta Papaconstantinou, “The Rhetoric of Power and the Voice of Reason: Tensions between Central and Local in the Correspondence of Qurra ibn Sharīk”, in *Official Epistolography and the Language(s) of Power*, ed. Stefan Procházka, Lucian Reinfandt and Sven Tost [Papyrologica Vindobonensia, volume VIII] (Vienna: Österreichische Akademie der Wissenschaften, 2015), pp. 267–81.

⁷Petra M. Sijpesteijn, *Shaping a Muslim State: The World of a Mid-Eighth-Century Egyptian Official* (Oxford: Oxford University Press, 2013), pp. 424–7.

There are some similarities between the three papyri. First of all, the victims in all three cases are Christian or Jewish male Egyptians, working in the administration for the Arab authorities. Those imposing the punishment are in each case representatives of the same Arab authorities, acting without the involvement of an Islamic juridical power in the form of a *qāḍī* or court. Finally, the punishment of shaving off the beard would probably have taken place in public, but does not seem to have been part of a public parading ceremony, the typical context for this treatment in later mediaeval descriptions.⁸ The main difference is that only the second papyrus gives an exact description of the crime being punished. Second, in the last papyrus, the *māzūt* is only being subjected to (the threat of) having his beard cut off, without, it seems, any other associated punishments.

That the Arab authorities used to cut off the beards and hair of native Egyptians as a punitive measure is also recorded in *The History of the Patriarchs*, a literary source biased in favour of Egyptian Christians, where it is cited as yet another example of the Arab rulers' abuse of power. In the year 96/714–715, it says, the governor Usāma (in office ca. 96/714–715) placed heavy pressure on the Egyptians and “shaved off the beards of many and slew a great multitude, and put out the eyes of many without mercy and killed many under punishment with scourges”.⁹

Taken together, the two Arabic papyri and the literary report indicate that the Arab authorities imposed the shaving off of beards and hair as a regular penalty in early eighth-century Egypt. This compares well with developments in contemporary European kingdoms and Byzantium.

The organisation of tax collection

Before we turn to the question of why this particular punishment was applied in these cases, we should examine how the conditions that gave rise to the punishment as described in the documents fit the regional-historical context of early Islamic Egypt. The emphasis lies on the early eighth century CE, which is the period of the two Arabic papyri from which more certain details can be reconstructed at this point.

Directly after the conquest in 639 CE, the Arab authorities took control of the financial organisation of the province. The Byzantine fiscal system, including the administrators staffing it, remained in place. The position of Egyptian office-holders, however, changed, affecting their relationship with their local constituencies and the Muslim authorities.

Following the conquest, only the highest officers in the capital Fustāt – the governor, head of taxes and finances, and head of police – were replaced by Arab Muslims. At the level of the local districts, Jewish and Christian Egyptian administrators continued in their offices of *dux*, a local official of higher rank than the pagarch, and pagarch. The village headmen (Ar. sg. *māzūt*, pl. *mawāzīt*; Gr. sg. *meizoteros*; pl. *meizoteroi*),

⁸See Andrew Marsham, “Public Execution in the Umayyad Period: Early Islamic Punitive Practice and Its Late Antique Context”, *Journal of Arabic and Islamic Studies* 11/4 (2011): 101–36, p. 104 and nos. 17 and 36 in the appendix; Christian Lange, “Legal and Cultural Aspects of Ignominious Parading (*tashhīr*) in Islam”, *Islamic Law and Society* 14/1 (2007): 81–108, p. 83; Everett K. Rowson, “Reveal or Conceal: Public Humiliation and Banishment as Punishments in Early Islamic Times”, in *Public Violence in Islamic Societies*, ed. Christian Lange and Maribel Fierro (Edinburgh: Edinburgh University Press, 2009), pp. 119–129, esp. 121; al-Shālji, *Mawsūʿat al-adhāb*, IV: 27–38.

⁹*ḥalāqa liḥa kathīr* (Sawirus ibn al-Muqaffa [d. 987], *History of the Patriarchs of the Coptic Church of Alexandria III: Agathon to Michael I* [766], ed. and trans. Basil Evetts [Patrologia Orientalis, volume V] [Paris: Firmin-Didot, 1910], pp. 3–215, esp. 68).

belonging to the village social and economic élite that had played such an important role in local Byzantine administration and tax collection, continued to fulfil these functions under the Arabs.

From the beginning of the eighth century, Muslim Arab officials are seen assuming the position of pagarch, the head of district, replacing local Egyptians. Their position differed radically from their Egyptian predecessors, as they took on executive and decision-making responsibilities, including fiscal and legal jurisdiction, that used to belong to higher levels in the administration. From then on, members of Egypt's indigenous élite were confined to the lower ranks of the administration, namely that of the villages, monasteries, town quarters and other fiscal units. At the same time, however, some administrative tasks that used to be exercised by the pagarchs were shifted to the village headmen. For this development, see Sijpesteijn, *Shaping*, 91–111.

As in the pre-Islamic fiscal system, the Arabs assigned taxes to communities or fiscal units collectively. Egyptian lower administrators, such as the village headmen, were responsible for dividing and assigning this lump sum amongst the individual taxpayers. The collection and delivery of taxes was also part of their responsibility.

A host of different functionaries – scribes, supervisors, guards, porters, collectors, book-keepers – worked for the village headmen and in the pagarch's office. The *qabbāl*, as can be seen in one of the Arabic papyri discussed above, was one of these officials. The *qabbāl* supervised the delivery of taxes in kind at a central gathering place such as a granary or some other storage facility. He issued receipts recording the deliveries of tax payments. The tax-collectors belonged to the local élite and a condition for their holding the job was that they were rich enough to stand guarantor for the taxes. At the same time, they received a payment calculated as a share of the taxes delivered to compensate for costs they incurred for transport, but also to cover differences between the taxes guaranteed and the amounts gathered.¹⁰ Tax-collectors could obtain an extra income illegally by recording a lower amount of taxes in the books than what was actually handed in, by, for example, tampering with the measure. The difference constituted the collector's profit. Instructions to the tax-collectors therefore often prescribed what measure had to be used for collecting taxes in kind. For example, a letter from the governor Qurra b. Sharīk to the pagarch Basileios dating to 709 specifies that the *dēmosion* measure (*kayl dīmūs*) should be used for the wheat taxes.¹¹ In another letter dating to 730, along with very extensive instructions on the wheat tax collection, officials are instructed to use an *‘asharī wayba*, obviously a specific, albeit unidentified kind of contents measure.¹² In the letter quoted above, the governor Qurra b. Sharīk attempts to ensure fair and honest behaviour from his tax-collectors, not just by ordering the use of correct measures, but by threatening with a heavy punishment those who use a measure that is larger, i.e. that contains more wheat, than the one stated in the administrative records. The letter invoking stern punishment was written six to seven months after the letter recommending the use of the proper measure¹³ – a reaction perhaps to reports of improper behaviour on the part of tax-collectors in Basileios's district. Interestingly, the literary record contains an anecdote set in late seventh-century Baṣra dealing with a

¹⁰For examples of contemporary documents specifying this, see Sijpesteijn, *Shaping*, 159–60.

¹¹Becker, *Papyri*, no. 9, provenance Ishqūh.

¹²Sijpesteijn, *Shaping*, no. 23, dating to ca. 730, provenance Fayyūm.

¹³Becker, *Papyri*, no. 9 is written in Ramaḍān of the year 90, and no. 10 in Jumādā I of the year 91.

similar crime and penalty as those described in the Arabic papyrus. Some men who had been fraudulently mixing cheaper barley flour with flour made from wheat had half their beard and half their hair shaved off.¹⁴

While they were paid for their services, the village headmen were also responsible and even personally liable for the delivery of the total taxes imposed on their communities.¹⁵ Indeed, papyri indicate that the duties of tax collection and delivery could put Egyptian notables under such financial pressure that they were forced to flee,¹⁶ with their property sequestered to cover the amounts due. This was the case in the mid-seventh century when an official visited the house of a fugitive Christian tax-collector to confiscate his possessions.¹⁷ Similarly, two Muslim officials report that they found sixty-two sheep and the same number of lambs, twenty-five cows, three camels, one young camel, five donkeys and seven mules in the house of the fugitive Georgios.¹⁸ Two guarantors had to pay a hundred *dīnārs* for a fugitive official, perhaps a pagarch.¹⁹

To be able to prove they had fulfilled their financial commitments, those involved in the collection of taxes, standing guarantor for, assigning, collecting and delivering the taxes, demanded receipts upon delivery of their community's taxes. The receipts protected them from future claims or accusations of non-payment.²⁰ The amounts that these tax-collectors delivered at the Arab depots compare well with the amounts referred to above in relation to the fugitive wealthy Egyptians; hence the suggestion that the latter were indeed involved in the tax-collection.

It is this personal liability of the local tax-collector for the taxes that might have been the reason for our *māzūt*'s fleeing. The identification of the victim by his function of village headman suggests that his troubles were indeed in some way connected to this role. The *amān* that Abū l-Munīr provides should then be considered as evidence of the *māzūt* having fulfilled his financial obligations, either through payment by the *māzūt* or through some kind of guarantee, perhaps provided by the sender of the letter, *mawlā* 'Alī. In spite of his *amān*, the *māzūt* was threatened with having his beard shaved off, and, a bit later, with being subjected to a painful punishment. Indeed, documentation was no certain guarantee against maltreatment as is clear from a contemporary letter: in ca. 112/730, the holder of a document permitting him to work in a specific place was arrested during the term of his permit. The person who provided the permit (literally my letter or my document, *kitābī*) writes to the *amīr* pleading that he release the prisoner as a guarantee for the taxes the prisoner owes is provided.²¹ That the *māzūt* of Sā'ida continued to be threatened with punishments even after obtaining an *amān* might then be

¹⁴Wakī' (d. 306/918), *Akhbār al-quḍāt*, ed. 'Abd al-'Azīz al-Marāghī, 3 volumes, Cairo: al-Maktaba al-tujjāriyya al-kubrā 1947–50 I: 300.

¹⁵For evidence for salaried *meizoterai*, see Sijpesteijn, *Shaping*, 159 n. 230.

¹⁶See *ibid.*, 161–2.

¹⁷*Papyri from the New York University Collection II*, ed. Bruce E. Nielsen and Klaas A. Worp (Wiesbaden: Harrassowitz Verlag, 2009), no. 22. I wish to thank Nikolaos Gonis for referring me to this papyrus and informing me about his re-dating of it.

¹⁸Werner Diem, "Drei amtliche Schreiben aus frühislamischer Zeit (Papyrus Erzherzog Rainer, Wien)", *Jerusalem Studies in Arabic and Islam* 12 (1989): 146–65, no. 3, dating to the first–second/seventh–eighth century, provenance unknown.

¹⁹Yūsuf Rāgīb, "Lettres nouvelles de Qurra b. Sharik", *Journal of Near Eastern Studies* 40/3 (1981): 173–87, no. 2, with the corrections by Werner Diem, "Philologisches zu den arabischen Aphrodito-Papyri", *Der Islam* 61/2 (1984): 251–75, p. 267.

²⁰For examples, see Sijpesteijn, *Shaping*, 162.

²¹Werner Diem, "Einige frühe amtliche Urkunden aus der Sammlung Papyrus Erzherzog Rainer (Wien)", *Le Muséon* 97 (1984): 109–58, no. 9.9.

explained by a subsequent offence, or because the *amān* was in some way dilatory in securing the *māzūt*'s position.

The last person of whom the *māzūt* fell foul was ʿAbd Allāh b. Asʿad, the recipient of the letter, who was responsible for the tax collection in a district in the south-western Fayyūm around 730 CE. He had an obvious interest in making sure that the *māzūt* fulfilled his obligation to the fisc and to challenge his claim if there were problems. Indeed, this is how ʿAbd Allāh's threat of painful punishment can be explained: the sender, *mawlā* ʿAlī, appeals to ʿAbd Allāh to drop his threats against the *māzūt*, honour his *amān*, and treat him well.

Another, more mundane reason for the village headman's fleeing might be the kind of misdemeanour that any Egyptian, regardless of his or her profession, might commit. For example, in a letter dated 141/758 mention is made of Egyptians who had fled to Nubia either as tax-evaders or because some other crime they committed; the Arab authorities demand their return.²² If the *māzūt* had committed a crime, he could obtain an *amān* when compensation for the crime had been paid.²³ That his security continued to be challenged, first by Abū l-Munīr, who wants to have his beard shaved off, then by ʿAbd Allāh b. Asʿad, who wants to subject him to painful punishment, could, again, be explained by the *amān* in some way offering the *māzūt* insufficient protection, or by the *māzūt*'s (repeated) misbehaviour.

The literary quotation above listing the shaving off of beards as one of several punitive measures used by the Arab régime against indigenous Egyptians at the beginning of the early eighth century, should be read as part of a discourse of complaint.²⁴ It belongs in the context of the enhanced rigour in the registration of people and property and rationalisations in the administrative system, which led to a tightening of governmental control.²⁵ While tax rates as such did not rise, a more systematic and better administered system of collection led to a *de facto* higher fiscal burden for tax-payers. Protests and resistance ensued. While some openly opposed these developments with violence, others simply resorted to non-co-operation and evasion. Fugitives leaving their lands to avoid paying the taxes levied on them or migrating from their place of residence to escape the fisc, were a feature of pre-Islamic as well as Islamic Egypt. The frequency with which fugitives appear in the documentary record, however, suggests that the Arab authorities were faced with an especially large incidence.

The measures aimed at tightening the administrative organisation in Egypt were designed to facilitate the extraction of taxes from Egypt. They were also motivated by the processes of Islamicisation and Arabisation initiated at the centre of the caliphate. Maintaining the status quo after the conquests in the face of challenges from outside and within the empire had given way to opportunities for greater consolidation. A strengthened and more confident administration exerted itself assertively over its subjects

²²Martin Hinds and Hamdi Sakkout, "A Letter from the Governor of Egypt Concerning Egyptian-Nubian Relations in 141/758", in *Studia Arabica et Islamica: Festschrift for Iḥsān ʿAbbās on His Sixtieth Birthday*, ed. Wadād al-Qāḍī (Beirut: American University of Beirut, 1981), pp. 209–29.

²³Joseph Schacht, "Amān", in *Encyclopaedia of Islam, Second Edition*, volumes I–XII (Leiden: Brill, 1960–2005) I: 429–30.

²⁴See also the accusation by the Khārījite Abū Hamza in 747 in the Ḥijāz against Yazid II (r. 720–724) that, when drunk, he tore his garments "for which skins had been flayed, hair shaved off and veils torn away", referring to general abuse (Patricia Crone and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986), pp. 129–32).

²⁵Cf. Sijpesteijn, *Shaping*, 94ff.

and against its opponents.²⁶ The discriminatory measures used against the Egyptian native population described in the literary source quoted above are in line with this increasingly confrontational atmosphere. As the papyri show, the shaving off of hair and beards was indeed used as a punishment against the native population at this time, even if we do not have to accept at face value the ferocity and relentlessness of the discrimination depicted in the *History of the Patriarchs*. Indeed, the outrage at the treatment displayed in the *History of the Patriarchs* might support the argument put forward here that the penalty of shaving off of hair and beards was regularly applied for the first time in the early eighth century by the Arab authorities in Egypt. The *māzūt* of Sā'ida's continued subjection to punitive actions and the efforts of his intercessor *mawlā* 'Alī to intervene on his behalf can be associated with these administrative changes and the tensions they excited. While the *māzūt* and *mawlā* 'Alī were supposedly locals, their opponents, Abū l-Munīr (possibly) and 'Abd Allāh (certainly), belonged to the Arab Muslim hierarchy.

Having established the reasons behind the punishments discussed in the documentation, it is now time to turn to the retributions imposed: why was shaving off the hair and beards of these culprits deemed a suitable penalty?

Cutting off hair and beards

Shaving off one's hair or beard is not an innocent activity in Islam.²⁷ There are obvious common elements to this symbolism. It is a highly visible, but also fully reversible, way to mark difference.²⁸ This difference may be self-imposed and positive, in the case of pilgrims, for example, who shave off their beards and hair after completing the *ḥajj*, or in the case of the *khawārij*, who sometimes do so when visiting tombs of saints. And it may be involuntary and negative, as in the case of criminals and captives.²⁹ Mystics let their hair and beard grow untamed to place themselves outside society; others, contrarily, sought the same goal by shaving *all* their facial hair, including their eyebrows.³⁰ The opposite – cutting the hair after a period of letting it grow unhindered or allowing hair to grow back after it had been shaved off – also signalled (re)entry into society, a group, or state of mind. Hair is cut in initiation rites, with the change of hairstyle appearing only temporary, while the cut hair was used in related ceremonies.³¹ Shaving too carries obvious

²⁶See also the othering in the creation of an exclusive Muslim identity (Fred M. Donner, *Muhammad and the Believers: At the Origins of Islam* [Cambridge, MA: Harvard University Press, 2010]); Peter Webb, *Imagining the Arabs: Arab Identity and the Rise of Islam* [Edinburgh: Edinburgh University Press, 2016]), which took place around this time.

²⁷For a discussion of the meaning of hair and beards in the early medieval west, see Paul Dutton, *Charlemagne's Mustache and Other Cultural Clusters of a Dark Age* (New York: Palgrave Macmillan, 2004); for Byzantium, see Shaun F. Tougher, "Bearding Byzantium: Masculinity, Eunuchs and the Byzantine Life Course", in *Questions of Gender in Byzantine Society*, ed. Neil Bronwen and Lynda Garland (Farnham: Ashgate, 2013): pp. 153–66.

²⁸Except when the punishment is repeated, as was the case with a group of culprits in Khurasān/Iraq in 109/727 who were punished with beating and being shaved, after which their hair was cut every time it grew again (al-Ṭabarī, *Ta'rikh*, II: 1499).

²⁹Chase F. Robinson, "Neck-Sealing in Early Islam", *Journal of the Economic and Social History of the Orient* 48/3 (2005): 401–41, p. 410 n. 39; Christian Bromberger, "Hair: From the West to the Middle East through the Mediterranean", *The Journal of American Folklore* 121/482 (2008): 379–99, p. 394.

³⁰Lloyd Ridgeon, "Shaggy or Shaved? The Symbolism of Hair among Persian Qalandar Sufis", *Iran and the Caucasus* 14/2 (2010): pp. 233–63; Ingrid Pfluger-Schindlbeck, "On the Symbolism of Hair in Islamic Societies: An Analysis of Approaches", *Anthropology of the Middle East* 1/2 (2006): 72–88, p. 80; Christopher R. Hallpike, "Social Hair", *Man*, New Series, 4/2 (1969): 256–64.

³¹The tonsure that monks underwent upon entering a monastery should be interpreted as an initiation ritual since it was only practised once. Once inside the monastery monks were supposed to grow a full beard and hair (Marie-France

connotations of taking away one's manliness (Samson-like), and has been equated to castration by anthropologists working on modern haircutting rituals.³² This association might have been even stronger in a world in which eunuchs, whose loss of manliness was made outwardly visible by their lack of beard hair, were prominent members of society, either in actual daily life or through their literary presence, in both the Byzantine and Islamic mediaeval worlds.³³

Similarly, the relationship of power and dependency between the one shaving and the one being shaved can be positive or negative, respectful or humiliating. The forced imposition of a certain hairdo is a public incursion upon the subject's autonomy, dignity and gender claims. In short, shaving off the beard as a punishment served three potent ends: to make the offender immediately recognisable;³⁴ to "unman" him through derogatory associations with the sexually immature or inert; and to infringe upon his private space and personal agency in a shamefully obvious way.³⁵ On the other hand, the shaving off of hair and beards, however humiliating, was still in itself a relatively bearable punishment – at least physically – and it seems (as in our second papyrus) almost always to have been assigned together with another punishment, such as flogging, or as part of a larger shaming spectacle.³⁶ How do these many associations with the cutting of hair in Muslim societies fit the context of the documentation from early Islamic Egypt?

Cutting off beards and hair in narrative accounts and in classical Islamic penal practice

While our papyri clearly originate in a "pre-classical" legal context, it is still enlightening to compare the practice they describe with the later crystallised Islamic legal discussions. The cutting off of hair and beards is discussed in classical Islamic legal literature under *tashhīr*, exposure to public scorn, often including ignominious parading. *Tashhīr* was, according to

Auzépy, "Prolégomènes à une histoire du poil", *Mélanges Gilbert Dagron, Travaux et Mémoires* 14 [2002]: 1–12, p. 6). For sacrificial hair, see Pfluger-Schindlbeck, "Symbolism", 81–2.

³² Edmund A. Leach, "Magical Hair", *Journal of the Royal Anthropology Institute* 88/2 (1958): 47–64. Cf. Pfluger-Schindlbeck, "Symbolism", 79–80; Bromberger, "Hair", 380. The shaving off of the first hair in initiation rites is likened to circumcision (Leach, "Magical Hair"). See also the sexual connotations of hair in books of dreams (Evelyne Patlagean, "Byzance et le blason pénal du corps", in ed. Thomas Yan, *Du châtimement dans la cité: Supplices corporels et peine de mort dans le monde antique* (Rome: École Française de Rome, 1984), pp. 405–26, esp. 423, no. 79.

³³ For the association with eunuchs, see Apostolos Karpozilos and Anthony Cutler, "Beard", in *Oxford Dictionary of Byzantium* [volumes I–III] (New York/Oxford: Oxford University Press, 1991). I: 274. The Talmud compares men without beards to eunuchs (Yev. 80b; Shab. 152a).

³⁴ The penalty of shaving off of half of the hair on the head (Rowson, "Reveal or Conceal", 124) or beard (Wakī, *Akhbār al-quḍāt*, I: 300; al-Ṣābi [d. 448/1056], *Tuhfat al-umarā' fi ta'rikh al-wuzarā'*, ed. Henry F. Amedroz [Beirut: Maṭba'at al-Ābā' al-Yasū'iyyin, 1904], p. 260), as occasionally occurred, was especially conspicuous.

³⁵ *ḥurma*. See Lange, "Legal and Cultural Aspects", 101.

³⁶ In Umayyad Mecca, for example, a non-Arab *mawlā*, having married a member of the Arab tribe Banū Sulaym, was separated from his wife, received two hundred lashes and had his hair, beard and eyebrows shaved off (Mottahedeh, "Shu'ū-biyah Controversy", 174). As a punishment for drinking wine, 'Abd al-Rahmān b. 'Umar was sent from Egypt to Medina where 'Umar b. al-Khaṭṭāb (r. 13–23/634–644) publically flogged him, shaved off his hair and put him in prison (cited in Sean W. Anthony, "The Domestic Origins of Imprisonment: An Inquiry into an Early Islamic Institution", *Journal of the American Oriental Society* 129/4 [2009]: 571–96, p. 592). The delinquent governor of Khurasān was removed from office, beaten, shaved and imprisoned in 43/663 (al-Ṭabari, *Ta'rikh*, II: 65–6). But see Christian Lange's conclusion concerning *tashhīr* practices that the classical jurists generally thought that "punitive parading is in itself sufficient". Post-classical authors sided with the opinion that "additional beating is allowed or even commendable" ("Legal and Cultural Aspects", 93–4, nn. 63–4). Peters focusing on the sixteenth–twenty-first centuries confirms the latter (Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century* [Cambridge: Cambridge University Press, 2005], p. 34).

the legal sources, the punishment for perjury, but came to be assigned, as evidenced in other accounts, to crimes such as revolt, sexual transgressions, and other offences deemed to have endangered the social order.³⁷

In the Arabic narrative sources, the cutting off of beards and hair overwhelmingly appears in the context of discussions of *tashhīr* punishments, especially where these included a public humiliation component, such as the parading and exhibiting of criminals. The various elements of these *tashhīr* ceremonies – especially (un)dressing, parading, blackening of the face, along with their symbolic connotations – have been dealt with in publications by Christian Lange and Everett Rowson.³⁸ The particular symbolic function of hair and beard cutting in these rituals, however, remains to be examined systematically.

Cutting off the beard and hair also appears as one of the punishments that can be applied in the case of imposing a *taʿzīr* punishment, which did not develop as a separate legal category until the fifth/eleventh century.³⁹ In this same period on the other hand, some jurists apparently developed the idea that shaving off the beard and hair as a penalty should be opposed as it constituted mutilation.⁴⁰

Taʿzīr could be imposed in all cases of forbidden or sinful acts (all equally punishable under the *sharīʿa*), but in the law books it is discussed as a “residual category of penalties”, after *ḥadd* and talionic (*qīṣāṣ*) punishments. As Rudolph Peters notes, most punishments in practice were administered under the heading of *taʿzīr*.⁴¹ *Taʿzīr* generally consists of flogging, but other penalties, including *tashhīr*, banishment, imprisonment or simply reprimanding, are also possible.⁴² *Taʿzīr* punishments could be assigned by *qāḍī*s or the executive authorities.⁴³

Taʿzīr is closely related to *siyāsa*, which could also be applied to crimes outside the *sharīʿa* and was exclusively imposed by the executive powers. While *taʿzīr* in the classical sense was intended to reform the offender and to function as a deterrent, *siyāsa* is designed to protect society from *fitna* by removing those undermining law and order via expulsion or execution. Thus we find public humiliation rituals, including the shaving off of beards and hair, together with exile applied often to crimes transgressing the boundaries of sex and gender.⁴⁴ In Umayyad Mecca, for example, a non-Arab *mawlā*, having married a member of the Arab tribe Banū Sulaym, was separated from his wife, received two hundred lashes, and had his hair, beard and eyebrows shaved off.⁴⁵ The treatment affirmed that a non-Arab *mawlā* stood outside Arab tribal society and was thus unfit to be a sexual partner for an Arab woman. Rebels and political opponents were expelled from society in other ways, again often after having been publicly humiliated, either through execution or by other means of social exclusion.⁴⁶ When Walīd b. Yazīd (r. 125–126/743–744) came to

³⁷Marsham, *Public Execution*, 104; Lange, “Legal and Cultural Aspects”, 94; Rowson, “Reveal or Conceal”, 120; Peters, *Crime and Punishment*, 34.

³⁸Lange, “Legal and Cultural Aspects”; Rowson, “Reveal or Conceal”.

³⁹Lange, “Legal and Cultural Aspects”, 90 n. 42; Rowson, “Reveal or Conceal”, 123.

⁴⁰Christian Lange, “‘On That Day When Faces Will Be White or Black’ (Q3:106): Towards a Semiology of the Face in the Arabo-Islamic Tradition”, *Journal of the American Oriental Society* 127 (2007): 1–17, p. 14 n. 115.

⁴¹Peters, *Crime and Punishment*, 66.

⁴²*Ibid.*

⁴³*Ibid.*, 65.

⁴⁴Rowson, “Reveal or Conceal”, 120.

⁴⁵Mottahedeh, “Shuʿūbiyah Controversy”, 174.

⁴⁶Marsham, “Public Execution”.

power, he avenged his cousin's rebuke by having him whipped a hundred times, shaving off his beard and hair, and banning and imprisoning him.⁴⁷ In several anecdotes, flogging and shaving are applied together as a penalty for disobedient government officials. In 43/663 Qays b. Haytham was dismissed as governor of Khurāsān, received a hundred lashes, was shaved and was put in prison for having been too slow in forwarding taxes, being remiss in the giving of gifts, and abandoning the defence of the frontier.⁴⁸ Under the governorship of Muṣ'ab b. al-Zubayr (d. 71/691), anyone who refused to participate in the annual military campaigns (*ba'ṭh*) had his beard and hair shaved off and his turban removed and was displayed in public.⁴⁹

Pre-Islamic cutting off of hair and beards

Even though the anecdotes and accounts quoted above describing the cutting off of hair and beard as punishment pre-date the formation of Islamic legal theory, they do fall into the two contexts that would become legal categories of public execution and mutilation or public parading and humiliating rituals as described above (under *ta'zīr* and *tashhīr*, respectively). The cutting off of hair and beards often accompanied the public mutilation and execution of criminals and exposure to public scorn. There is no attestation, however, of the cutting off of beards and hair having been applied as a punishment in pre-Islamic Egypt and its first occurrence is under Arab rule and in an Arab administrative context. To understand where this practice – seemingly newly introduced by the Arabs in Egypt – might have originated, we shall now look at how the legal cultures of the late antique world dealt with these crimes and punishments, both in legal practice and in their law books.

The legal practice of corporal punishment always existed in Roman law, but punishment by mutilation beyond flogging increased significantly in the fourth century CE.⁵⁰ It was the result of changed attitudes towards the human body and a move away from capital punishment towards mutilation for certain crimes.⁵¹ The trend became to punish transgression with fines and compensating payments, while those unable to make recompense had to pay with their body.⁵² This tendency first becomes visible

⁴⁷ al-Ṭabarī, *Ta'rikh*, II: 1776.

⁴⁸ *Ibid.* 66.

⁴⁹ Ibn Khaldūn, *Kitāb al-'ibar*, 7 volumes (Beirut: Maktabat al-madrasa wa-dār al-kitāb al-Lubnānī, 1966–78), III: 94. *Ta'rikh*, III: 94.

⁵⁰ Novella 134 chapter 13 of 556 mentions the existence of amputation of the hand as a punishment for theft, which is tolerated but not imposed in the law books (discussed by Patlagean, "Byzance et le blason"). See also the description of amputation as part of a public execution of some opponents of the Emperor Phocas (cited in Marsham, "Public Execution", 118). The sixth-century Bishop Gregory of Tours reports mutilation by cutting off ears and noses for treason (discussed in Patricia Skinner, *Living with Disfigurement in Early Medieval Europe* [New York: Palgrave Macmillan, 2017], p. 71). For more cases of mutilation in the Roman realm, see Ramsey MacMullen, "Judicial Savagery in the Roman Empire", *Chiron* 16 (1986): 147–66.

⁵¹ E.g. falsifying state documents and seals and illicitly striking coins (Robert S. Lopez, "Byzantine Law in the VIth Century and its Reception by the Germans and the Arabs", *Byzantion* 16/2 [1942–43]: 445–61). Some scholars have described this change in Byzantine legal thought as a striking deviation from Roman law (Patlagean "Byzance et le blason", 405; Lopez, "Byzantine Law", 448). In general for Byzantine penal law, see Spyros Troianos, "Die Strafen im byzantinischen Reich", *Jahrbuch der österreichischen Byzantinistik* 42 (1992): 55–74. In practice capital punishment, for example by crucifixion, also continued to be implemented in both the Byzantine and Muslim worlds (Sean Anthony, *Crucifixion and Death as Spectacle: Umayyad Crucifixion in its Late Antique Context* [New Haven, CT: American Oriental Society, 2014]; Lucian Reinhardt, "Bewaffneter Raub und Kreuzigung im frühen Islam", in ed. Robert Rollinger, Martin Lang and Heinz Barta, *Strafe und Strafrecht in den antiken Welten, unter Berücksichtigung von Todesstrafe, Hinrichtung und peinlicher Befragung* [Philippika. Marburger altertumskundliche Abhandlungen volume LI] [Wiesbaden: Harrassowitz, 2012], pp. 249–59).

⁵² As described by Patlagean, "Byzance et le blason", 420–1.

when the practice is described and tolerated and even ordered by the Roman emperors before it was turned into law.⁵³

The shaving off of hair and beards is related to this development, as it is considered to have replaced capital punishment in the case of rebels and pretenders. The earliest references, first in chronicles, as punishments imposed by the king and his entourage, and later in law codes, appear in Visigothic Spain.⁵⁴ The captured pretender Argemund had his hair shaved off and his right hand amputated before being paraded round the town on the back of a donkey at the order of the Visigothic King Reccared (r. 586–601).⁵⁵ A century later, in 673, King Wamba (r. 672–680) sentenced the rebel Paul and his companions to death after their defeat. The rebels, however, did not “have the sentence of death applied to them, but only suffered the punishment of having their hair shaved [off] (Lat. *decalvatio*)”. With shaven heads – Paul’s was covered with pitch – and beards, bare-foot and clothed in dirty garments, they were subsequently paraded on camels (or wagons drawn by camels).⁵⁶ The first mention of the punishment of cutting off of beards in a law code is in Lex Visigothorum in the chapter establishing the penalty for the forgery of state documents and seals as flogging, shaving off the beard and finally cutting off the right hand. This law is said to have been introduced by the Visigothic King Receswinth (653–672).⁵⁷ *Decalvatio* is first mentioned in the laws ascribed to the Visigothic King Erwig (r. 680–687), where it is applied in place of gouging out the eyes, which itself replaced capital punishment for pretenders.⁵⁸

When shaving off of hair and beards appears in Eastern law codes it is associated particularly with cases related to transgression of the sacred, including sexual assaults on virgins. It is attractive to see a connection between the sexual symbolism of the penalty as an assault on the virility of the punishment’s recipient and the crime committed in this case.⁵⁹ The Byzantine law code, the *Eklogē*, dating to 741, prescribes shaving (Gr. *koureuō*) together with lashes and exile for intercourse with a virgin in cases where the culprit is too poor to pay compensation and if no marriage results from it.⁶⁰ In the Umayyad period too, humiliating rituals are joined with punishment, including exile, for crimes involving sexual or gender transgressions.⁶¹ Cutting off the beards of adulterers was practised in mediaeval rabbinical courts.⁶² The *Eklogē* also prescribes cutting off beards and hair in combination with exile for stealing from the public area of the church.⁶³ Finally, shaving off beards and exile are also paired in the

⁵³ Patlagean argues, however, that, since the emperor was the living law, any order he is suggested to have given should thus be considered law (“Byzance et le blason”, 411).

⁵⁴ I would like to thank Ian Wood for pointing me in the direction of these references.

⁵⁵ John of Biclar (sixth century), *Chronicon* 590(?). Cited in Joaquín Martínez Pizarro, *The Story of Wamba: Julian of Toledo's Historia Wambae Regis* (Washington, DC: Catholic University of America Press, 2005), p. 216 n. 121.

⁵⁶ Julian of Toledo (d. 690), “Historia Wambae Regis”, in *Passiones Vitaeque Sanctorum Aevi Merovingici* (III), ed. Wilhelm Levison [Monumenta Germaniae Historica: Scriptorum rerum Merovingicarum, volume V] (Hanover: Hahn, 1910), pp. 486–535. Trans. Martínez Pizarro, *Story of Wamba*, 21.

⁵⁷ Lopez, “Byzantine Law”, 450. Amputation of the right hand is also the punishment prescribed by the Mālikīs, who are the only school to allow for this physical punishment besides the more usual flogging under *ta’zīr* (Peters, *Crime and Punishment*, 67).

⁵⁸ Lex Visigothorum 2, 1, 8. Cited in Martínez Pizarro, *Story of Wamba*, 216 n. 122.

⁵⁹ Patlagean, “Byzance et le blason”, 406–7.

⁶⁰ *Ibid.*, 406; Auzépy, “Prolégomènes”, 2; *Ecloga: Das Gesetzbuch Leons III. und Konstinos’ V*, ed. Ludwig Burgmann (Frankfurt am Main: Löwenklau-Gesellschaft, 1983), E.17.29.

⁶¹ Rowson, “Reveal or Conceal”, 120; Mottahedeh, “Shu’ūbiyah Controversy”, 174.

⁶² Chair M. Horowitz, *Bet Nekhot ha-Halakhot, o, Toratan Shel Rishonim* (Frankfurt am Main: E. Slobotski, 1881), 2 volumes I: 29; II: 18.

⁶³ Patlagean, “Byzance et le blason”, 406; Burgmann, *Ecloga*, E.17.15.

Byzantine Empire in the punishment for political opponents, systematically imposed from the eighth century onwards.⁶⁴ As discussed above, public shaming, including shaving, often preceded the banishment of transgressors against the social order and rebels in the Islamic territories too.

The Sassanid Empire seems to have practised corporal punishment and mutilation, such as amputating the hand of a thief.⁶⁵ The parading and displaying of criminals before their executions is also attested in the Sassanid Empire.⁶⁶ Lopez has suggested that Emperor Heraclius (r. 610–641) introduced the amputation laws in the Byzantine Empire after he returned from conquering the Sassanids,⁶⁷ which has given rise to the suggestion of a direct influence. The eighth-century *Eklogē* does indeed list crimes and the corporal punishments they resulted in.⁶⁸ Already a century earlier in 642–643, however, the *Lex Visigothorum* and the Lombards' law code list amputation as a punishment for forgery of state documents and seals, and illicitly striking coins dismissing the grounds for a Sassanid precedent.⁶⁹

Arabic historical texts discuss the pre-Islamic practice of cutting off the forelock (*nāsiya*) of enemies who are beaten but whose lives are spared. Those whose forelock is cut off and put in the victor's quiver fall under obligation to the latter, a debt which has to be repaid, literally as a kind of forfeit or a ransom.⁷⁰ Prisoners, criminals and others forced to undergo punishment or public humiliation were subjected to the same practice in pre-Islamic Arabia. The Qur'ān too refers to the humiliating practice of being grabbed by the forelock or having it cut off.⁷¹ But while this shows that the Arabs too applied deliberately shaming treatments involving the involuntary cutting off of hair, there is no reference to punishment by the cutting off of beards or hair. Is it conceivable that the shaming of a prisoner by cutting off some of his hair was institutionalised into a formal administrative punishment? But how did the cutting off of the forelock develop to cover hair and beard? And did this happen in the pre- or post-conquest period? Andrew Marsham has argued for a custom of amputation in early seventh-century Arabia, involving late antique practice, on which Umayyad practice might have been built.⁷² A similar background might lie behind the application of punishment by the shaving off of hair and beards as will be suggested in the conclusion.

Conclusion

Cutting off the hair and beard of a criminal or captive has a long history in the Near East and Mediterranean.⁷³ The practice is absent, however, from Sassanid and Roman law codes and does not seem to have been practised in pre-Islamic Arabia either. The first

⁶⁴Auzépy, "Prolégomènes", 3.

⁶⁵Marsham, "Public Execution", 119; Patlagean, "Byzance et le blason", 425.

⁶⁶Marsham, "Public Execution", 120 n. 69.

⁶⁷Lopez, "Byzantine Law". *Pace* Patlagean, "Byzance et le blason", 410.

⁶⁸*Ibid.*, 405.

⁶⁹Lopez, "Byzantine Law", 450–1.

⁷⁰Many examples are listed in Meir M. Bravmann, "The Ancient Arab Background of the Qur'ānic Concept al-Ġizyatu 'an yadin", *Arabica* 13/3 (1966): 307–14.

⁷¹Qur'ān 96:15; 55:41.

⁷²Marsham, "Public Execution", 121.

⁷³This was already practised in the Greek city states (Patlagean, "Byzance et le blason", 426 n. 93), and in Judaism (see II Samuel 10: 4–5).

mentions of the penalty appear in the *Lex Visigothorum* in the late seventh century to punish forgers and rebels. In later Byzantine law codes, starting with the *Eklogē* dating from 741, the shaving off of beards is a punishment assigned jointly with lashes and exile for intercourse with a virgin, if the accused cannot pay compensation and if no marriage ensues, and for stealing from the nave of the church.⁷⁴

From the seventh century onwards, beards became fashionable amongst Byzantine emperors and their subjects with different fashions and beard styles being introduced over time.⁷⁵ Mediaeval Mediterranean and Near Eastern cultural conceptions of sex and the body were (also) expressed in hair symbolism: the shaving off of a man's beard and cutting off of his hair were thus also a direct attack on his manliness.⁷⁶ Cutting hair, moreover, symbolises submission to a disciplinary regime, social control and obedience.⁷⁷

Once the penalty of shaving off beards and hair had been introduced into Byzantine law, it became a popular penalty, albeit always in combination with other punishments.⁷⁸ Seeing the forcible removal of a man's beard as a severe punishment was probably reinforced by the contrasting Latin practice of beardlessness, from which the Byzantines from the eleventh century onwards were eager to distinguish themselves.⁷⁹ Indeed, the Carolingians had started the "minimalist" hairstyle with short hair and mustache, deliberately distancing themselves from the long hair of their Merovingian predecessors imbued with symbolism.⁸⁰ The last Merovingian king, Childeric, had been stripped of his long locks before being imprisoned in 751 CE.⁸¹ Such juxtaposition with an opposing group through hair fashion is similarly reflected in the famous ḥadīth ascribed to the Prophet in which Muḥammad advises Muslims to keep a full beard in order to distinguish

⁷⁴Patlagean, "Byzance et le blason", 406; Auzépy, "Prolégomènes", 2.

⁷⁵Western travellers were said to return with a "Byzantine beard", while Muslims in al-Andalus wore their beards long "as commanded by their law" (citations from Robert Bartlett, "Symbolic Meanings of Hair in the Middle Ages", *Transactions of the Royal Historical Society* 4 (1994): 43–60. Tougher, "Bearding Byzantium"; Dutton, *Charlemagne's Mustache*, 4ff.

⁷⁶Hair, including facial hair, is a symbol of virile strength and energy (Bromberger, "Hair", 380; Pfluger-Schindlbeck, "Symbolism", 73; Hallpike, "Social Hair", 259). "A man's costume is his beard" says Ḥārūn b. Yahyā, prisoner in Rome in 880–890, when he sees that men in that city shave their beards (cited in Bromberger, "hair", 385). See also Leach's equation of hair-cutting with castration ("Magical Hair". *Pace* Hallpike, "Social Hair").

⁷⁷While long, unkempt and unrestrained hair places one outside society, the cutting of hair symbolises re-entering into society and submission to disciplinary control. See especially the tonsured monk, shaven convict and soldier (Hallpike, "Social Hair", 260–1). Besides having a sacrificial meaning, the cutting and shaving off of hair and beard at the beginning of *ḥajj* ceremonials, which is accompanied with various taboos while in a state of *iḥrām*, can be interpreted as subjection to a specific disciplinary regime. Similarly, the cutting off of the freely grown hair and beard at the end of the *ḥajj* announces the re-entry into society. On the sacrificial meaning of shaving during *ḥajj*, see Pfluger-Schindlbeck, "Symbolism", 81–2. See also Wen-chin Ouyang's description of loose-hanging and unkempt hair being a sign of standing outside society, while the doing up of hair signals the opposite (in this volume).

⁷⁸Lopez, "Byzantine Law", 450.

⁷⁹But also in Egypt. In twelfth/thirteenth-century Egypt the idea that different religious denominations preferred their own hairstyle was commonly accepted, including letting the hair grow long and shaving off part or all of the hair (Abū al-Makārīm, *History of the Churches and Monasteries of Egypt*, ed. Basil T.A. Evetts, pp. 21, 24, 38). Similarly, the text contains references to the authorities shaving off (part of) the hair forcefully to set apart and punish religious groups (*Ta'riḫ al-kanā'is wa-l-adyira*, ed. Samū'īl al-Suryānī, 4 volumes [Cairo: al-Na'ām li-l-ṭabā', 2000], III: 66. I would like to thank Clara ten Hacken for bringing this reference to my attention. Cf. Clara ten Hacken, "The description of Antioch in Abū al-Makārīm's History of the churches and monasteries of Egypt and some neighbouring countries", in Krijna Ciggaar and David M. Metcalf (eds.), *East and West in the medieval eastern Mediterranean*. 2 vols (Louvain: Peeters, 2006), I: 185–216, pp. 196, 213.) See the discussion in Ian Wood in this volume about the distinction between bearded Byzantines and cleanly shaven Latins.

⁸⁰Dutton, *Charlemagne's Mustache*.

⁸¹Skinner, *Living*, 44.

themselves from the cleanly shaved non-Muslims, more specifically, the Persians.⁸² This tradition, which would become central to all future discussions on the legality of Muslims shaving off their beards, is obviously part of a different discussion.

The distinction, moreover, would have been irrelevant in Egypt, where the fashion of wearing beards had been established since the seventh century, as elsewhere in the Byzantine Empire.⁸³ This explains, however, why the practice could indeed be imposed on Egyptians: they had beards to shave off.

The three papyri that form the subject of this article offer unique insights into the punishment practices of the Arab authorities in early Islamic Egypt without any interference from later ideas about how proper punishments should take place and what crimes warranted what punishments.⁸⁴ The practice of shaving off hair and beards as punishment as attested in the papyri does indeed show differences from the practice later described in the narrative (legal) sources. There, the punitive cutting off of the beard and hair is described under *tashhīr*, itself discussed under perjury in the law books.⁸⁵ Are we then dealing in our papyri with elements that presage classical Islamic law? We find this more often in early “Islamic” practice as recorded in the papyri. In these cases, the papyri witness where legal procedures that contrast with local customs and thus seem to have been introduced by the Arabs are recognisably part of legal practice but not yet convincingly part of a fully fledged Islamic juristic, theoretical system.⁸⁶

The practice of punishing by shaving off the hair and beard in early eighth-century Egypt fits such an interpretation. It is connected to later applications of this penalty in the fully developed Islamic legal system, but has its own form and meaning.

The symbolism, meaning and function of hair and beard cutting as described in our papyri, is thus different from that discussed in the later narrative Arabic sources. This was not necessarily because the Arabs did not apply a legal system – the descriptions in the papyri and the administrative context of the punishments seem, in fact, very well organised – or because the Islamic system was still being developed, but because the symbolism, meaning and function of this punishment developed over time.

On the other hand, the papyri seem to confirm Peters’s remark that, while Arabic legal texts might not give a prominent place to the discretionary punishments imposed by the

⁸²The ḥadīth belongs to the group of prescriptions that warn Muslims not to assimilate with other (non-Muslim) people (*lā tashshabahū* or *khālīfū*) dating to the late eighth century CE. (Meir J. Kister, “Do Not Assimilate Yourselves ... *Lā tashshabahū* ...”, *Jerusalem Studies in Arabic and Islam* 12 (1989): 321–71; Gautier H.A. Juynboll, *Encyclopaedia of Canonical Ḥadīth* (Leiden: Brill, 2007), p. 339). See also the later examples of Islamic jurists rebuking those shaving their beard or making a living by shaving beards (as did the Syrian jurist al-Bayānūnī [d. 1383/1964], cited by Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2000) 2000, 301 n. 322. Other later examples appear in *ibid.* 300, 510, 379 n. 168). The Persians are said to have worn a mustache but no beards, while the Muslims wear a beard but no mustache.

⁸³Karpozilos and Cutler, “Beard”.

⁸⁴See Marsham’s warning about the influence of later ideas about proper punishments both on the Sasanid law codes preserved in Islam and on descriptions of Umayyad punishing practices (“Public Execution”, 119–20).

⁸⁵Lange, “Legal and Cultural Aspects”, 88.

⁸⁶In a papyrus letter encouraging a correspondent to go on *ḥajj*, dating to ca. 100/720, the addressee is urged to pay for only one riding animal, echoing later legal discussions about the conditions under which a believer should undertake the pilgrimage (Petra Sijpesteijn, “An Early Umayyad Papyrus Invitation for the Ḥajj”, *Journal of Near Eastern Studies* 73/2 [2014]: 179–90). In a mid-second/eighth-century contract of sale, the house of a Muslim woman who died without heirs is sold by the Arab authorities, stating that, in this situation, the property had fallen to them (Boris Liebrecht, “Eine frühe arabische Quittung aus Oberägypten”, *Archiv für Papyrusforschung* 56/2 [2010]: 294–314). A Muslim woman manumits her female slave assigning her as *ḥabs* her house and garden (Alia Hanafi, “An Arabic Will Written on a Ship”, in *Proceedings of the Twenty-Fifth International Congress of Papyrology, Ann Arbor 2007* [Ann Arbor: Scholarly Publishing Office, University of Michigan Library, 2010], pp. 299–306).

law courts, and especially the executive powers, *taʿzīr* and *siyāsa* were nevertheless the most important and most frequently applied penal strategies? of the Islamic world.⁸⁷ The cases tried under *taʿzīr* and *siyāsa* consisted of all the offences that were not covered by the laws on *ḥadd* and *qīṣāṣ* – with fraud and embezzlement being specifically mentioned by Muslim lawyers.⁸⁸ In this context, cutting off the hair and beard was one effective punishment for criminals, as described in detail in the later Arabic texts.

Following Andrew Marsham's study of the late antique and Islamic background to the Umayyad use of public execution, we might interpret the punishment of shaving off hair and beards as described in our papyri as part of the cultural and legal practice of "Islamic Late Antiquity", a term coined by Tom Sizgorich.⁸⁹ In other words, we have not one legal culture influencing another, let alone a practice that developed independently in different regions, but a common practice that, responding to shared ideas about hair and its removal, became increasingly established in the legal systems of the area. In the seventh century, beards become popular throughout the post-Roman world, gaining significance and symbolism through systems of honour, status and othering. Reports of abuse by shaving off beards subsequently appear in narrative sources from Byzantium and the West. This might have been the background against which the events described in the Coptic papyrus quoted above took place, although a more institutionalised setting might be possible as well. The Arabs in Egypt as well as the Byzantines developed the shaving off of hair and beards as a regular and regulated penalty in the eighth century. This then is the situation described by the two Arabic papyri. Thus, the Arabs introduced shaving off of the beard and hair as a regular penalty in the early eighth century in Egypt, thus proceeding in the same direction as the Byzantines, based on shared ideas about punishment through mutilation, and about bodily hair and its removal, which also circulated beyond the Mediterranean in Arabia and the Sassanid Empire. The West, however, moved in a different direction. After the Carolingians changed to a short hair style without beards, punishment by cutting off hair and beards becomes less prominent in Western law codes.⁹⁰

When al-Jāḥiẓ (d. 868/869) writes that there was no worse punishment for a civil servant in Baghdad than to have his beard shaved off,⁹¹ he might in fact have been describing a situation very close to the daily reality of civil servants working for the Muslim authorities. Egyptian Christians underwent and resented the punishment of having their hair and beards shaved off in the same way as al-Jāḥiẓ's Muslim civil servants in Baghdad did

⁸⁷Peters, *Crime and Punishment*, 66–7.

⁸⁸See also the crimes for which eighth-century Egyptians are being imprisoned, namely theft of wheat, wine, clothes and a bull, setting fire to a fiscal register, cutting down a tree, not paying taxes and getting into a fight (Clive Foss, "Egypt under Mu'awiya. Part II: Middle Egypt, Fustāt and Alexandria", *Bulletin of the School of Oriental and African Studies* 72/2 [2009]: 259–78, p. 266) Federico Morelli, "Dalle prigionie dell'Arsinoite", in *Gedenkschrift Ulrike Horak*, ed. Hermann Harrauer and Rosario Pintaudi (Papyrologica Florentina, volume XXXIV) (Florence: Gonnelli, 2004), pp. 185–95.) See also the hair and beards of fraudulent merchants that were shaved off by order of the *qāḍī* Hishām b. Hubayra in 65/684 (al-Wāqidi, *Akhbār al-quḍāt*, I: 300).

⁸⁹Tom Sizgorich, "Narrative and Community in Islamic Late Antiquity", *Past and Present* 185/1 (2004): 9–42. Used also by Marsham, "Public Execution", 123.

⁹⁰The Lombards' laws are an exception. See *Leges Langobardorum* Liutprand 80 (dating to 726 CE), 141 (dating to 734 C.E.) and Aistulf 4 (dating to 750 CE), cited in Skinner, *Living*, 71 n. 13.

⁹¹*wa-laysa shay' ashadd 'alā rijāl wa-ashna' 'indahum fi 'uqūbat al-sultān min ḥalq al-ru'ūs wa-l-liḥā* (al-Jāḥiẓ (d. 255/868–9) *Kitāb al-Bursān wa-l-urjān wa-l-umyān wa-l-ḥulān*, ed. Muḥammad Mursī al-Khūlī (Cairo & Beirut: Dār al-ʿiṣām li-l-ṭab' wa-l-nashr, 1972), p. 325).

some hundred-and-fifty years later.⁹² The creators of the narrative sources, however, are more interested in the diverse, spectacular and gruesome stories of the executions and paradiings, leaving us with a distorted view of how the shaving off of beards and hair functioned as a day-to-day punishment, which the papyri can help us to correct.

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⁹²The non-Arab *mawlā* who was whipped and had his hair, beard and eyebrows shaved off in eighth-century Mecca because he had married a woman of the Arab Banū Sulaum tribe could be punished in this way because he shared hair fashion and its symbolism (Mottahedeh, “Shu’ūbiyah Controversy”, 174).